

Site:	Land At Hurst Farm Hurstwood Lane Haywards Heath West Sussex
Proposal:	Outline application with all matters reserved except for access for the erection of up-to 375 new homes, a two-form entry primary school, burial ground, allotments, open space with associated infrastructure, landscaping and parking areas. ('Additional Highways, Drainage and Ecological information received on 31/05/2023 and 20/06/2023.')
Applicant:	Homes England C/o Agent
Category:	Largescale Major Dwellings
Target Date:	8th November 2022
Parish:	Haywards Heath
Ward Members:	Cllr Rod Clarke / Cllr Paul Kenny /
Case Officer:	Steven King

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RF9XBHKT07Z00>

1.0 PURPOSE OF REPORT

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

2.0 EXECUTIVE SUMMARY

2.1 This application seeks outline planning permission for the erection of up-to 375 new homes, a two-form entry primary school, burial ground, allotments, open space with associated infrastructure, landscaping and parking areas on land to the east and west of Hurstwood Lane, Haywards Heath. The matters to be determined at the outline stage are the principle of the development and the means of access into the site. The details of the appearance, landscaping, layout and scale would need to be determined in a subsequent reserved matters application.

2.2 The site of the planning application crosses the District boundary into Lewes District Council to the east. As such there is a duplicate planning application that has been submitted to Lewes District Council for their determination.

2.3 Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF).

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

2.5 The NPPF states that planning should be genuinely plan-led. The Council has an up to date District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

2.6 The planning application is in outline form with only the means of access to be determined at the outline stage. The purpose of the application is to establish the principle of the development and to demonstrate that this amount of development can be accommodated within the site and that the proposed access to the development is satisfactory. The parameter plans that have been submitted are to inform what the proposed development will comprise in the different parcels within the site. The plans that are submitted with the application showing the internal layout of the roads and buildings within the site are for illustrative purposes to help to demonstrate that this amount of development could be accommodated within the site.

2.7 If outline consent is granted, subsequent reserved matters application/s will need to be submitted for the details of the proposal (the appearance, landscaping, layout and scale). It will be at this stage that detailed matters, (for example, the impact of the submitted layout on neighbouring properties, an assessment of the design quality of the layout and an assessment of the details of the drainage) will need to be assessed.

2.8 The majority of the site is allocated for a mixed use development for approximately 350 homes, the retention of existing employment on the site, the provision of a new school, together with informal open space to include a burial ground and allotments under policy H1 in the Haywards Heath Neighbourhood Plan (HHNP). This application seeks consent for up to 375 dwellings. It is considered that this number of proposed dwellings complies with the above policy, which does not set a cap of 350 dwellings. The figure of 375 dwellings is only 7% more than 350 and therefore in numerical terms this is considered to be acceptable.

2.9 However, it is acknowledged that there is a departure from policy H1 in the HHNP by virtue of the fact that residential development is also proposed on the east side of Hurstwood Lane. This area is not allocated for residential development in the HHNP and is shown as being within the countryside in the District Plan (DP). The map in the HHNP showing the site of policy H1 indicates that it is the land to the west of Hurstwood Lane that is allocated for residential development, with land to the east of Hurstwood Lane allocated for the burial ground, allotments and an open space.

2.10 The number of houses shown on the illustrative plan on the east side of Hurstwood Lane is approximately 76, with approximately 12 of those shown as being within the administrative boundary of Lewes DC. Given this fact, it is not considered that the proposal can be said to be in full accordance with the development plan. There is a departure from the development plan and it is necessary to consider whether there are material planning considerations that justify a recommendation to grant planning permission for this development, which is not in full conformity with the development plan.

2.11 The proposed development would result in the delivery of up to 375 dwellings, including a policy compliant number of affordable units, on a site, where the majority of the site is allocated for residential, where it is required to support the delivery of the district housing needs up to 2031. The scheme would also bring economic benefits, including additional spending in the locality and council tax. These are all matters that are considered to have significant positive weight in the planning balance.

2.12 It has been identified that the proposals would lead to less than substantial harm to the setting of Hurst House (a Grade II* listed building) and Hurst Barn and Midfield Cottage (both Grade II listed buildings), which carries 'considerable importance and weight' in accordance

with s.66(1) of the Listed Building and Conservation Area (LBCA) Act 1990. Paragraph 199 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). As such there is a conflict with policy DP34 in the DP in relation to this matter.

2.13 The guidance in paragraph 202 of the NPPF is that the harm should be weighed against the proposal's public benefits. It is considered that the significant public benefits of the scheme (provision of new housing, including affordable housing, provision of a burial ground, allotments, country open space and a school on a site, the majority of which has been allocated for such development in the HHNP, the economic benefits including construction jobs, additional spending in the locality), do outweigh the less than substantial harm to the setting of the heritage asset in this instance.

2.14 It should also be recognised that the land on the west side of Hurstwood Lane is allocated in the HHNP for a major residential development. It is an inevitable consequence of this allocation, which is in a made Neighbourhood Plan, that the settings of the three listed buildings referred to in this report would be impacted as a result of a green field being developed for a major housing scheme.

2.15 The internal layout of the development and the design of buildings within the site is not a matter before the Local Planning Authority (LPA) to be assessed at the outline stage. It is considered that the applicants have demonstrated that as a matter of principle that this level of development could be accommodated on the site. At the reserved matters stage, the layout of the site and the design of the proposed buildings would be submitted and assessed. There are no reasons to conclude that a satisfactory layout and appropriately designed buildings could not be brought forward at the reserved matters stage.

2.16 The scheme will provide a policy compliant level of affordable housing. The final mix of housing will be determined at the reserved matters stage, but again, there are no reasons why a scheme with an appropriate mix of housing cannot come forward at the reserved matters stage.

2.17 It is acknowledged that the proposal would result in a significant change in the character of the site, as it would change from a greenfield site to a housing development. This would result in a permanent and noticeable change for those residents that adjoin the site. In respect of the housing development on the west side of Hurstwood Lane, the change to the outlook for existing residents is the inevitable consequence of the site being allocated for residential development. As such, it is felt that little weight can be attached to this issue. With regards to the eastern side of the site, it is acknowledged that this area is not allocated for residential development. As such, greater weight can be attached to the change that existing residents would experience in relation to the change in the character of the area. However, it is well established that there is no right to a view under planning legislation. Simply being able to see a development does not automatically equate to planning harm. It is not felt that the proposed development on the eastern side of Hurstwood Lane would be dominant or overbearing so as to cause significant harm to the existing residents adjoining the site.

2.18 In relation to highway matters, the Local Highway Authority (LHA) have not raised any objection to the proposals. While it has been identified that the proposed development will have an impact on some junctions within the wider highway network, in terms of additional queuing and delays, it is not considered that the impact will be severe, either individually or cumulatively. It is acknowledged that there is a strong preference from the Town Council, for the Hurstwood Lane/Fox Hill junction to be signalised and if this is not done, the Town Council object to the scheme. The applicants have not proposed that this junction is

signalised and have set out their reasons for this. The LPA must assess what has been submitted.

2.19 It is your Planning Officers view that significant weight should be afforded to the views of the LHA in relation highways matters, including their view that it is not necessary for the Hurstwood Lane/Fox Hill junction to be signalised.

2.20 The development proposed a number of off site improvement works to various junctions and proposes three new signalised pedestrian crossing points (two on Rocky Lane and one on Fox Hill). The development would also have a Travel Plan to promote more sustainable transport choices for both the residential element of the scheme and the new school. The scheme would also require a Traffic Regulation Order (TRO) to close a section of Hurstwood Lane so that it was no longer a through road. The level of car parking within the development would be determined at the reserved matters stage when the layout of the site will be submitted.

2.21 The proposed development will not have an adverse impact in respect of air quality. A planning condition can be imposed to secure the required mitigation measures.

2.22 It is considered that planning conditions can be imposed regarding potential contamination of the site to ensure that the site is made suitable for its future use.

2.23 In respect of trees, there would be a requirement to remove approximately 44 individual trees to facilitate the development. Of those trees, two (English oak no. 351 and holly tree no. 484) are category 'B', all others are category 'C' or 'U'. the report also notes that only six of the 44 trees to be removed are mature specimens of species of large size. Whilst the loss of trees is regrettable, there is scope for new tree planting, the detail of which would come through at the reserved matters stage. Given the location and quality of the trees that are to be removed, it is felt that visual amenity and character of the area will be retained. Hurstwood Lane would retain the character of being a tree lined lane. There would be no loss of Ancient Woodland.

2.24 In relation to ecology and biodiversity, it is considered that with appropriate conditions the development will have an acceptable impact in relation to the habitats and species on the site. Policy DP38 in the DP seeks to avoid a net loss of biodiversity. There is no policy requirement for a 10% gain in biodiversity on this site. However, the applicants have indicated an aspiration to achieve a 10% biodiversity net gain (BNG). The details of what level of BNG and how this can be achieved, will be controlled through a planning condition. Subject to the securing of appropriate measures through planning conditions and/or a Section 106 Planning Agreement, it is considered that that such matters will enable the Council to demonstrate compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Furthermore, officers are satisfied that the proposal, in the main, complies with policy DP38 of the DP and the relevant sections of the NPPF.

2.25 The Councils Drainage Engineer is satisfied that as a matter of principle, the site can be satisfactorily drained. The detailed design of the drainage scheme for the site would come forward with the reserved matters application as this is when the layout of the site (including buildings and SuDs features) will be determined.

2.26 A legal agreement will be required to secure the provision of various infrastructure payments to mitigate the impact of the development. It is acknowledged that there are concerns about existing infrastructure provision. However, developers are only required to mitigate the impact of their development and it is only lawful for the LPA to require infrastructure contributions on this basis. Subject to the completion of a legal agreement to secure the required infrastructure contributions to mitigate the impact of the development, policy DP20 of the DP will be met.

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

2.28 Weighing against the application, there is a conflict with the development plan as the proposal involves development on a parcel of land that is classified as being within the countryside in the District plan and this area is not allocated for development in the development plan. The development of this area of land will result in a significant change at the local level as the land would change from being a green field to a housing development. However, for the reasons outlined in this report, it is your Planning Officers view that the wider character of this part of Haywards Heath and its surrounds would be retained and the development of houses on the east side of Hurstwood Lane would be assimilated into the existing housing developments to the north and east.

2.29 In conclusion, it is your Planning Officers view that because of the proposed housing on the east side of Hurstwood Lane, there is a conflict with policies DP12 and DP15 in the DP. Whilst this is a minority of the housing proposed, on balance it is considered that because of this conflict, the proposal does not comply with the development plan when read as a whole. However, the majority of the development is on land that is allocated for development in the HHNP.

2.30 Whilst it is for the decision maker to consider the weight that should be attached to these issues, individually and collectively, it is your Planning Officers view that the benefits of this development, as highlighted within the report, significantly outweigh the adverse impacts, which will in any event be mitigated for as far as possible. It is therefore considered that because the majority of the site is allocated for development and even with the housing on the east side of Hurstwood Lane, the overall character of the area will be maintained, and the scheme proposes a substantial area of public open space, that there are material planning considerations that indicate that planning permission should be granted.

2.31 It is therefore recommended that planning permission be granted for this development subject to the conditions set out in Appendix A and to the completion of a satisfactory s106 Legal Agreement.

3.0 Recommendation

Recommendation A

3.1 It is recommended that planning permission be approved subject to the completion of a satisfactory s106 Legal Agreement to secure affordable housing, biodiversity net gain, infrastructure contributions and highways works, the primary school land transfer, the burial ground, allotment and country park transfer and the suggested conditions in Appendix A.

Recommendation B

3.2 Recommend that if the applicants have not entered into a satisfactory s106 Legal Agreement to secure the affordable housing, biodiversity net gain and infrastructure payments and highway works and the primary school land transfer, the burial ground, allotment and country park transfer by 19th October 2023, then the application should be

refused at the discretion of Assistance Director Planning and Sustainable Economy for the following reason:

'The proposal fails to provide the required infrastructure contributions, the primary school land transfer, the burial ground, allotment and country park transfer and highway works to serve the development, fails to ensure appropriate biodiversity net gain and the required affordable housing. The proposal therefore conflicts with policies DP20, DP21 and DP31 of the Mid Sussex District Plan 2014 – 2031.'

4.0 SUMMARY OF REPRESENTATIONS

4.1 A total of 140 letters of objections have been received in respect of this application in respect of the original submission, and two subsequent rounds of consultation in relation to amended/additional information. The main issues raised in the representations are summarised below, under relevant topic headings.

4.2 Principle

- Will remove a beautiful piece of countryside
- Development of this greenfield site is objectionable
- No allowance has been made for access to shops or other amenities
- This area has had too much development and cannot take any more
- Homes England consultation has not been adequate
- Land was gifted to the Council, as a country park and is now proposed to be built over
- This is a done deal and our objections won't be heard
- Land east of Hurstwood Lane is not allocated for housing development in the Neighbourhood Plan so the proposal is contrary to planning policy
- Houses on east side of Hurstwood Lane should be removed from the application as these are contrary to policy and harmful to existing residents
- Area for open space is being reduced by the proposals
- Demand does not exist for the proposed housing
- Land east of Hurstwood Lane is not allocated for development in the Neighbourhood Plan and development here is illegal

4.3 Transport

- Traffic survey data is out of date
- Blocking off a section of Hurstwood Lane will result in a single exit for hundreds of houses
- How will culvert on Fox Hill by the proposed pedestrian crossing be safeguarded from extraneous material
- Extra traffic will bring pollution and worsen climate change
- Impossible to drive onto Fox Hill or Rocky Lane without joining a queue
- Rocky Lane, B2112 roundabout will be made worse
- Fox Hill is a fast road and the proposal will cause safety a safety hazard and result in accidents
- Traffic will be increased if Hurstwood Lane is closed
- Placing a signal junction on the A272 will likely exacerbate the existing congestion problems impacting both the flow of the A272, impacting existing residents of Hurstwood and Greenhill
- Development doesn't make adequate provision for cycling

- Guest parking should be allocated and form part of the planning application
- Residents on Greenhill Way and the north end of Hurstwood Lane will be trapped due to the change in priorities on the road junction
- Children will be driven to the school and this will cause more traffic problems
- Road outside numbers 1 to 11 Hurstwood Lane should not be used as a waiting area
- Will not be safe for children accessing the school
- Hurstwood Lane is too narrow for access
- Fox Hill Hurstwood Lane junction is dangerous
- Will result in congestion and dangerous car parking during school drop off and pick up times
- Greenway along Hurstwood Lane has shrunk and is little more than an emergency vehicle route
- Traffic surveys are out of date
- Will build in car dependence
- Cars ignore speed limit along Fox Hill and surrounding roads and the proposal will result in highway safety hazards and is an accident waiting to happen
- Travel Plan will not stop people driving their children to the school
- Catchment area of school exceeds walking distances of residents
- Views across the bypass will be replaced by an ugly housing development

4.4 Neighbour amenity

- Will be significant disruption during construction
- Will lose my view
- Will have a detrimental impact on living conditions as the outlook will change completely from green fields to a housing estate
- Will cause noise and disturbance from houses replacing a green field
- Will cause air and light pollution
- Houses will overlook us and we will lose our privacy
- The affordable housing number seems too high and your affordable housing means council houses too. This is a desirable area and having council houses will affect that.
- Our property is closest to the development, only 2m away and will be severely affected. The development will be completely over powering and we will lose our privacy

4.5 Ecology

- Will cause irreversible damage to ecosystems
- Established bird populations will be under threat and nesting birds habitats are protected by law
- Will result in damage to trees and loss of woodland
- Should be a minimum buffer of 50m between development and ancient woodland
- Development does not include a wildlife corridor between Anscombe Wood to Asylum Wood and Hursthouse Lane Wood
- Concerned that survey work for Hazel Dormice (a protected species) is inadequate and further surveys are required
- Concerned that survey work for protected species is inadequate
- Will cause a loss of open space land

4.6 Design

- Proposal doesn't have any significant sustainability features
- Blocks of flats won't fit in with the area
- School should be relocated to a more suitable part of the site as the junction of Hurstwood Lane and Fox Hill is not suitable
- Will harm the setting of listed buildings
- Design is out of keeping with the area

4.7 Infrastructure

- Will bring about more pressure on already stretched infrastructure
- Doctors and dentists are already full
- Will increase demands on water supply which cannot be met by South East Water
- Will cause flooding by building over green fields
- Area already suffers power outages

5.0 SUMMARY OF CONSULTEES (full comments in appendices)

WSCC Planning (Infrastructure)

No objection subject to securing s106 Infrastructure contributions

WSCC Local Lead Flood Authority

No comments

WSCC Highway Authority

No objection subject to securing s106 contribution and conditions

WSCC Water and Access Officer

Request fire hydrants be provided.

ESCC County Planning Officer

No comments to make.

ESCC Highway Authority

No objection.

Sussex Police

Crime Prevention

No major concerns. It is important that the design and layout of a development incorporates outward facing dwellings which create good active frontage with the streets and the public areas being overlooked. Back-to-back gardens will remove the need for vulnerable rear garden pathways. Should communal parking occur, it is important that they must be within view of an active room within the property. Areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse.

Infrastructure

Requires a payment of £70,289 towards police infrastructure.

West Sussex Clinical Commissioning Group

Requires a payment £575,534 towards NHS infrastructure.

Historic England

We consider the change in the wider setting to the designated heritage asset and the consequent erosion of its contribution to significance is less than substantial. Your authority should be convinced that the less than substantial harm now being caused to the contribution made by the setting of the designated heritage asset to its significance is justified.

Natural England

No comments. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice. Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

Environment Agency

No objection subject to conditions

Southern Water

No objection subject to conditions.

South East Water

No comment received.

Sport England

Subject to a contribution of £376,902 being secured through a s.106 legal obligation, we would support the application.

Ecological Consultant

No objection subject to conditions.

Landscape Consultant

Request further information (Susceptibility judgements within Table 9.12 are missing) (advise that viewpoint photographs are presented as a single image)

Heritage Consultant

No objection subject to condition.

Contaminated Land Officer

No objection subject to conditions.

Environmental Health Officer

No objection subject to conditions.

Planning Policy Officer

The requirement of both community facilities (allotments and burial ground) is in response to an identified shortfall within Haywards Heath town and so should be secured by the appropriate mechanism to meet this need.

Housing Officer

The applicant is proposing a development of up to 375 dwellings which gives rise to a minimum onsite affordable housing requirement of 30% (113 units) in accordance with District Plan Policy DP31. The currently proposed illustrative mix split as below would be acceptable as long as the required occupancy requirements and unit sizes are met.

Tree Officer

I note that this is an outline application, therefore some of these issues may be resolved by the submission of a fully detailed application. I note there appears to be sufficient space for replacement and mitigation planting. If permission is granted, I would recommend that all of the conditions detailed in the Specialist Landscape Advice, dated 3/3/22 are applied.

Leisure Officer

Requires infrastructure contributions towards formal sport and community buildings. The developer intends to provide a NEAP consisting of playground with timber and steel play equipment, informal hard courts and outdoor gym equipment in the Village Green area plus a natural play slope in the Hillside Parkland and a dry stream / play feature in the Country Park. The developer has also identified indicative sites for two LAPs but these are not necessary as they only offer limited play value.

Drainage Engineer

No objection subject to conditions.

Conservation Officer

I would place the level of harm caused to the setting and special interest of Hurst Farmhouse and Hurst Barn at less than substantial, at the mid-high range of that scale, depending on the full detail of the proposal. Paragraph 202 of the NPPF will therefore apply. I would place

the level of harm caused to the setting and special interest of Middlefield Cottage at less than substantial, at the mid range of that scale, such that again paragraph 202 will apply.

Urban Designer

I have no objections to this scheme. In principle perimeter plan is acceptable. I understand the submitted masterplan is still only illustrative, and more details will be submitted at the reserved matter stage.

6.0 HAYWARDS HEATH TOWN COUNCIL COMMENTS (Summary, full comments in appendix)

6.1 Comments made by the Town Councils Planning Committee date 2nd May 2023.

6.2 Haywards Heath Town Council Statutory Comments/Conditions

The Hurst Farm site is specifically identified in Policy H1 of the Haywards Heath Neighbourhood Plan (HHNP), adopted in December 2016 as a developable site. The new school is supported under policy H1 and specifically the provision of a Cemetery under policy E4, provision of allotments under policy E5. The Country Park is stated in the HHNP, sitting across the Town/District and County border in the Parish of Wivelsfield.

Having duly considered the application at an extra-ordinary meeting of its Planning Committee dated 2nd May 2023, the Town Council **supports in principle the outline planning application, for development of 375 new homes.** Under the Localism Act, the HHNP confirms this is what the community needs in this location. Members of the Town Council's Planning Committee have scrutinised the outline application, highlighting concerns which must be addressed to validate the application.

Section 106 Requirements

If the Planning Application is approved, the Town Council require ownership for the land designated for the County Park, Allotments and Cemetery by a clear and unconditional transfer of Land to the Town Council.

Before determination of this application, the Town Council must agree details of the land transfer.

For the absence of doubt, without the outright provision of the Country Park, Burial Ground and Allotment Land Provision to Haywards Heath Town Council, covered by a clear and unambiguous S106 agreement confirming this commitment, the Council Strongly object.

This forms the backbone of a longstanding commitment from MSDC in favour of HHTC, further confirmed in the Neighbourhood Plan which was subsequently affirmed when the current District Plan was made by Mid Sussex District Council.

Irrespective of other Planning issues which Haywards Heath Town Council Planning committee have considered, the traffic volumes and speeds on the B2112 at the junction of Fox Hill and Hurstwood Lane are simply too high, and the risk to our community will be further exacerbated by increased use of the B2112 and the additional routine flows generated the development of this site.

Councillors should decide this application based on the facts. Critically, the data provided by the applicant proves overwhelmingly that Highway safety is severely compromised by the absence of traffic lights at this junction. This is a material planning consideration, and notwithstanding any other concerns, and for the avoidance of doubt, the Town Council cannot support approval without a clear Planning condition requiring installation of Traffic Lights to control traffic at this Key Road Junction. This is necessary to make the application for 375 homes acceptable in Planning Terms.

Without this Condition 9 to provide essential Highways Infrastructure Contributions to fund Traffic Lights at the Hurstwood Lane/B2112 Fox Hill Junction, Haywards Heath Town Council Object to this application in the strongest possible terms.

7.0 INTRODUCTION

7.1 This application seeks outline planning permission for the erection of up-to 375 new homes, a two-form entry primary school, burial ground, allotments, open space with associated infrastructure, landscaping and parking areas on land to the east and west of Hurstwood Lane, Haywards Heath. The matters to be determined at the outline stage are the principle of the development and the means of access into the site. The details of the appearance, landscaping, layout and scale would need to be determined in a subsequent reserved matters application.

7.2 The site of the planning application crosses the District boundary into Lewes District Council to the east. As such there is a duplicate planning application that has been submitted to Lewes District Council for their determination.

8.0 RELEVANT PLANNING HISTORY

An outline planning application for a development of up to 375 new homes, a 2 form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, 'Green Way', new vehicular accesses and associated parking and landscaping on this site was reported to the District Planning Committee on 9th August 2018 where it was resolved to approve the application subject to the completion of a satisfactory legal agreement (reference DM/17/2739). The legal agreement was not completed and the application was subsequently withdrawn on 7th April 2021.

9.0 SITE AND SURROUNDINGS

9.1 The application site extends to approximately 33 hectares and is located on the south eastern side of Haywards Heath. The site lies to the south of the Haywards Heath Relief Road (A272) and is divided by Hurstwood Lane. The boundary screening along Hurstwood Lane means that the two parcels of land (east and west) are clearly separated from one another. Hurstwood Lane is a two way road that links Fox Hill to the south with the A272 relief road to the north.

9.2 This western parcel of land is laid to grass. There is a fall in levels through this part of site from west to east. There is a tree belt that runs from east to west through this parcel of land that divides it. There is a pond within the centre of the site that is bounded by trees. The site is bounded by the rear gardens of the houses on Hurstwood Lane at the southern corner of the site. To the southwest, the site adjoins the rear gardens of the houses on Fox Hill. To the north, the western site adjoins the Hurstwood Grange Business Estate. To the east there

is tree screening along the boundary with Hurstwood Lane. There is a rise in levels from south to north along Hurstwood Lane. To the north there is a rise in levels towards the A272 relief road and beyond this is the new development around the old St Francis hospital.

9.3 Within the centre of the site there is an access road that serves several residential properties and the businesses located at Hurstwood Grange. These properties are all outside of the planning application site. The commercial premises are single storey. Hurst House is a residential dwelling that is a grade two star listed property and the neighbouring Hurst Barn is a grade two listed building.

9.4 The western parcel of the site is used for grazing. There are no public rights of way that run through it.

9.5 The northern part of the western parcel of the site is a narrower parcel of land. There is a fall in levels from west to east through this parcel of land and a rise in levels to the northern tip of the site. There is low level screening along the northern boundary of the site.

9.6 There is a pedestrian crossing on the relief road by the junction with Hurstwood Lane. There is a footway that leads into the residential estate to the west. There is no footway on the relief road past the Hurstwood Lane junction. There is a right turn lane on the relief road into Hurstwood Lane.

9.7 The relief road has a speed limit of 50mph. The northern end of Hurstwood Lane is subject to a 30mph speed limit. The majority of Hurstwood Lane is subject to the national speed limit.

9.8 To the eastern side of the site, there is a strong tree screen along Hurstwood Lane. Beyond this the majority of this part of the site is a field that is laid to grass. There is a fall in levels from north to south. To the north are the residential properties on Birch Way and Greenhill Park. To the south and east are fields laid to grass. The District boundary between Lewes and Mid Sussex runs through the eastern side of the site.

9.9 The eastern part of the site is grazing land. There are no public rights of way run through it.

9.10 In terms of planning policy the western side of the site is located within the built up area as defined in the District Plan (DP). This part of the site is allocated for residential development and associated infrastructure in the Haywards Heath Neighbourhood Plan (HHNP).

9.11 The land to the east of the Hurstwood Lane is located outside the built up area as defined in the DP. The DP defines the land as being within the countryside and part of this area is shown as being allocated for a burial ground, allotments and open space. This reflects how the land is classified in the HHNP.

10.0 APPLICATION DETAILS

10.1 This application seeks outline planning permission for the erection of up-to 375 new homes, a two-form entry primary school, burial ground, allotments, open space with associated infrastructure, landscaping and parking areas on land to the east and west of Hurstwood lane, Haywards Heath. All matters are to be reserved except for access.

10.2 The site of the planning application crosses the District boundary into Lewes District Council to the east. As such there is a duplicate planning application that has been submitted to Lewes District Council for their determination.

10.3 The layout plans that have been submitted with the application are illustrative and have been provided to demonstrate that the quantum of development that is being sought could be accommodated on the site. They illustrate one possible way that this level of development could be provided on the site. The means of access into the development is to be determined at the outline stage.

10.4 The application is accompanied by a number of Parameter Plans, including a Land Use Plan, Building Heights Plan and Vehicular Access Plan. These plans set out the outline of what is intended to be developed within the various parts of the site.

10.5 The land use parameter plan shows there would be three residential parcels of land on the west side of Hurstwood Lane and one residential parcel on the east side of Hurstwood Lane.

10.6 Parcel 1 is located in the north-western corner of the site and is proposed to host approximately 59 homes to be accessed directly off the northern end of Hurstwood Lane.

10.7 Parcel 2 is separated from parcel 1 by the existing Hurstwood Grange access and sits immediately south of the business units within the adjoining complex. The parcel will host approximately 94 units with access from the southern corner of the plot.

10.8 Parcel 3, located to the south of the open space will host approximately 146 dwellings between the open space and the rear boundaries of the Rocky Lane housing to the west.

10.9 Parcel 4, located on the eastern side of Hurstwood Lane will host approximately 76 homes (in the north-western corner of the parcel). To the south of this parcel would be the burial ground, the allotments with a new country park to the east.

10.10 As the application is at outline, the housing mix is indicative at this stage and the exact distribution of units will be defined through future reserved matters applications.

10.11 The building heights plan with the application shows that dwellings will be a range of heights from two-storeys for individual dwellings and up to 4 storeys for apartment blocks (max 15m ridge line). Densities will range from 35 dwellings per hectare (low density), 40 dwellings per hectare (medium density) to 45 dwellings per hectare (high density).

10.12 A two form entry primary school with early years provision is shown on the western side of Hurstwood Lane, to the south of parcel 3. The building heights plan shows that this would be a single storey building with a maximum ridge height of 7m. The school would have a capacity of 420 pupils (60 children per year) and up to 50 pre-school children. The school site will include a parking area for staff, with the details of this being determined in a subsequent reserved matters application. It is anticipated that the school would employ approximately 40 full time equivalent staff broken down into 20 teachers, 12 teaching assistants and 8 support staff.

10.13 In terms of the proposed access / movement strategy, the planning application seeks permission for a total of five accesses onto the site, one for each of the residential parcels and one to the primary school site.

10.14 At the northern end of the site, there would be a new T junction onto Hurstwood Lane, providing access to parcel 1. There would also be a change to the existing road layout on this part of Hurstwood Lane, with road markings being changed just to the south of Silver on Hurstwood Lane so vehicles traveling south from this part of Hurstwood Lane would give way to vehicles from the south and west. The plans also show that the junction of Hurstwood Lane and the A272 would be signalised. The plan shows that there would be a right turn lane on the A272 into Hurstwood Lane. There would be a left and right turn lane at the point

where Hurstwood Lane joins the A272. There would be a pedestrian link between the northern end of Hurstwood Lane and a signalised pedestrian crossing over the A272.

10.15 The access into parcel 4 would be formed by directing Hurstwood Lane into the field to the east at the point where the existing access into the Hurstwood Grange industrial estate currently joins Hurstwood Lane. The existing access to the industrial estate would join Hurstwood Lane in a new T junction. To the south of this new junction, a section of Hurstwood Lane some 185m in length would be closed off to vehicular traffic.

10.16 To the south of the closed off section of Hurstwood Lane, the road layout would be amended to provide vehicular access into parcel 2. Further to the south, just north of the junction with Colwell Lane, there would be a new junction on Hurstwood Lane that would provide vehicular access to parcel 3. Finally, further south, there would be a separate vehicular access to the school from Hurstwood Lane.

10.17 A new signalised pedestrian crossing would be provided on Fox Hill, opposite Mermaid Cottage. The plans also show a pedestrian access from the southwestern side of the site that would provide a route to the Fox Hill, Rocky Lane roundabout. The plans show a new section of pavement on the southern side of the A272 and a new signalised pedestrian crossing on the A272 to allow pedestrians coming from this access route to cross the A272 and continue northwards towards Haywards Heath.

11.0 LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP), Sites Allocations Development Plan Document (SADPD) and the Haywards Heath Neighbourhood Plan (HHNP).

11.7 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

11.8 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) places a general duty on the Council in the exercising of its planning functions to have special regard, in determining planning applications, the desirability of preserving the building [listed] or its setting or any features or special architectural or historic interest which it possesses.

11.9 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERCA) places a duty on the Council (public authorities) to conserve biodiversity in exercising its functions. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

11.10 The Environment Act 2021 achieved Royal Assent in November 2021 and includes clauses to require all planning permissions granted in England (with a few exemptions) to deliver at least 10% Biodiversity Net Gain (BNG) from November 2023. The requirement is not yet mandatory, and the publication of the secondary legislation, which will contain more detail on the implementation of BNG, is awaited.

11.11 The following list of policies are relevant in the determination of this application;

11.12 Mid Sussex District Plan 2014-2031

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

Relevant policies:

DP4 Housing

DP6 Settlement Hierarchy

DP12 Protection and Enhancement of Countryside

DP15 New Homes in the Countryside

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

DP20 Securing Infrastructure

DP21 Transport

DP22 Rights of Way and other Recreational Routes

DP23 Communication Infrastructure

DP24 Leisure and Cultural facilities and Activities

DP26 Character and Design

DP27 Dwelling Space Standards

DP28 Accessibility
DP29 Noise, Air and Light Pollution
DP30 Housing Mix
DP31 Affordable Housing
DP34 Listed Buildings and other Heritage Assets
DP35 Conservation Areas
DP37 Trees, Woodland and Hedgerows
DP38 Biodiversity
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage
DP42 Water Infrastructure and the water Environment

11.13 Mid Sussex Site Allocations Development Plan Document (SADPD)

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

SA38 Air Quality

11.14 Neighbourhood Plan

Haywards Heath Neighbourhood Plan (2016). This is a made plan with full weight.

Policy H1: Land at Hurst Farm

Policy E6: Green Infrastructure

Policy E7: Flooding and Drainage

Policy E8: Sustainable development

Policy E9: Design

Policy E11: Major development

Policy E13: Outdoor space

Policy T1: Pedestrian and cycle links

Policy T2: Cycle routes

Policy L3: Country Park

Other Material Considerations

11.14 Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period runs to 19th December 2022. No weight can currently be given to the plan due to the very early stage that it is at in the consultation process.

11.15 Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

11.16 SDP Development Infrastructure and Contributions (2018)

11.17 Affordable Housing Supplementary Planning Document (SPD)

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

This guidance sets out WSCC's approach to parking at new development (both residential and non-residential). It should be used to help determine the level of parking at new development and provides the basis for WSCC's advice to the Council on planning applications.

11.19 National Planning Policy Framework (NPPF) (July 2021)

11.20 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is '*significantly boosting the supply of homes.*'

11.21 Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

11.22 Paragraph 38 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

11.23 With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

11.24 National Planning Policy Guidance

11.25 Ministerial Statement and National Design Guide

11.26 On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

11.27 The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

12.0 ASSESSMENT

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

- The principle of development;
- Impact on the setting of listed buildings
- Landscape Impacts
- Design/layout/housing mix, sustainability
- Affordable housing and mix
- Neighbour amenity
- Noise
- Highways matters
- Air quality
- -Contaminated land
- Trees and Ecology
- Drainage
- Infrastructure
- Ashdown Forest
- Archaeological matters
- Planning Balance and Conclusion

Principle of Development

12.2 Policy DP6 in the District Plan states:

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

The 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.*

The developer will need to satisfy the Council that:

- o The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design, or*
- o A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

12.3 The majority of the site is allocated for development under policy H1 of the HHNP. Policy H1 in the HHNP states;

'Land at Hurst Farm, Hurstwood Lane - Land is allocated either side of Hurstwood Lane for a mixed use development for approximately 350 additional homes, the retention of existing employment on the site, the provision of a new school, together with informal open space to include a burial ground and allotments (11.5ha). The new development will:

- Be progressed in accordance with a Master plan, Infrastructure delivery strategy and phasing strategy prepared in collaboration with Haywards Heath Town Council and other stakeholders.*
- Provide infrastructure as set out in the Mid Sussex District Council Infrastructure Delivery Plan.*
- Deliver sustainable transport measures and other infrastructure requirements identified in technical assessments of transport impact, including measures to mitigate impact upon the local road network in the vicinity of the site.*
- Retain the listed farmhouse and barn at Hurstwood Farm, including the curtilage of both buildings, in a continued beneficial viable use that sustains their special historic or architectural interest and maintain an open, rural setting to the farmhouse that sustains its special historic interest and character.*
- Identify and take account of the environmental, landscape and ecological constraints.*
- Take account of onsite water features and comply with SUD policy E7.*

To be acceptable the planning application (s) must be accompanied by a Master plan and delivery statement that sets out:

- Site specific infrastructure requirements;*
- Details of the phasing of the proposed development;*
- Identification of the housing mix and location of the affordable housing element of the development;*

- *Details on how the allotments, cemetery, school and informal open space infrastructure will be delivered;*
- *Details on how the proposed publicly accessible spaces and facilities would be managed and maintained;*
- *Details on how the existing ancient woodland within the site will be safeguarded, managed and maintained;*
- *Details of the mitigation measures for Hurstwood Lane to include its closure to through traffic which will be subject to statutory procedures.'*

12.4 The part of the site to the east of Hurstwood Lane is not allocated for residential development. The proposed plans show that there would be residential development on this part of the site, together with allotments, burial ground and open space. The eastern part of the site which is within the administrative boundary of Mid Sussex, is shown as being allocated for a burial ground and allotments in the HHNP and DP, with the northern section shown as being in the countryside. Both the HHNP and DP allocate an area to the south as open space, but this is outside of the boundary of this planning application.

12.5 As part of the site is within the countryside, policy DP12 in the DP is relevant. It states:

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

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

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

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

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

Economically viable mineral reserves within the district will be safeguarded'

12.6 In light of the fact that residential development is proposed to the east of Hurstwood Lane, it is considered that the application cannot be said to be in full compliance with policy H1 in the HHNP. This therefore means that there is a conflict with policy DP12 in the DP in respect of the housing that is proposed on the east side of Hurstwood Lane, because this part of the development is not directly supported by a specific policy reference in the HHNP. The housing proposed to the east of Hurstwood Lane does also not fall within the criteria for new homes in the countryside as set out in policy DP15 as the housing is not required for agricultural or forestry workers and is not a rural exception site for affordable housing, in accordance with policy DP32: Rural Exception Sites However, it is necessary to assess the

impact of this part of the proposal on the rural and landscape character of the area in order to come to a view about this part of policy DP12 and this landscape impact will be assessed later in this report.

12.7 However, the majority of the residential development will be on land that is allocated for residential development under policy H1. The fact that there is some housing proposed beyond the area of land that is allocated for housing under policy H1 does not automatically mean that the planning application is unacceptable.

12.8 As a result of residential development being proposed to the east of Hurstwood Lane, there is some departure from policy H1. In accordance with planning law, it is therefore necessary to consider whether the proposal still complies with the development plan when read as a whole, and also whether there are material planning considerations that justify any departure from the development plan.

12.9 It should also be noted that policy H1 refers to approximately 350 dwellings. The application is seeking consent for up to 375 dwellings. It is considered that in purely numerical terms, the proposed development does not conflict with policy H1. The figure of 350 is not an absolute cap on numbers as the policy allows for flexibility by being worded as 'approximately 350 additional homes'. In percentage terms the planning application is therefore seeking consent for up to 7% more units than the figure of 350 referred to in the policy. It is therefore considered that in numerical terms, this application complies with policy H1 of the HHNP. It is also relevant that the more recent policy DP26 in the DP contains, amongst other criteria, applicants will be required to demonstrate that development '*optimises the potential of the site to accommodate development.*'

Impact on Heritage Assets

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

12.11 Recent case law has stated that '*As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in **sections 66 and 72 of the Listed Buildings Act** do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.*'

12.12 The Courts further stated on this point '*This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning*

benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.'

12.13 Policy DP34 of the District Plan states:

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

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- Special regard is given to protecting the setting of a listed building;*
- Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage Assets

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

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

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

12.14 Paragraphs 194, 195, 197, 199, 200, 201 and 202 of the NPPF are also relevant and state:

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

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the

setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

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

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

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

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional 68

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

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

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

Footnote: 68 Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

12.15 In considering the impact on heritage assets, Officers have considered all the relevant information that has been submitted in support of the application by the applicant, the consultation responses of Historic England, and letters of representations submitted by third parties. All this information has been considered by your Conservation Officer and her full comments are set out in the appendices to this report.

Designated Heritage Assets

12.16 The proposed development will sit within the setting of three statutorily listed buildings, the Grade II* Hurst House, and the Grade II Hurst Barn and Middlefield Cottage. The setting of a listed building is defined as the surroundings in which it is experienced.

Hurst House

12.17 Hurst House derives its key significance from the fact that it is a fine example of a 16th century farmhouse, which has retained a large quantity of surviving historic fabric. It is considered the surviving open fields to the north east and south west of the farm make a positive contribution to the setting of the listed building and the manner in which its special interest as a former farmhouse is appreciated, as do the surviving barn and farm buildings to the west of the house (now in different uses), and the tree-lined approach to the house from Hurstwood Lane to the south, which has a distinctly rural character.

12.18 Chapter 11 of the (Environmental Statement (ES) submitted with the application concludes that without mitigation measures, the construction of the proposed development has the potential to have a temporary, indirect, short-term major adverse significant effect upon the setting and significance of Hurst Farmhouse. With mitigation such as the management of working hours, construction phasing and the implementation of measures to control dust, vibration and noise through a Construction management Plan (CMP) the ES concludes that the construction of the proposed development has the potential to have a temporary, indirect, short-term moderate adverse (significant) effect upon the setting and significance of Hurst Farmhouse.

12.19 Once constructed, the ES concludes that the development has the potential to have a significant impact. The measures to reduce this impact are set out in the ES and include:

- The incorporation of an open green space to the south and east of Hurst Farmhouse and to the east of Hurst Barn.
- Retaining Hurstwood Grange Lane in its current form, along with the trees that flank it, ensuring views of the farmhouse and its high-quality architectural detailing, can continue to be appreciated and experienced.
- Planting of additional trees along the site boundary with Hurstwood Grange Lane.
- Ensuring low-density, two storey development is situated adjacent to the proposed open green spaces.

12.20 The ES concludes that with the measures identified in the ES in place, the proposed development is considered to have a permanent, indirect, long-term moderate adverse (significant) effect upon the significance of Hurst Farmhouse.

12.21 Significant (in Environmental Impact Assessment (EIA) terms) environment effects would result from the proposal. In forming this conclusion, regard has been given to the ES submitted with the application, which is considered to contain adequate information, as well as evidence held by the Council and representatives. Officers agree with the findings of the ES in respect of this matter.

Hurst Barn

12.22 Hurst Barn is considered to possess historical evidential and illustrative value as a good example of a 17th century Sussex timber framed barn, with a later lean-to addition, as well as aesthetic value based in part again on the use of vernacular materials.

12.23 Chapter 11 of the ES concludes that without mitigation measures, the construction of the proposed development has the potential to have a temporary, indirect, short-term major adverse significant effect upon the setting and significance of Hurst Farmhouse. With

mitigation such as the management of working hours, construction phasing and the implementation of measures to control dust, vibration and noise through a Construction management Plan (CMP) the ES concludes that the construction of the proposed development has the potential to have a temporary, indirect, short-term moderate adverse (significant) effect upon the setting and significance of Hurst Farmhouse.

12.24 The ES concludes that with the measures identified in the ES in place, the proposed development is considered to have a permanent, indirect, long-term minor adverse (significant) effect up on the significance old Hurst Barn.

Middlefield Cottage

12.25 Middlefield Cottage is a Grade II listed 17th century cottage. It considered to possess historical evidential and illustrative value as a good example of a rural Sussex building of its type and period. The ES concludes that with the measures identified in the ES in place, the proposed development is considered to have a negligible (significant) effect upon the significance of Middlefield Cottage

Assessment of Heritage Assets

12.26 It is considered Hurst Farmhouse and Hurst Barn possess group value with each other and with other surviving historic buildings within the farmstead. In relation to these buildings, the Councils Conservation Officer states:

'Although the setting to the north of the farm has been significantly altered by the construction of the A272 relief road and the residential development beyond this, the surviving open fields to the north east, south and south west (including the application site) make, in my opinion, a strong positive contribution to the special interests of the listed buildings and the manner in which these are appreciated, as do the surviving barn and farm buildings to the west of the house (now in different uses), and the tree-lined approach to the farmstead from Hurstwood Lane to the south, which has a distinctly rural character.

The proposed development, which is submitted only in outline in most respects, will have a fundamental impact on a significant portion of the wider setting of the farmstead, which from open fields will become suburban development. The indicative layout and form of the outline proposal does show some attempt to mitigate the level of harm caused, by retaining the area directly to the south east of the house, overlooked by its principal frontage, as open space, by limiting the height of the development to the east of the house to two storeys, and by at least partially retaining the tree-lined character of the entrance track from Hurstwood Lane to the farmhouse. However, there is no doubt that the character of the wider setting of both Hurst Farmhouse and Hurst Barn will be significantly altered and the currently positive impact made by setting to the special interests of these buildings and the manner in which they are appreciated much reduced.

Based on the outline scheme in front of us I would place the level of harm caused at less than substantial, at the mid-high range of that scale, depending on the full detail of the proposal. Paragraph 202 of the NPPF will therefore apply.'

12.27 In relation Midfield Cottage, the Councils Conservation Officer states:

'The cottage would be likely to be considered to possess historical evidential and illustrative value as a good example of a rural Sussex building of its type and period, as well as aesthetic value based in part on the use of vernacular materials. At one time it sat in a rural position, and only during the second half of the twentieth century did development spread from Fox Hill along the road to encompass it to either side. At present it retains its rural setting to the rear, although with some tree planting providing partial screening along the rear garden boundary. This surviving rural setting, which is part of the proposed

development site, makes a positive contribution to the special interest of the cottage and the manner in which this is appreciated, in particular those parts of that interest which are drawn from historical illustrative and aesthetic values.

The current proposal places residential development close to the rear boundary of the garden to Middlefield Cottage. Although a modest planted buffer appears to be shown on the indicative site plan, the development will undoubtedly have a significant impact on the character of this part of the setting of the Cottage, and will effectively remove the last traces of its formerly rural environment. Notwithstanding the existing and proposed screening it is therefore considered that the proposal will be harmful to the setting of the listed building, its special interest as a modest rural Sussex cottage dating from the 17th century and the manner in which this is appreciated.

In terms of the NPPF, I would place the likely degree of harm caused by the proposal to Middlefield Cottage to be less than substantial, at the mid range of that scale, such that again paragraph 202 will apply.'

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

12.29 Where a finding of less than substantial harm is found, paragraph 202 of the NPPF requires that this harm should be weighed against the public benefits of the proposal. The public benefits of the proposal are as follows:

- provision of new housing (including a policy compliant level of affordable housing), the majority of which would be on land that has been allocated for housing in the HHNP
- the provision of a burial ground, allotments, country park and school on a site that has been allocated for such development in a Neighbourhood Plan
- economic benefits arising from both the construction period (construction jobs) and additional spending in the locality post construction from new residents and New Homes Bonus

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

12.31 It should also be recognised that the land on the west side of Hurstwood Lane is allocated in the HHNP for a major residential development. It is an inevitable consequence of this allocation, which is in a made Neighbourhood Plan, that the settings of the three listed buildings referred to in this report would be impacted as a result of a green field being developed for a major housing scheme.

Impact on the setting and significance of Lewes Road Conservation Area

12.32 The submitted Heritage Statement scopes this Conservation Area out at an early stage, for the stated reason that *'Taking into account the distance from the site boundary and extensive areas of intervening built development along the A272 and to the east of the northern part of Hurstwood Lane along with the presence of areas of planting/landscaping it is considered the Proposed Development would have no impact on the asset itself or its setting.'*

12.33 The Councils Conservation Officer states *'At present, I would tend to agree with that assessment, although this will be dependent on the detail of the final scheme and the retention of Asylum Wood as a landscape buffer between the site and the Conservation Area.'*

12.34 Your Planning Officer also agrees with this assessment. Significant (in EIA terms) environmental impacts on the Lewes Road Conservation Area would not result from the proposal. In forming this conclusion, regard has been given to the ES submitted with the application, which is considered to contain adequate information, as well as evidence held by the Council and representatives.

12.35 Your Planning Officer agrees with the findings of the ES in respect of this matter. It is therefore considered that the setting of the Lewes Road Conservation Area will be preserved and policy DP35 of the DP is complied with.

Impact on the setting and significance of Franklands Village Conservation Area

12.36 The submitted Heritage Statement scopes this Conservation Area out at an early stage, for the stated reason that *'Taking into account the distance from the site boundary and extensive areas of intervening built development in this part of Haywards Heath along with the presence of areas of planting/landscaping, it is considered the Proposed Development would have no impact on the asset itself or its setting.'*

12.37 Your Planning Officer also agrees with this assessment. Significant (in EIA terms) environmental impacts on the Franklands Village Conservation Area would not result from the proposal. In forming this conclusion, regard has been given to the ES submitted with the application, which is considered to contain adequate information, as well as evidence held by the Council and representatives.

12.38 Your Planning Officer agrees with the findings of the ES in respect of this matter. It is therefore considered that the setting of the Franklands Village Conservation Area will be preserved and policy DP35 of the DP is complied with.

Landscape Impacts

12.39 The application has been supported by a Landscape and Visual Appraisal (LVIA) and an assessment of likely significant effects arising from the proposed development is contained within chapter 9 of the ES.

12.40 The ES notes that the visual effects of the construction stage are transient and subject to considerable variation depending on the stage reached and the specific works being undertaken. These works include some tree felling, site clearance, earthworks and grading, stockpiling and the use of mobile plant including tall cranes, which can be eye-catching and temporarily visually intrusive. The ES assesses the landscape impact of the proposal from various receptor points around the site. The ES states that the visual effects assessment is based on a detailed visual impact assessment undertaken at some 15 viewpoints.

12.41 Chapter 9 of the ES contains an assessment of potential landscape effects, additional mitigation, residual effects and monitoring during operation on the different landscape character areas that make up the site (Low Weald and High Weald Fringes landscape character area, including that part of the Site west of Hurstwood Lane, south of A272 Rocky Lane and east of Fox Hill, Low Weald and Western Low Weald landscape character area within East Sussex, including the landscape east of Hurstwood Lane, north and west of Colwell Lane and south of Greenhill, Low Weald and Western Low Weald landscape character areas within East Sussex contained within the area broadly identified within the Zone of Theoretical Visibility (ZTV), south of Site, as far as Wivelsfield, west to Lunce's Hall and east to Slugwash Lane, High Weald Fringes landscape character area and Western Low Weald landscape character).

12.42 In year 1 the effects of change range from moderate adverse to major to major-moderate adverse' resulting in a range of effects from moderate adverse visual effect on this landscape character Major to Major-Moderate adverse visual effect. At year 15 the effects range from Moderate-Minor to Minor adverse visual effect on this landscape character to a Major-Moderate to Moderate adverse landscape effect.

12.43 It is clear that with any green field development there will be a significant change at the local level from that of an undeveloped landscape to a housing development. It is accepted that many people would regard this as a significant adverse impact on the landscape. In order to meet the housing needs of the District, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective, as set out in paragraph 60 of the NPPF of significantly boosting the supply of houses. By definition, a significant change to the landscape has been accepted as part of the planning policy process as a result of the allocation of the site in the HHNP for a major development.

12.44 There would be some limited benefit from the undergrounding of the electricity pylons that run across the southern part of the site, which will be a requirement of developing the school.

12.45 As set out above, it is acknowledged that there would be a change to the landscape from the development, however, this would only be of very local significance. No significant environmental effects of more than local significance would result from the proposal and it is not considered necessary to secure any wider mitigation. In forming this conclusion, regard has been given to the ES submitted with the application, which is considered to contain adequate information, as well as evidence held by the Council, representations and the consultation response from the Councils Landscape Consultant.

12.46 The landscape impacts of this development have been considered in combination with the following developments:

DM/16/4496. Outline application for 320 dwellings at Rookery Farm, Rookery Lane, Haywards Heath

DM/15/4457. Outline application for up to 200 dwellings on land to the south of Camps Hill, Scaynes Hill Road, Lindfield

DM/16/5511. Demolition of the Rosery and erection of 55 dwellings, The Rosery. Valebridge Rd, Burgess Hill

DM/17/0331. Erection of 151 dwellings at Gamblemead, Fox Hill, Haywards Heath

DM/19/2764. Additional 19 dwellings at Gamblemead

DM/16/1312. Outline application for 134 dwellings south of Rocky Lane, Haywards Heath

DM/18/4837. Erection of 145 dwellings at 37-55 Perrymount Rd, Haywards Heath

DM/20/3516. Demolition of Maxwellton House and erection of 54 apartments, Boltro Rd, Haywards Heath

LW/16/0057. Erection of 113 dwellings on land south of Greenhill Way, Haywards Heath

12.47 The ES concludes that there are no currently consented residential developments that would give rise to potential cumulative landscape and visual effects with the proposed development.

12.48 The Council's Landscape Consultant did request some additional information, namely the susceptibility judgements within Table 9.12 of the LVIA, which they stated is primarily for completeness and confirmed that if these are submitted, our response would read '*supportive subject to recommendations and conditions*'.

12.49 Overall, it is your Planning Officers view that the scheme is acceptable in relation to its landscape impact. The majority of the site is allocated for development and therefore the principle of a significant change from a green field site to a housing development has been accepted at the plan making stage, together with the consequent landscape impact. Whilst there will be development to the east of Hurstwood Lane on land designated as being within the countryside, it is important to recognise the existing development around the site. There is a relatively new housing development to the northeast that projects further eastwards than the site of this planning application. The new houses proposed in this development would be seen against the backdrop of the existing well established housing to the north at Birch Way and Greenhill Park. The existing tree belt on the eastern side of Hurstwood Lane would be retained so the development on the eastern side of Hurstwood Lane should not appear unduly prominent from the road. In light of this it is considered that whilst there would be a significant change at the site itself by virtue of new development taking place on a green field site, the wider character of this part of the countryside would be retained and the development would be assimilated into this part of Haywards Heath.

12.50 A further assessment of the impact on the landscape features of the site and its surroundings will be assessed at the reserved matters stage when details of the appearance, landscaping, layout and scale are submitted, to ensure that the development is designed appropriately to the site and its context.

Design/layout/housing mix

12.51 Policy DP26 in the District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*

- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

12.52 Policies E9 and the E11 of the Neighbourhood Plan deal with design matters and have the same ethos as the District Plan policy. The former sets out how developments should protect and reinforce the local character within the locality, while the latter requires proposals that are on the edge of the town to address visual impacts through the design and layout of the development. Policy E13 requires proposals for new residential development to provide good quality private outdoor space.

12.53 Paragraph 124 of the NPPF states:

'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;*
- 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.'*

12.54 Paragraph 126 of the NPPF states in part that *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*

12.55 In this case, it is only the principle of the development and the means of access that are to be determined at the outline stage. The plans that have been submitted are illustrative to seek to demonstrate that this quantum of development could be accommodated on the site.

12.56 If this outline application is approved, a subsequent reserved matters application will need to be submitted to determine the remaining details of the appearance, landscaping, layout and scale of the dwellings. It is at this point that the merits of the layout that will be put forward in the reserved matters application will be determined.

12.57 As well as the parameter plans, the application is accompanied by an illustrative masterplan which shows an illustration of how the layout of the site could be brought forward to conform with the parameter plans. In parcels 2, 3 and 4, the illustrative plans show perimeter block layouts with dwellings arranged so that they face onto streets and back gardens backing onto one another. The building heights parameter plan shows the densest area of development being within parcels 2 and 3 facing towards a central area of open space. These areas are shown as being 3 storeys in height (max 12m ridge heights) or apartments up to 4 storeys in height (max ridge height 15).

12.58 The majority of parcels 1, 3 and 4 are shown as being 2 storeys in height (max ridge height 8.5m) with a very small area in the northern corner of plot 1 being shown as 1 to 1.5 storeys in height.

12.59 It is considered that the overall principles that are shown in the submitted plans are sound. Perimeter block layouts are a well established way of organising residential development that allows dwellings to face onto the streets and provide traditional back to back gardens. This way of organising the layout also allows dwellings to face outwards towards the attractive boundary planting around the site. It is also considered that having the densest part of the development towards the centre of the site in parcels 2 and 3, facing towards an area of open space, is the most logical way to organise the site.

12.60 It is acknowledged that the site will be challenging to develop because of the significant changes in levels through the western side of the site. However, it is not felt that this is insurmountable. The applicants have provided illustrative sections that show how parts of the site could be brought forward. At this stage, it is the principle of the development and the means of access into the site that are to be determined. The layout and design of the development are not matters that are before the LPA at the outline stage.

12.61 On the eastern side of the site, it is proposed that the allotments and burial ground would be to the south of the residential development on parcel 4 and that the country open space would be on the eastern side of the site.

12.62 It is considered that it would have been preferable for the access to the eastern side of the development to have been further northwards along Hurstwood Lane. The current access does result in a somewhat circuitous route up into the residential development on parcel 4. However, there is a belt of Ancient Woodland that runs along the east side of Hurstwood Lane and given the high status of protection that Ancient Woodland is now afforded in the NPPF, it is not felt that it would have been appropriate for there to be a vehicular access route that goes through this Ancient Woodland. It is your Planning Officer's view that the route into parcel 4 is not so circuitous that it would be harmful in planning terms.

12.63 It is also important to note that the description of this outline planning application seeks consent for up to 375 dwellings. Therefore, it is open to the applicants at a future reserved matters application to bring forward an application with fewer dwellings if they consider that this is the most appropriate design approach. The issue for the LPA to determine at this stage is whether in principle, the applicants have demonstrated that this quantum of development could be delivered on the site.

12.64 It is your Planning Officers view that the applicants have demonstrated that this quantum of development could be delivered on the site.

12.65 Policy DP23 of the District Plan seeks to encourage the incorporation of digital infrastructure in major new housing developments. As this is an outline application where the design and layout of the scheme has not been determined, there is no reason why such

infrastructure cannot be incorporated into the final design. A planning condition would be appropriate to secure the provision of such infrastructure.

Standard of Accommodation

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

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

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

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

12.67 The Department for Communities and Local Government published the 'Technical housing standards – nationally described space standards' in March 2015.

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

Accessibility

12.69 Policy DP28 of the MSDP states:

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

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

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

In relation to accessible and adaptable dwellings, the policy goes on to state:

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

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

With regard to wheelchair use dwellings the policy states:

'Category 3 - Wheelchair-user dwellings under Building Regulations - Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time. The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.'

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

Sustainable Design

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

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

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

Paragraph 153 of the NPPF seeks to ensure new development helps, 'to reduce greenhouse gas emissions, such as through its location, orientation and design.' Paragraphs 157 expects new development to, 'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

12.72 It is important to recognise that in respect of policy DP39 of the District Plan, whilst the wording of the policy is supportive of improving the sustainability of developments, there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.

12.73 The ES submitted with the application outlines the energy strategy and sets out that the development is anticipated (subject to detailed design) to incorporate the following design features:

- Exceed the minimum fabric requirements of Part L1A (2021) of the Building Regulations.
- All dwellings will include 100% low energy lighting.
- All dwellings will be naturally ventilated.
- Passive design strategies are to be implemented to improve thermal comfort, health and wellbeing and minimise the energy demand for heating.
- Smart meters can be provided to allow future occupiers to monitor and control their energy usage.
- To ensure heating infrastructure is as efficient and clean as possible all the proposed dwellings will utilise air source heat pumps, as gas boilers will be phased out in 2025 and the dwellings will be erected after 2025.
- Photovoltaic Panels can be used alongside heat pumps. These proposed methods of low carbon heating can be introduced alongside enhancements to the insulation of homes.

12.74 As this is an outline planning application, the final details of exactly what sustainable features will be incorporated into the development would need to be identified in the subsequent reserved matters application/s. To ensure that such measures are brought forward in the subsequent reserved matters applications, it is considered reasonable to impose a planning condition relating to this matter. With this condition in place, the application complies with Policy DP39 of the District Plan.

12.75 It is also worth noting that the proposal will also have to meet Building Regulations and this will include energy reduction measures and the provision of electric vehicle charging points. Adherence to the building regulations sits outside of planning control.

Affordable housing and housing mix

Housing Mix

12.76 Policy DP30 of the DP seeks to provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs. The illustrative mix of housing is set out below:

	Affordable	Private	Total
1 bed flat	31	15	46
1 bed house	2	0	2
2 bed flat	6	12	18
2 bed house	61	42	103
3 bed house	11	102	113
4 bed house	2	91	93
	113	262	375

It is considered that this indicative mix would comply with the aims of policy DP30.

Affordable Housing

12.77 Policy DP31 in the District Plan seeks to secure 30% affordable housing on sites such as this. Policy DP30 in the District Plan seeks to provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs.

12.78 The scheme provides a policy compliant level of affordable housing and this should be afforded significant positive weight in the determination of this application. The location of the affordable housing would be determined at the subsequent reserved matters application. It is at this stage that the LPA would seek to ensure that the affordable housing was suitable distributed (pepper potted) within the site to accord with the Councils policies.

Neighbour amenity

12.79 Policy DP26 seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. Policy E9 in the HHNP seeks to ensure that development '*Will not result in unacceptable levels of light, noise, air or water pollution.*' There is some conflict between the wording of these two policies. In accordance with planning law, the conflict must be resolved in favour of the more recently adopted policy. As such policy DP26 should be afforded greater weight and the test is whether the proposal would result in significant harm.

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

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

12.82 There will be a significant change for the occupiers of the properties on Fox Hill and Hurstwood Lane from the proposed development. The open fields to the rear of these existing properties will be replaced with a major development comprising residential and a school.

12.83 At the southwestern side of the site, the site is bounded by residential properties that front onto Fox Hill and Hurstwood Lane. There is a rise in levels from south to north in the southwestern corner of the site so the application site is at a higher level than the properties on Hurstwood Lane. The building height parameter plan shows the proposed school located at the southwestern corner of the site. This is indicated to be single storey (max 7m to ridge lines). It is considered that there are no reasons why a school cannot be satisfactorily accommodated on this site in respect of its impact on neighbour's amenity. It is not unusual for a school to be located adjacent to residential properties. The detailed location of the school building and its design would need to be determined in a subsequent reserved matters application.

12.84 There are a number of properties of Fox Hill that back on to the western side of the site. The parameter plans submitted with the application show that there would be two storey residential development within the site at this point. A detailed assessment of the impact of new housing on the existing occupiers on Fox Hill that adjoin the site will need to be made in the subsequent reserved matters application, when the layout and design of the proposed new housing will be known and can be assessed. However, there are no reasons in principle why residential development cannot take place on this part of the site without causing significant harm, as set out in policy DP26 of the DP. The principle of this change has been accepted as a result of the decision that was made in the HHNP to allocate this site for residential development.

12.85 Particular concern has been raised by the occupiers of Downsview. This is a relatively new house that was constructed to the rear of the White House. Downsview is some 3m from the boundary of the site at its closest point and has two elevations with windows that face towards the site. Due to the close proximity of this dwelling to the site, the layout of housing in the reserved matters will need to take account of this existing dwelling so that what is proposed does not cause the significant harm that policy DP26 seeks to avoid. The impacts of the new housing on Downsview will need to be further assessed when the reserved matters application is submitted.

12.86 The proposed plans do show residential development to the east of Hurstwood Lane on parcel 4. This area of land was not allocated for residential development in the HHNP. In respect of the impact of the proposal on the amenities of the occupier of the properties at and to the north, it is still necessary to assess the proposal against policy DP26 in the DP.

12.87 There would be a very significant change to the outlook from the properties on and as their view would change from an open field to a residential development. However, as Members will be aware, there is no right to a view under planning legislation. Simply being able to see a new development does not automatically equate to planning harm. It is considered that a residential development on this parcel of land could be carried out without causing significant harm to the amenities of the existing properties to the north. Whilst the detailed layout of this parcel and the design of the proposed houses would need to be determined at the reserved matters stage, it is considered that new residential development could be accommodated on this parcel of land in a way that was not overly dominant or overbearing to the existing properties.

12.88 With regards to lighting, there would be a significant change within the site as it would change from being an unlit green field site, to a residential housing development with street lighting. The north end of Hurstwood Lane and Greenhill way and surrounding roads are street lit, as is Fox Hill. It is therefore considered that as a matter of principle, there should be no reason why lighting within the development would cause a significant loss of amenity to any of the existing occupiers around the site. The details of lighting can be controlled by a planning condition.

12.89 The impact of proposed new development on existing businesses is a planning issue. Paragraph 187 of the NPPF states:

'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

12.90 In terms of planning use, the businesses within the Hurstwood Grange Estate will fall within Class E (Commercial, Business and Service). This includes what was previously classified as B1 light industrial or offices, which were defined as uses which can be carried out in a residential area without detriment to its amenity.

12.91 At the outline stage it is only necessary to come to a view on the principle of whether the overall development that is being sought can be accommodated within the site without significant adverse impact on neighbouring businesses. It is considered that as a matter of principle, the proposed development can be accommodated within the site without significant adverse effect on the neighbouring businesses.

12.92 In relation to disturbance during the construction phase, it is inevitable for a major development such as this that there will be some disruption during construction. A construction management plan can seek to minimise this, but it must be acknowledged that there will be temporary disruption. This in itself would not be a reason to refuse the planning application. A condition will secure the provision of a construction management plan.

Noise

12.93 In relation to noise, policy DP29 states *'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:*

Noise pollution:

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

- *an assessment of the impact of noise generated by a proposed development; or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development.'*

12.94 Chapter 9 of the Environmental Statement (ES) addresses noise. The ES uses survey data to model noise levels to assess the likely significant effects arising from noise upon the proposed development. The ES sets out the following:

- Noise from road traffic sound sources (i.e. A272, Fox Hill and Hurstwood Lane) do not prohibit development of the site for residential uses.
- With the completed development (2027) and the predicted increased vehicle numbers on the transport network, as a worst-case scenario, these account only for a 1.9dB increase when assessed at the worst-case property within Parcel 1 close to the A272. The change in noise levels is permanent, albeit negligible and not significant.
- There is likely to be a negligible (not significant) residual effect on local residential receptors
- Whilst classroom acoustics are very complex and outside the scope of the EIA, it is relevant for planning considerations to demonstrate that the proposed primary school is capable of being used as such in its selected location.

12.95 The ES advises that there are no cumulative effects to be considered from an acoustics perspective.

12.96 The Councils EHO has not raised any objection to the application based on matters relating to noise. Therefore in respect of noise, it is considered that the proposed development would comply with policy DP29 and the future uses within the site could be satisfactorily delivered.

12.97 With regards to the impacts of noise on existing residents, on parcels 3 and 4, there would be new housing adjacent to existing housing on Fox Hill, Birch Way and Greenhill Park. It is considered that these would be normal residential relationships and there are no grounds to consider that noise from the new dwellings would cause significant harm to the amenities of existing residents.

12.98 At the southern end of the site, the school would back on to properties at the southern end of Hurstwood Lane and properties on Fox Hill. The layout of the school site would be determined in a future reserved matters application. Nonetheless, it is likely that there would be noise from the school site, including the use of the playing fields. It is not unusual to have schools backing on to residential properties. In light of this, and the absence of any objection from the Councils EHO, it is not considered that the proposed school would cause significant harm to the amenities of existing residents in respect of noise.

12.99 In light of the above conclusions it is reasonable to conclude that the proposal will not have a significant impact on amenities of existing and future residents in respect of noise pollution and appropriate conditions, including those relating to construction will ensure this.

12.100 The proposal is considered to accord with policies DP26 and DP29 of the DP and paragraph 185 of the NPPF in relation to noise.

Transport matters

12.101 The application is in outline form, with the means of access to the site to be determined at the outline stage. The proposed highway works and changes to crossing and pedestrian routes were summarised earlier in this report.

12.102 Policy DP21 in the District Plan states:

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

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

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

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

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

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

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

12.103 With regard to the NPPF section 9 deals with 'promoting sustainable transport' and paragraphs 110 – 113 directly relate to the 'consideration of development proposals', and they are set out below;

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

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; 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.*

111. 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 would be severe.

112. Within this context, applications for development should:

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

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

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

12.104 The application has been supported by a Transport Statement within the Environmental Statement, a Stage 1 Road Safety Audit and a Stage 1 Road Safety Audit Designers Response, Highways Technical Notes and a Travel Plan.

12.105 All these documents have been carefully considered by the Local Highway Authority (LHA), and their comments can be found in full in appendix B to this report, and on the planning file.

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

Access Arrangements

12.107 During the course of the application, the applicants have provided a further Technical Note relating to highway matters, which has been assessed by the Highway Authority. The applicants have also provided a Stage 1 Road Safety Audit and Stage 1 Road Safety Audit Designers Response. The Stage 1 Road Safety Audit and Stage 1 Road Safety Audit Designers Response assess the various off site highways works and the proposal to access the site.

A272/ Hurstwood Lane Junction

12.108 The northern parcels will exit onto the A272 Rocky Lane via the existing connecting link road from Hurstwood Lane. Priorities on Hurstwood Lane will be altered as part of the proposals; that section of Hurstwood Lane leading southwards will become the major arm and that part of Hurstwood Lane leading northwards will become the minor arm. The existing simple priority junction with ghosted right turn lane at the A272/Hurstwood Lane will be upgraded to include traffic signals with crossing phases for pedestrians. The Highway Authority sought amendments to this proposed junction, recommending that the crossing on the A272 is reversed, bringing the stop line closer to the junction, and therefore reducing the inter-greens (the period of time between one green phase ending and another starting). In addition, the preference is for the side road to run as a full green stage rather than split filter arrows as indicated within the LinSig model.

12.109 The applicants have made the amendments that were sought to this junction and the LHA are now satisfied that the signalised arrangements are now acceptable.

Hurstwood Lane, Fox Hill Junction

12.110 The proposed development would utilise this junction in its current form to serve the development. The Town Council have stated in their comments on the planning application that they have a strong desire for the Hurstwood Lane/Fox Hill junction to be signalised and that their support for the planning application is conditional upon this being done.

12.111 In order to signalise this junction, it is likely that Hurstwood Lane would need to be re-aligned to the north over the existing green space on the corner, requiring the removal of three trees and a substantial proportion of the existing hedge. The highway to the north of the junction on the eastern side of Fox Hill would also need to be widened to safely accommodate large vehicles, which in turn would require the existing bus stop and footway to be relocated. So whilst this could be achieved, it would require significant alterations to the existing junction layout resulting in the loss of existing green space and trees.

12.112 The applicants have advised that they do not consider it to be necessary for this junction to be signalised for a number of reasons. The applicants state that there have been three collisions resulting in injuries/casualties at the junction since 2013; the causation factors of all three collisions relate to driver error and do not necessarily indicate any safety issues with the current highway layout of this junction.

12.113 The applicants also state that the modelling indicates that signalisation would reduce delays for vehicles exiting Hurstwood Lane on to Fox Hill during the AM school drop-off period. However, the signalisation would cause delays on all approaches to the junction across the entire day, including during the school pick-up period and the PM peak. The proposals will include a new Puffin crossing that will provide safe crossing into the site and the school approximately 60m north of the Fox Hill junction. The crossing will help the functioning of the junction by creating gaps in the traffic flows to allow cars to exit from Hurstwood Lane, particularly during the school drop-off/pick up periods when the crossing will be most in use. The crossing will also help to reduce speeds on Fox Hill in this area as vehicles will need to slow and be prepared to stop to allow pedestrians to cross.

12.114 The LHA have advised that there is limited scope to undertake any improvements to the B2112 Fox Hill/Hurstwood Lane junction. The LHA has advised that the signalisation of this junction is not necessary on capacity grounds and that other potential improvements (namely the squaring up of the junction) would not offer any meaningful betterment. Signalisation of the junction would also be problematic because there is a private access into the junction and it would not be possible to leave this private access in place with the other 3 arms of the junction being signalised.

12.115 The LHA state that *'The junction in its present form is considered to be acceptable to accommodate the current development.'* Whilst the comments of the Town Council in relation to this junction are noted, the LHA are the statutory body responsible for the road network within the District and their views should be given significant weight. As the LHA have no objection to the access arrangements proposed for this junction, it is not considered that there would be sustainable grounds to resist the application based on the applicants proposals for this junction.

12.116 With regards to pedestrian access, the proposed plans show a new signalised crossing on Fox Hill, located opposite Mermaid Cottage. Following comments from the LHA, the applicants have confirmed that this would be a Puffin crossing (for pedestrians only), rather than a Toucan crossing (for pedestrians and cyclists). The LHA have advised that a Puffin crossing would be appropriate as there is no cycle route on Fox Hill.

12.117 It is considered that the proposed signalised crossing at this point will provide a significant benefit to pedestrians in that it will allow a safe crossing of Fox Hill. It is also

considered that a signalised pedestrian crossing at this location will also have the added benefit of slowing down vehicular traffic along Fox Hill, particularly during school drop off and pick up times when the crossing will be most used.

Access points off Hurstwood Lane

12.118 There are four residential parcels along with the primary school, early years, allotments, burial ground, and country park. Residential parcels 1 and 4 (providing 135 dwellings) are located to the north. These parcels along with the allotments, burial ground, and country park, will access the wider highway network via the A272 Rocky Lane using the northern end of Hurstwood Lane. Residential parcels 2 and 3 (providing 240 dwellings) along with the primary school and early years provision will access the wider highway network via the B2112 Fox Hill using the southern section of Hurstwood Lane.

12.119 Parcel 1 will take vehicular access via a simple priority junction onto Hurstwood Lane. The LHA have stated that the principle of this arrangement is appropriate. The access has been designed to the appropriate current speed limit. In light of the Highway LHA's comments, it is not considered that there are any highway safety issues arising from the proposed access into parcel 1.

12.120 Parcel 4 along with the allotments, burial ground, and country park will be served by way of the continuation of Hurstwood Lane into this parcel. The existing uses and buildings at Hurstwood Grange would continue to be accessed via a modified minor arm off Hurstwood Lane opposite that leading into parcel 4. Following a request from the LHA, additional information has been presented showing the achievable visibility splays at the proposed accesses based on the existing or proposed speed limits. For the access into phase 4, the current posted speed limit is 60mph. The LHA are satisfied that the proposed access into parcel 4 is acceptable in relation to highway safety.

12.121 The Stage 1 Road Safety Audit raised a concern about the potential for mud on the carriageway between the unimproved section of Hurstwood Lane between the access points for parcel 1 and parcel 4. The Stage 1 Road Safety Audit Designers Response disagrees with this particular concern, noting that the current road width for this Hurstwood Lane section accommodates through traffic in both directions at 60mph and no safety incidences are noted in the 5 year records available. It states that proposals to restrict traffic to Parcel 4, and the reduction in speed limit to 30mph is expected to create a much safer environment, and widening is not feasible due to the protected trees.

12.122 The LHA have not objected to the proposal the use of this section of Hurstwood Lane to serve these development parcels.

12.123 Parcel 3 and the primary school will be served via new simple priority junctions onto Hurstwood Lane. The Highway Authority are satisfied that these two access points are acceptable in relation to highway safety.

12.124 As originally submitted, it was proposed to narrow the carriageway of Hurstwood Lane at the southern end to 3 metres to enable the provision of a continuous 2 metre wide footway going towards the vehicular entrance to the school. Given the length of proposed carriageway narrowing, the applicants were asked to reconsider this. The applicants subsequently amended the plans, which now show a consistent 4.8 metre wide carriageway on Hurstwood Lane with a footway varying in width from 1.5 to 2 metres. The section of Hurstwood Lane that is narrowed is some 240m in length.

12.125 The Stage 1 Road Safety Audit raised a concern about the width of the proposed new footway in the section between Fox Hill and the new school. The plans show the width of this new section of footway being 1.5m in some locations. The Stage 1 Road Safety Audit Designers Response disagrees with this concern, making reference to the DfT Inclusive

Mobility, 2021 guidelines, which stipulates the 1.5m wide footway as acceptable to enable a wheelchair user and a walker to pass each other. The response also notes that the proposed speed limit reduction to 30mph would help to create a safer environment.

12.126 The LHA have stated that '*...it would be preferable to achieve a consistent 2 metre width for the footway. There are constraints however and narrowing is required over short lengths albeit it may be possible to reduce these distances or the narrowing once a detailed survey has been completed.*' The LHA have not objected to the proposed access arrangements in relation to this part of the development.

12.127 Parcel 2 will be served via the diversion and continuation of Hurstwood Lane the parcel. The LHA have advised that principle of this arrangement is acceptable and that the vehicular access is acceptable in relation to highway safety.

Impact on highway network

12.128 The methodology to be applied to determine the highway capacity impact of the development has been agreed with the LHA. Vehicle trip generation has been agreed for the 375 dwellings, primary school, and early years provisions. The assessment does not include trip generation associated with the allotments, burial ground, or country park. The LHA has stated that these uses are not anticipated to result in any peak hour or otherwise significant increase in vehicle movements. Your Planning Officer has no reason to disagree with this assessment.

12.129 Vehicle trip rates are provided for the AM and PM network peak hours as these hours are recognised as those most sensitive to change. The residential uses are estimated to generate 148 (36 arrivals, 113 departures) two-way movements in AM peak hour and 166 (109 arrivals, 57 departures) two-way movements in the PM peak. The primary school and early years are estimated to generate 192 two-way movements (108 arrivals, 84 departures) in the AM peak hour and 69 two-way movements (24 arrivals, 44 departures) in the PM peak.

12.130 The LHA explain the method for assessing capacity impact of the proposal as follows:

- Trips are distributed using appropriate Census data for the local area. This is taken as a proxy for where residents of the new development as well as staff and pupils at the educational uses will likely travel to and from.
- Vehicle trips have been assigned using the most direct route towards the identify destination. As route choices are known, this then identifies those junctions that will experience traffic increases.
- The impact at the identified junctions is considered for with and without development future year scenarios in 2027 (5 years after the submission of the planning application). A further 2027 with development scenario is included to account for the implementation of the travel plan.
- The 2027 future year assessment includes the closure of Hurstwood Lane to through traffic.
- For the 2027 future year, traffic generated by the consented development at Greenhill Way is specifically included.
- All other traffic growth across the local highway network is covered by way of using a growth rate derived from TEMPro.

12.131 In respect of the residential parcel 1, 3 and 4, and School Parcel Priority Junctions, the LHA have stated that *'It's apparent that all the accesses into the various residential and school land parcels from Hurstwood Lane operate well within theoretical capacity with minimal queues and delays.'*

12.132 With regards to the A272 Rocky Lane/Hurstwood Lane Junction, the Highway Authority state:

'This is modelled both in its current format (as a simple priority junction with ghosted right turn lane) as well as with traffic signals. As a simple priority junction, the modelling indicates that the Hurstwood Lane arm would operate with fewer queues and delays in the with development scenario. This is due to the closure of Hurstwood Lane and the overall significant reduction in turning movements onto the A272 from the minor arm (214 movements in the 2027 without development with Hurstwood Lane open versus 105 in the with development with Hurstwood Lane closed). The closure of Hurstwood Lane therefore offers a significant capacity benefit.

A mitigation scheme involving the signalisation of this junction is nevertheless proposed. On capacity terms alone, the modelling indicates that the signalisation is not strictly necessary. However, the introduction of signals allows for the introduction of controlled pedestrian crossing facilities as well as providing a safer arrangement for turning vehicle movements. The traffic signals will introduce delays to the north and south bound movements on the A272 that would not occur with the priority junction arrangement.

On balance, the safety benefits of introducing traffic signals are considered to outweigh the delays that would be introduced. The delays to movements on the A272 could be reduced further in any case through the traffic signal controller software providing more green time to traffic on the major arms. Such aspects can be explored through the detailed design.'

12.133 Your Planning Officer has no reason to disagree with the assessment of the Highway Authority on this point. There would be a benefit to pedestrians from having a signalised crossing at the junction of the A272 and Hurstwood Lane to allow easier access from the development into Haywards Heath to the northwest.

Hurstwood Lane (north) and Hurstwood Lane (south) priority junction

12.134 This refers to that short length of connecting carriageway between the A272 and Hurstwood Lane. The development proposals will alter the arrangement giving priority to traffic entering the development and travelling southbound on Hurstwood Lane. Traffic from the existing northern section of Hurstwood Lane would have to give way. The LHA state *'The modelling demonstrates that the junction with amended priorities would operate well within theoretical capacity. It should be noted that the closure of Hurstwood Lane significantly reduces the volume of traffic using this link.'*

12.135 It is acknowledged that one of the points made in the representations against the proposed development is the concern that residents to the north of the site using the northern section of Hurstwood Lane and the roads served by this (including Greenhill Way and the various roads off this), would be delayed as a result of the proposed changes to this junction. The concern is that if vehicles travelling northbound on Hurstwood Lane are queuing to the new traffic lights, drivers trying to turn right from the northern section of Hurstwood Lane may experience delays as they would have to wait for breaks in the queue to be let out.

12.136 Whilst these concerns are acknowledged, it is important to note that the LHA has not objected to this element of the scheme. As part of the approval for the dwellings at the eastern end of Greenhill Way, located within Lewes District Council, the short stretch of road between the A272 and Hurstwood Lane has been widened so that there are two lanes for

vehicles travelling west. In relation to highway impacts, the test within the development plan and the NPPF is whether a proposal would result in a 'severe' impact. This is a high bar and given the views of the LHA, it is submitted that the evidence before the Planning Committee does not indicate that there would be a severe impact on this junction, which would justify resisting the application on highways grounds.

B2112 Fox Hill/Hurstwood Lane priority junction

12.137 This junction is acknowledged as being used by traffic to avoid the A272 Wivelsfield Road Roundabout. In respect of this junction, the LHA have stated:

'In the 2027 AM with development scenario, it is still apparent that there would be an increase in vehicle turning movements using this junction (296 in the without scenario vs 383 in a with development scenario). In the 2027 PM, there would be an overall decrease in the number of turning movements at the junction with the proposed development and Hurstwood Lane closure. The increase during the AM peak is reflective of the increased number of traffic movements resulting from the primary school. In both the AM and PM with development scenarios, there is a notable increase in the number of right turning vehicles from Hurstwood Lane onto the B2112 Fox Hill compared with the without development scenario.'

The highway modelling indicates that the Hurstwood Lane arm would operate within capacity during the PM peak. During the AM peak, the modelling indicates that the Hurstwood Lane arm would exceed the threshold at which queues and delays would start to develop. Despite this threshold being exceeded, the indicated queues and delays are not considered such that these would signify a severe impact.'

12.138 It is therefore acknowledged by the LHA that there would be an impact in the AM peak at this junction and that there would be delays and queues beginning to develop. This is a matter that weighs against the scheme. There is no definition within the NPPF as to what 'severe' means in respect of highways impacts. The LHA have formed their judgement that the impacts in this case would not be severe. This judgment will be informed by past experience and also by how this test has been interpreted by Planning Inspectors. Given the comments of the LHA, which should be afforded significant weight, it is not considered that the proposal should be resisted on the basis of the impact on this junction from the development.

12.139 The LHA have considered the representations which have been received, which call for the signalisation of this junction. The LHA state *'As mitigation, the applicant has considered the potential signalisation of this junction. There are however constraints upon the potential introduction of signals, namely the presence of two private accesses. The applicant raises the valid point also that traffic signals would be needed only to manage traffic issues during a very short time window associated with school traffic. Outside of these times, the presence of traffic signals would otherwise introduce delays to traffic. Whilst this has been accepted for the proposed A272 Rocky Lane/Hurstwood Lane junction, in that instance the presence of the crossing facility for pedestrians that leads towards the town centre is considered to provide sufficient benefit to outweigh the traffic delays. A similar crossing facility built into any traffic signals at the B2112/Hurstwood Lane junction would have limited use other than at school times.'*

12.140 Your Planning Officer has no reason to disagree with the assessment of the LHA on this point. It is not considered that there is a requirement for this junction to be signalised to address capacity issues. The evidence from the LHA is that such signalisation would introduce delays onto the highway network outside of the short time period associated with school traffic. The safety benefits to pedestrians of slowing traffic down and providing a safe crossing can be provided by the proposed Puffin crossing.

A272/B2112 Wivelsfield Road Roundabout

12.141 This junction is to the northwest of the application site. The applicants modelling indicates that the 2027 without development scenario indicates that the majority of arms would be operating within capacity. The exception is the western A272 arm, which is indicated as exceeding the threshold at which capacity issues may then start to develop.

12.142 The LHA note that in the 2027 with development scenario, the redistribution of traffic resulting from the closure of Hurstwood Lane along with the additional trips associated with the development results in a notable worsening of performance on both A272 arms and the B2112 Fox Hill. The worsening is particularly notable in the AM peak with significant queues and delays forecast for certain arms. The development impact in the PM is far less pronounced.

12.143 To seek to address this, a number of changes are proposed. This includes increased flaring on the roundabout entries of both the A272 arms as well as the B2112 Fox Hill. This will increase the ability for additional vehicles to queue on the approaches. Improved lining is also proposed although the impact of this cannot directly be discerned from the modelling. The central island is also to be reduced to increase the width of the circulatory carriageway.

12.144 The LHA states that *'With the proposed improvements, the performance would improve. Certain arms (the B2112 Fox Hill and A272 west) would still continue to exceed the capacity threshold in the AM peak. The queues and delays forecasted on these arms at worst amount to a queue of 7 vehicles and delays of 28 seconds during the poorest performing time segment. These result impacts with mitigation are not considered to signify a severe impact.'*

12.145 Your Planning Officer has no reasons to dispute the conclusions of the LHA on this matter. Whilst the modelling does predict delays at this junction, the evidence does not indicate that these could be classed as severe, which is the test in the NPPF.

A272/B2272 Lewes Road Roundabout

12.146 A comparison of the with and without development scenarios indicates that the operation of this roundabout would not be noticeably affected as a consequence of the proposed development.

B2112/B2272 Sussex Square Roundabout

12.147 The modelling indicates that the majority of arms of this existing roundabout will be unaffected as a consequence of the development proposals. Those arms that work within capacity will continue to do so, whilst those arms over capacity will also continue to operate over capacity. The only arm where the additional development traffic is indicated as having a notable impact is the B2112 Sussex Road arm. The LHA have stated that this arm is indicated as operating very close to theoretical capacity in the 2027 without development scenario and the additional trips associated with the development serve to add further stress to this arm

12.148 The LHA caution that the capacity model becomes increasingly unstable when theoretical capacity is exceeded. The forecast queues and delays may not actually materialise although the model still provides a very good indication that there will be issues.

12.149 In light of this the LHA state *'Potential improvements schemes on the B2272 South Road and B2112 Sussex Road arms of this roundabout are identified in the Haywards Heath Town Centre Master Plan Supplementary Document. Neither scheme includes works directly affecting the roundabout, but both have the potential to reduce traffic flows on the approaches and therefore improve the overall operation; the purpose of the B2272 South*

Road scheme in particular is to discourage through traffic and encourage more traffic to use the A272. There would consequently be merit in the development contributing towards the transport schemes included within the HHTC Master Plan SPD.'

12.150 Your Planning Officer has no reasons to disagree with the above comments. Given the issues that have been raised, it is considered that there is a sound case for allocating the Total Access Demand (TAD) infrastructure contribution that would be required from this development, to the works identified by the LHA. It is considered that this would meet the test in the Community Infrastructure Levy (CIL) Regulations, which will be expanded on later in this report.

Sustainable Transport

12.151 The nearest bus nodes to the Site are the 'Fox and Hounds' stops located on B2112 Fox Hill approximately 580m from the centre of the site. There are also bus stops at the Princess Royal Hospital, to the north of the site. It is therefore considered reasonable to say that bus services operate regularly in close proximity to the site, with a number of services operating within Haywards Heath as well as services towards regional destinations such as Horsham, Brighton, Lewes and Crawley. There is also a bus service from Ridgeway to the northeast of the site that provides a service into Haywards Heath and Lindfield Monday to Saturday.

12.152 Policy H1 in the HHNP does not have an explicit requirement for a bus service to be provided. The policy refers to: *'Deliver sustainable transport measures and other infrastructure requirements identified in technical assessments of transport impact, including measures to mitigate impact upon the local road network in the vicinity of the site.'*

12.153 The applicants supporting technical information has not indicated a need to provide a bus service that would go into the development. It is considered that future occupiers would have reasonable access to bus services from the development.

12.154 In terms of walking, Hurstwood Lane has a poor existing pedestrian environment with no footways along the lane for the majority of its length and no street lighting. A short stretch of shared footway/cycleway is present on the western side of Hurstwood Lane adjacent to the Greenhill Way estate, with pedestrians required to cross to the eastern side to continue north towards Lewes Road and Greenhill Way itself. Direct crossing of A272 Rocky Lane for pedestrians is possible from the point immediately north of the Hurstwood Lane junction via an uncontrolled island refuge.

12.155 On the western side of the A272 Rocky Lane there is a footway connection from the uncontrolled crossing point to the Old Farm Close residential area, along with a continuous footway connecting to the Woodside development on Robertson Drive. At the northern end of Hurstwood Lane pedestrians and cyclists can access Lewes Road.

12.156 Fox Hill has a footway along the western side of the road that provides access into Haywards Heath.

12.157 In terms of pedestrian improvements, the scheme provides for the following:

- a new section of footway at the southern end of Hurstwood Lane
- a new signalised crossing of the A272 connecting to Old Farm Close
- a new crossing of the A272 to the south of the Lewes Road roundabout
- a new Puffin crossing at the western end of the A272
- a new Puffin crossing on Fox Hill
- a pedestrian/cycleway from the north-western boundary of the site along the existing maintenance track

12.158 It is recognised that the A272 Rocky Lane and B2112 Fox Hill pose significant barriers to pedestrians. As such, the proposed signalised pedestrian crossings proposed as part of this application would be a benefit. However, it is acknowledged that the site is on the edge of Haywards Heath. The National Travel Survey suggests the majority of walking trips (approximately 80%) are 1.6 km and the site is more than 1.6km from Haywards Heath town centre. Therefore, in terms of walking, even with these improvements in place, it may not be attractive for significant number of future residents to walk into the town to access shops and services. However, it is also recognised that this is the consequence of the site being allocated for residential development.

12.159 The indicative non vehicular access plan show that there would be a pedestrian path from the Puffin crossing on Fox Hill into the site and up to parcel 3. It would be at the reserved matters stage that a decision would need to be made as to whether there would also be a pedestrian pathway into the school site from this part of Fox Hill. Such a path would provide a more direct route into the school but if no such path was provided, it is not considered that the distance involved in walking south alongside Fox Hill and then north along Hurstwood Lane into the site is so circuitous as to be objectionable in planning terms.

12.160 Taking all of the above into account, it is therefore felt that whilst the site is not ideal in terms of accessibility for walking, there are no grounds to resist the application based on this issue.

12.161 In respect of cycling, the Transport Statement outlines that it is expected that residential cycle parking will be provided in accordance with WSCC guidance. This would need to come forward at the served matters stage when the design and layout of the proposed buildings is submitted for consideration.

12.162 The plans show a new pedestrian and cycling path from parcel 3 up to the Fox Hill/A272 roundabout. The details of the surfacing of this route would be determined in a subsequent reserved matters application. This would be a positive feature of the application. It is recognised however that the existing routes into the town are on busy roads and this is likely to mean that cycling is not attractive to all cyclists but only those that are more confident in cycling on the road. It is also recognised however that it would be difficult to make significant improvements to off site cycling infrastructure in the locality and the LHA have stated that *'...this development would not increase cycling demands to warrant significant off-site cycling improvements.'*

Parking

12.163 The WSCC guidance on parking for new developments provides the basis for assessing whether the level of parking proposed to serve the needs of the development is appropriate, taking into account the accessibility of the development, the type, mix and use of the proposal and the availability and opportunities for public transport. The consideration of these matters does allow for the expected parking demand to be varied by 10% above or below the expected level.

12.164 The applicants have stated:

'The illustrative masterplan has been developed to assume on-plot car-parking to meet the identified demand for the houses and parking courtyards for the apartment buildings. The roads within the scheme have been designed with sufficient width to accommodate visitor parking along the sides of the roads. The details of the parking layout will, however, be fully controlled through the reserved matters process.'

Some staff parking is anticipated for the school site and a communal car-park is also envisaged for the country park / allotments / burial ground area.'

12.165 It is at the reserved matters stage that the layout of the site, including the proposed car parking provision will be determined. At the outline stage it is only necessary to consider whether the quantum of development that is being sought could be accommodated on the site. The LHA have not raised an objection to the application on matters relating to car parking. It is not considered that there are grounds to resist the application based on matters relating to car parking.

12.166 With regards to Electric Vehicle (EV), new dwelling houses are required to provide these under the building regulations.

Construction Stage

12.167 Chapter 15 of the 2021 Environmental Statement concluded the proposed development would have no effects of minor, moderate or major significance during the construction phase in relation to the transport network including motorised and non-motorised users of the local roads, PRoW and non-designated public routes. Chapter 13 of the Environmental Statement sets out the likely increase in vehicular movements during the construction period, advising that during peak construction movements is 1%, and the maximum increase in HGVs is 9%.

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

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

Conclusion on transport matters

12.170 Chapter 13 of the 2021 Environmental Statement reports the outcome of the assessment of likely significant effects arising from the proposed development upon traffic and transport. The assessment of traffic and transport has established that the additional mitigation is required at the B2112 Fox Hill / A272 Rocky Lane / Wivelsfield Road / Kennard Lane roundabout. The Environmental Statement advises that the following residual effects have been identified:

- Following mitigation, there is likely to be a direct, permanent, negligible effect on, with no significant effects on B2112 Fox Hill (Between A272 And Hurstwood Lane);
- There is likely to be a direct, permanent, negligible effect on the majority of criteria with a major beneficial effect on Hurstwood Lane (Southern section) for pedestrians and cyclists, with no significant effects requiring mitigation;
- There is likely to be a direct, permanent, major to moderate beneficial effect on Hurstwood Lane (Northern section) for the majority of criteria with a negligible effect on driver stress and delay, with no significant effects requiring mitigation; and
- There is likely to be a direct, permanent, moderate to minor beneficial effect on the majority of criteria with a negligible effect on driver stress/delay and accidents/road safety on Hurstwood Lane (Link to A272), with no significant effects requiring mitigation.

12.171 In relation to determining significant cumulative effects, the development has been considered in combination with schemes at Rookery Farm (DM/16/4496), land south of Scamps Hill (DM/15/4457), The Rosery Valebridge Road (DM/16/5511), land at Gamblemead (DM/17/0331 and DM/19/2764), land south of Rocky Lane (DM/16/1312), 37-55 Perrymount Road (DM/18/4837), 41-43 Boltro Road (DM/20/3516) and Land south of Greenhill Way (LW/16/0057).

12.172 Having regard to the mitigation measures that will be secured through the suggested conditions, it is not considered that the development would result in any significant environmental effects. In forming this conclusion regard has been given to the ES, the Transport Statement, Highways Technical Note, Stage 1 Road Safety Audit and the stage 1 Road Safety Audit Designers Response, which are considered to contain sufficient information, as well as evidence held by the Council and representations.

12.173 It is therefore considered from the above assessment that the application therefore complies with policies DP21 of the DP, policies H1, T1 and E8 of the HHNP and NPPF.

Air quality

12.174 Policy SA38 in the Site Allocations DPD states:

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

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

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

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

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

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

12.175 The Environmental Statement that accompanies the application has a chapter relating to Air Quality, which considers the air quality impacts from the construction phase

and once the proposed development is fully operational. The document has been informed by data from Defra and the District Councils own air quality data.

12.176 In respect to these matters, the findings are summarised as follows:

- In the construction phase, the residential receptors around the site and the Princess Royal Hospital are considered to be at major risk of dust nuisance impacts in the absence of mitigation. With mitigation in place, for example dust suppression during construction, the residual effects are predicted to be negligible. This assessment considered the cumulative dust effects of four sites within 700m of the application site.
- In the operational phase of the development, minor adverse impacts are predicted along the B2112 Fox Hill due to increased traffic flows, with negligible impacts anticipated elsewhere. With mitigation in place, the predicted effects on air quality are negligible.

12.177 Sussex-Air require all 'Major' developments to minimise their operational phase emissions through mitigation measures commensurate to the cost of the Proposed Development's air quality related 'damages'. The latest Defra Emissions Factor Toolkit was used to determine the total transport related emissions that would be generated by the proposed development. The total damage costs for the first 5 years of operation is calculated as being £174,413. The value of the 'emissions cost', is indicative of the value of an appropriate package of mitigation to offset any potential impacts from the proposed development.

12.178 The application has been reviewed by the Councils Environmental Protection Officer who states:

'Comments relating to air quality (operational use only):

The applicant has submitted an air quality assessment which has been carried out with reference to relevant guidance. The assessment finds that the development will not cause any significant adverse effects in terms of air quality. There will potentially be minor adverse impacts to a small number of properties in Fox Hill but no exceedances of air quality objective levels. The conclusions of the report are accepted.

I recommend the following conditions should the proposed development be granted permission:

Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to the value calculated in, sections 10.6.34 to 10.6.38 of the submitted WSP Air Quality chapter of the Environmental Statement (Ref 70081355, dated July 2022). All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.'

12.179 The ES explains that *'The traffic data used for the Operational Phase Assessment accounted for committed developments through the use of TEMPro growth factors, as*

agreed with WSCC. As such, cumulative impacts have been accounted for and no separate assessment of operational impacts was undertaken.'

12.180 Having regard to the mitigation measures that will be secured through the suggested conditions, it is not considered that the development would result in any significant environmental effects. In forming this conclusion regard has been given to the ES submitted with the application, which are considered to contain information, as well as evidence held by the Council and representations.

12.181 In light of the above, your Planning Officer is content that the proposed development will not have an unacceptable impact on air quality, and with appropriate conditions, the application complies with policy SA38 of the SADPD.

Contaminated Land

12.182 In respect of the policy position, paragraph 183 of the NPPF states:

'Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*

12.183 The application has been supported by a preliminary risk assessment, which is in volume 2, appendix 8 of the Environmental Statement. This information has been considered by the Council's Contaminated Land Officer, who concludes:

'While the report has identified potential risks of contamination on site from the current uses of agricultural land use and electricity substation, and former uses, including sewage tanks and vats, buildings and filter beds.

While previous risk assessments at the site have not found any exceedances for contaminants tested, it is noted that no testing has taken place to the east of the site. As such, the preliminary risk assessment indicates there is still low to moderate risk to human health and controlled waters, and states that an intrusive investigation should take place to the east of the site.

The intrusive investigation will be part of phased approach, whereby if contamination is found above the assessment criteria, a remediation option appraisal, remediation plan, and verification report will be required. As such, a phased condition should be attached. If no contamination is found during the intrusive investigation, and the report is approved by the LPA, then the entire phased condition can be discharged at that stage.

Additionally, a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.'

12.184 In light of the evidence provided, the views of the Council's Contaminated Land Officer are accepted, and no specific ground remediation is required for the intended end

use of the development. However, suitably worded conditions are suggested in Appendix to address the discovery of unexpected contamination during construction works. Officers are content that the application complies with paragraph 183 of the NPPF.

12.185 With regards to the proposed burial ground, the Councils Contaminated Land Officer has stated *'I do note that a T2 Groundwater Risk Assessment has been submitted with the application relating to the proposed cemetery. As the Environment Agency have expertise in this area and will be the regulator for any permit required for the undertaking, they are best placed to comment further on the assessment submitted.'*

12.186 The Environment Agency initially raised an objection to the application based on the potential impact of the burial ground on ground water. In response to this, the applicants submitted further information relating to the drainage of the burial ground. In respect of the drainage of the burial ground, the report states *'The Burial Ground will include earth works, as necessary, to ensure that the ground surface is without depressions that could accumulate run-off. Any run-off not accommodated by green drainage will be channelled to the nearest ditch via the attenuation swale. The management and maintenance of ditches and swales will be such that waterlogging of the surface of the burial ground will be prevented.'*

To avoid surface water logging, where shallow perched groundwater is encountered at the Burial Ground during earthworks or development it will either be:

- *collected by land drains that are present above the depth of burial and conveyed to soakaways; or*
- *the underlying low permeability perching layer will be punctured by an excavator to allow vertical drainage of water.*

The location and depth of land drains will be designed to avoid them crossing planned areas of burial and to avoid interaction of the drains with the products of burial.

If perched water is required to be drained and cannot be diverted to soakaway or to depth, it will be treated as contaminated and disposed of as foul water under relevant consent.'

12.187 With regards to water abstraction, the Princess Royal Hospital has an abstraction licence that is within 400m of the burial ground. Environment Agency guidance (Protecting groundwater from human burials.1 April 20220), is that human burials should be more than 250m from any well, spring or borehole where the water is intended for human consumption. As such the proposal meets this guidance.

12.188 Following the receipt of this additional information, the Environment Agency withdrew their objection to the application. The Environment Agency have now recommended that a planning condition be imposed to control the detail of the drainage of the burial ground. It is considered that such a condition would meet the tests in the PPG and with this in place, Officers are content that the drainage of the burial ground will be satisfactory and there will be no pollution arising from the development.

Ecology and Trees

12.189 The western site is agricultural land, currently comprising three fields. These pasture fields contain scrub, hedgerows, trees and woodland which form field boundaries. Two ponds are also present within the application site boundary. The eastern site is currently predominantly a pasture field grazed on a rotational basis by sheep with a strip of broadleaved woodland on the western boundary along Hurstwood Lane and an area of woodland to the north. The site also contains an area of mixed woodland to the south-east.

12.190 To the northwest of the site is Anscombe Wood, which is classified as Ancient Replanted Woodland. Two areas of woodland present within the application site boundary along Hurstwood Lane known as 'Hursthouse Lane Wood' and within the north of the eastern site known as 'Asylum Wood' are listed on Natural England's Ancient Woodland Inventory as ancient & semi natural woodland (ASNW).

12.191 Policy DP37 in the District Plan states:

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

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

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

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

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

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

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

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

12.192 Paragraph 131 of the NPPF states:

'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined⁵⁰, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.'

Footnote 50: Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.

12.193 The application is supported by an Arboricultural Implications Report. A total of 457 individual trees, 33 groups of trees, six hedgerows and five areas of woodlands growing within or immediately adjacent to the site were surveyed. The survey notes that the arboricultural character of the site is mostly defined by the trees which line Hurstwood Lane, the trees around the balancing ponds and the areas of woodland to the north-east and east of the site. As these are the most visually prominent in the landscape and, as a whole, they make a significant contribution to the character and appearance of the site.

12.194 The Arboricultural Implications Report states that 38 individual trees and two groups of trees have been assessed as category 'U', being trees which are unsuitable for retention on the basis of them being in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years. There are 78 category 'A' trees and 162 category 'B' specimens. The remaining 179 trees are assessed as category 'C' trees, being either of low quality, very limited merit, only low landscape benefits, no material cultural or conservation value, or only limited or short-term potential; or young trees with trunk diameters below 150mm; or a combination of these. Of the groups of trees, hedges, and woodlands, two have been assessed as category 'A', sixteen as category 'B', twenty-four as category 'C' and the remaining two as category 'U'.

12.195 The Arboricultural Implications Report advises that whilst the application is in outline form and the exact number of trees to be removed would not be known until the reserved matters stage, it is expected that 44 individual trees would be required to be removed to facilitate the development. Of those trees, two (English oak no. 351 and holly tree no. 484) are category 'B', all others are category 'C' or 'U'. The report also notes that only six of the 44 trees to be removed are mature specimens of species of large size: all the other trees shown for removal in relation to the indicative masterplan, as young, semi-mature or of small ultimate size.

12.196 The English oak no. 351 is to be removed to accommodate the proposed access connection from Hurstwood Lane to the eastern development parcel. The applicants state that the removal of this Oak was unavoidable but it has allowed the layout to avoid impacts on the ancient woodland and its associated buffer and the four adjacent oaks.

12.197 The Tree Protection Plans submitted with the application show the locations of the proposed tree removals. In summary, trees would be removed at the access point to parcel 4, on the eastern side of the site adjacent to the internal access road, in the centre of the site near the access to parcel 2, on the western part of the site near to the existing pond and at the southern end of Hurstwood Lane by the access for the school.

12.198 Whilst the loss of trees is regrettable, this is not an absolute bar on development. In this case, given the location and quality of the trees that are to be removed, it is felt that visual amenity and character of the area will be retained. Hurstwood Lane would retain the character of being a tree lined lane. There would be no loss of Ancient Woodland.

12.199 The Arboricultural Implications Report also states that the scheme incorporates scope for considerable replacement planting, which will deliver a net increase in tree numbers and mitigate the tree removals.

12.200 The Arboricultural Implications Report also shows where indicative incursions into Root protection Areas (RPAs) are likely to take place. The applicants advise that there are 10 incursions where excavations within RPAs would be anticipated and 39 where the incursions would be mitigated through above soil surfacing.

12.201 It may be the case that some of these incursions can be avoided at the reserved matters stage through moving roads, footpath or buildings slightly from their indicative positions on the illustrative plans submitted with the outline application. Other techniques such as manual excavation or constructing above existing soil levels so no excavation within RPAs may be possible. It must be recognised that it may not be possible to avoid all incursions into RPA's and this would be a negative factor in the planning balance.

12.202 Overall, it is your Planning Officers view that the scheme is acceptable in relation to its impact on trees. Whilst trees will need to be removed to facilitate the development, the overall character of the area, which is strongly formed by the trees around the site, will be maintained. There is scope for new tree planting at the reserved matters stage and this can be controlled by a planning condition.

12.203 The proposed plans show that there would be a 15m buffer zone between the development on the eastern side of the site and the Ancient Woodland that runs alongside Hurstwood Lane. Whilst some objectors have referred to a much larger buffer of 50m being required, there is no basis in development plan policy for such a requirement. It is considered that a 15m buffer is acceptable and there are no objections from either the Councils Ecological Consultant or Natural England with regards to the buffer zone that is proposed. It is therefore considered that the evidence from the relevant consultees indicates that there would be no deterioration of Ancient Woodland as a result of the application.

Biodiversity

12.204 Policy DP38 in the District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- Promotes the restoration, management and expansion of priority habitats in the District; and*

• *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

12.205 Paragraph 174 of the NPPF sets out the ways planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 180 of the NPPF states:

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

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

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

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons 63 and a suitable compensation strategy exists; and

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

Footnote 63: For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

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

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

12.208 The Environmental Statement (ES) that accompanies the application contains a chapter on Biodiversity. The applicants have also submitted an updated Preliminary Ecological Appraisal Report. This information has been considered by the Councils Ecological Consultant.

12.209 There are no internationally designated nature conservation sites within 5km of the site boundary. There are no nationally designated sites within the site. There are a number of Local Nature Reserves (LNR) and Sites of Special Scientific Interest (SSSI) within 5km of the site. The nearest of these is Ashenground and Bolnore Woods LNR, some 850m away.

12.210 The site contains the non-statutory designated ancient woodland Asylum Wood and Hursthouse Lane Wood. A number of additional ancient and ancient replanted woodlands occur within 1 km of the site boundary. To the northwest of the site, next to parcel 3, is an area of translocated Ancient Woodland.

Site baseline

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

Habitats

12.212 The western site is agricultural land, currently comprising three fields, two of which were used for grazing sheep. These pasture fields contain scrub, hedgerows, trees, and woodland which form field boundaries. The eastern site is currently predominantly a pasture field grazed on a rotational basis by sheep with a strip of broadleaved woodland on the western boundary along Hurstwood Lane and an area of woodland to the north. The site also contains an area of mixed woodland to the south-east.

12.213 The Environmental Statement sets out that both the grassland areas within the eastern site and the hedgerows within the site are of Local importance. The hedgerows are described as being species poor.

12.214 The majority of habitats within the site are composed of widespread and common species. However, the two areas of woodland present within the site boundary along Hurstwood Lane known as 'Hursthouse Lane Wood' and within the north of the eastern site known as 'Asylum Wood' are listed on Natural England's Provisional Ancient Woodland Inventory. The site is also bordered to the north-west (Anscombe Wood) and east (known as 'Hurst Wood') by mixed woodland that is also listed on Natural England's Provisional Ancient Woodland Inventory. The parcel of land to the south of Anscombe Wood is an area of translocated ancient woodland where soils were removed from the land to the north when the relief road and housing were constructed and relocated to this area. This parcel of land is not classified as Ancient Woodland on Natural England's mapping system. The Environmental Statement notes that all the woodlands appear to be unmanaged and have a poor structure.

12.215 Two ponds are also present within the western site boundary. The southern pond is a concrete-sided disused reservoir. The northern pond which is located directly north of the southern pond in an area of broadleaved woodland is a large water body adjacent to the northern boundary and fed by woodland springs which originate from the broadleaved woodland north of the relief road. The Environmental Statement states that the ponds are of valued as being important within the Zone of Influence only, due to their poor state and limited potential to increase in ecological value over time.

12.216 Two watercourses are within the site: one drains southwards from Anscombe Wood and the other is in Asylum Wood. The watercourses offer limited resources for wildlife and are valued as being important within the Zone of Influence only.

12.217 It is important to highlight that the proposal does not result in the loss of any ancient woodland.

12.218 In support of the application, the applicant has set out the various ecological surveys that have been undertaken in the past at the site in the ES. An update to these surveys was carried out in April 2021 in the form of a Preliminary Ecological Appraisal (PEA).

Species

12.219 The survey work confirmed the presence of a number of widespread bat species, but no evidence of roosts within the site was recorded. There is suitable habitat within the site and the surrounding 1km radius to support populations of bat species. The Environmental Statement evaluated that bat species within the site as being of Local Importance.

12.220 Evidence of badger activity has been found within the Zone of Influence, which includes the site and surrounding woodland. Whilst they are legally protected by the Protection of Badgers Act 1992, badgers are widespread and common in southern England and not a species of conservation concern. As such the badger population is assessed as being of no more than Local Importance.

12.221 Previous surveys from 2014 found no presence of Hazel Dormice on the site, along with habitats being sub optimal. Subsequent walkover surveys in 2016 and 2021 corroborated these findings, assessing that habitats on site had not changed significantly since 2014, those results remained applicable. The applicants confirmed in September 2022 that it is still the case that Hazel Dormice populations are unlikely to result in any significant effects from the development.

12.222 The Environmental Statement records that surveys to assess the conservation status and importance of great crested newts were conducted in 2014 and 2016. Surveys included Habitat Suitability Indexes (HSI) and presence/absence surveys on 16 ponds and population class surveys on one pond. Results showed no presence of great crested newts. Conditions on site and within the Zone of Influence have not changed considerably since the undertaking of the surveys 2016 and so these results and assessments still remain valid.

12.223 Common lizards, slow-worms, and grass snakes were recorded in suitable habitat throughout the site in 2016 surveys of reptiles on the site. The reptile assemblage recorded at the site means that according to the Froglife's advice sheet, this area qualifies as a 'Key Reptile Site'. The Environmental Statement concludes that as there are numerous records for the three reptile species recorded within the local area, the reptile assemblage is considered to be of no more than Local Importance. The Environmental Statement advises that conditions on site and within the Zone of Influence have not changed considerably since the undertaking of the surveys 2016 and so these results and assessments still remain valid.

12.224 Breeding bird surveys were conducted on the site in 2014 and 2016. Overall, the breeding bird assemblage within the Zone of Influence is made up of largely common and widespread species, with species of heightened conservation importance present in low numbers. Breeding birds are confined to the hedgerows and wooded areas with no evidence of ground-nesting birds seen in the grassland fields. Due to the abundance of suitable nesting and foraging habitat both within the Site and Zone of Influence the site and the Zone of Influence is assessed as having a breeding bird assemblage of Local Importance. The Environmental Statement advises that conditions on site and within the Zone of Influence have not changed considerably since the undertaking of the surveys 2016 and so these results and assessments still remain valid.

12.225 The ES sets out the likely impact of the development during the construction phase on habitats and species at the site. It then goes on to consider that potential effects and mitigation required during the operational phase of the development.

Avoidance, Mitigation and Enhancement Measures

12.226 The development will result in the felling of trees to access the eastern side of the site. Without mitigation, the ES notes that this loss of non ancient woodland would result in permanent minor significant adverse effect at a Local level. The ES outlines that the trees to be felled will be replaced through planting of new trees on a like-for-like basis or on a greater extent to match those species to be removed, together with under storey planting, with management controlled by a Biodiversity Management Plan. The ES states that with full implementation of the compensation and management measures outlined above that there is likely to be negligible residual adverse effect on Hursthouse Lane Wood.

12.227 In relation woodland, the ES notes that there is potential for adverse effects from recreational usage of Anscombe Wood (Ancient Woodland), Hursthouse Lane Wood and Asylum Wood (Ancient Woodland) due to their proximity to the developed land allocated for residential dwellings and a primary school within the site. The ES states that potential negative effects from recreation will be avoided and mitigated through the provision of Open Space areas for public recreational use throughout the site which will act to draw people away from using Anscombe Wood, Hursthouse Lane Wood and Asylum Wood. Following the introduction of these measures the ES concludes that there would be an insignificant residual impact in relation to recreation.

12.228 The proposed pedestrian/cycle link from parcel 3 would go through the area of land where soils have been translocated from where the relief road and housing to the north were constructed. This pedestrian/cycle link would utilise the existing maintenance track that runs parallel to the relief road. The proposed pedestrian/cycle link would then pass to the east of a pond in the area of translocated soils, next to an area of Ancient Woodland. There is already a well-worn path to the east of this pond. At this point a short section of the pedestrian/cycle route would be within the 15m buffer zone of the ancient woodland to the east. The Councils Ecological Consultant has advised that a hard surface for this route would not be appropriate, as paths can cause additional harm by impacting tree roots and tree stability, causing runoff from the path into woodland, and may open up woodland to other recreational activity. The Councils Ecological Consultant has advised that *'we would support a minimal impact pedestrian/cycle route using materials and guidance in the document 'The use of Cellular Confinement Systems Near Trees: A Guide to Good Practice' (Arboricultural Association, September 2020). We recommend that an Arboricultural consultant prepares an Arboricultural Method Statement for construction of a minimal impact pedestrian/cycle which should be secured by a condition of any consent. In addition, lighting must be assessed by a suitably qualified ecologist to ensure that it does not impact on nocturnal species within the woodland, such as bats and hedgehogs'* and the Councils Ecological Consultant that subject to detail regarding the methods and materials, the track can be made suitable for pedestrians and cyclists without causing loss or deterioration to the

ancient woodland. In light of these comments, it is considered that there is no conflict with policy DP38 or the guidance in the NPPF in respect of ancient woodland. Planning conditions can be used to control the surfacing of the pedestrian/cycle path and the boundary fencing around it.

12.229 In relation to hedgerow and boundary habitats, the ES advises that the potential negative effects from recreation on hedgerow will be mitigated by providing open space areas within the site designed for public recreation. Following the implementation of these mitigation measures, the ES advises there will be an insignificant residual effect on hedgerow and boundary habitats.

12.230 In relation to bats, the ES predicts a negligible beneficial effect through additional planting to increase habitat diversity. With a lighting strategy in place, the ES states that there would be an insignificant residual effect on the bat assemblage from lighting during the operational phase.

12.231 The ES states that in relation to reptiles within the retained areas of suitable reptile habitat (largely within the eastern site), they will potentially be subjected to a negative effect through disturbance by members of the public and dogs. With mitigation (new footpath networks within the open space and fencing to provide a buffer to reptile habitat) the ES states there will be no significant residual adverse effect on reptiles in the operational phase.

12.232 The ES states that in relation to breeding birds, they are likely to be subject to increased levels of disturbance from human activity, traffic movements and resultant noise, due to the proximity of housing to habitats used by birds for nesting and foraging, and the number of domestic pets is likely to increase with a resultant increase in disturbance from dogs and predation by cats. Mitigation will include the creation of areas of open space, including new planting. In addition the management measures proposed are likely to boost the population of invertebrates, which will benefit birds that feed on invertebrates. The ES concludes that following mitigation there will be no significant residual negative effect on the breeding bird assemblage during the operational phase in relation to disturbance and predation.

12.233 The ES notes that there is a population of badgers within the site and surrounding woodland. It is possible that works and access tracks will fall within 30m of a badger sett and Natural England will be consulted to determine whether a licence to close the setts is required. The ES states that the creation of open spaces and linear commuting habitats, such as hedgerows, will mitigate and compensate the loss of habitat from the site. The ES concludes that there is likely to be a no significant residual negative effect on badgers following the implementation of mitigation measures.

12.234 Policy DP38 in the DP seeks to protect existing biodiversity so that there is no net loss of biodiversity. The ES states *'It is considered that habitat creation within the Open Space areas and subsequent management of existing and newly created habitats in the Site will have a positive effect on wildlife including bats, birds, reptiles, and invertebrates within the Zone of Influence. Woodland edge, hedgerow, tree, and scrub planting together with diversification of grassland and the creation of a new pond will provide additional foraging habitat through an increase in prey diversity and availability within the area for a range of species.'*

12.235 The comments of the Councils Ecological Consultant are set out in full in the appendix. The Councils Consultant concludes that *'We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act*

2006.’ The Councils Ecological Consultant recommends that the mitigation measures set out in the ES should be secured, along with enhancement measures secured in a long term Landscape and Ecological Management Plan (LEMP) and a wildlife friendly lighting strategy. The Councils Ecological Consultant has not raised any objection to the application, subject to a number of planning conditions.

12.236 With regards to the pedestrian/cycle link from parcel 3, it is recognised that this will pass through an area of land that is designated as ancient woodland (the existing access track that runs parallel to the relief road). As this track already exists and there is a clear boundary between the track and Anscombe Wood, it is not considered that this would cause harm to this area of ancient woodland. There would be no access from this pedestrian/cycle link into Anscombe Wood. Where the pedestrian/cycle link will pass to the east of the existing pond it is likely to be within the 15m buffer zone for a finger of ancient woodland to the east. It is considered that the detail of the surfacing of this access route can be controlled by a planning condition to avoid harm to the ancient woodland. The Councils Ecological Consultant has stated that *‘we would support a minimal impact pedestrian/cycle route using materials and guidance in the document ‘The use of Cellular Confinement Systems Near Trees: A Guide to Good Practice’ (Arboricultural Association, September 2020). We recommend that an Arboricultural consultant prepares an Arboricultural Method Statement for construction of a minimal impact pedestrian/cycle which should be secured by a condition of any consent.’*

12.237 The full details of the green infrastructure within the site will come forward in the subsequent reserved matters application. However, the Landscape and Green Infrastructure parameter plan submitted with the application show areas of open space in the centre of the site inbetween parcels 2 and 3, to the south of parcel 1 and the large area of open space to the east side of the site. It is therefore considered that the outline parameter plan has demonstrated that policy E6 in the HHNP can be met.

12.238 In respect of biodiversity, the Councils Ecological Consultant has stated *‘...reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to slab level.’* Your Planning Officer has no reason to disagree with the assessment of the application that has been made by the Councils Ecological Consultant.

12.239 With regards to bio diversity net gain (BNG), unlike sites that are allocated for development in the Site Allocations DPD where there is a policy requirement for BNG, as this site is allocated for development in the HHNP, there is not a policy requirement under Mid Sussex District Councils policy for BNG as part of this planning application. However, the applicants have advised that they have an aspiration to deliver 10% BNG. As Members will know, BNG can be delivered on site, off site, by way of purchasing statutory credits or a combination of these methods. This is Government policy as explained in the PPG.

12.240 The LPA has used a planning condition to require the details of BNG on other schemes that have been approved within the District. It is considered that this would be an appropriate way to secure BNG in this case. When the details for the reserved matters are submitted, the applicants will then be in a position to establish exactly what can be delivered on site in terms of BNG and what may need to be provided off site.

12.241 The concerns raised by third parties during the consultation period regarding the impact on biodiversity within the site are noted. Planning officers are satisfied however that, in light of the submissions and commitments from the applicant, coupled with the support subject to conditions provided by the Council’s consultees, the proposal will be able to provide biodiversity net gains. The detailed conditions attached to this consent in Appendix A and the consideration of future reserved matters applications, will achieve this.

12.242 In respect of cumulative impacts, chapter 15 of the ES sets out that this development has been considered in combination with the schemes at Rookery Farm Rocky Lane (DM/16/4496), Land to the south of Scamps Hill (DM/15/4457), The Rosery, Valebridge Road (DM/5511), Gamblemead, Fox Hill (DM/17/0331 & DM/19/2764), South of Rocky Lane (DM/16/1312), 37-55 Perrymout Road (DM/18/4837), 41-43 Boltro Road (DM/20/3516) and Greenhill Way (LW/16/0057).

12.243 In the construction phase, the ES notes that no effects of minor, moderate or major significance identified on biodiversity within the site and surrounding area. In the operational phase of the development, the ES also notes no effects of minor, moderate or major significance identified on biodiversity.

12.244 In line with good practice a Construction Environment Management Plan (CEMP) will be used to minimise the effects of construction activities. An ecological enhancement plan and a landscape management plan will be secured through appropriately worded conditions as suggested in appendix A. In light of all the above, it is considered that the application complies with policy DP38 in the DP and policy E6 in the HHNP.

Drainage

12.245 Policy DP41 in the states:

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

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

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

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

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

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

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

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

Policy E7 in the HHNP has similar aims.

12.246 Paragraphs 167 and of the NPPF state:

'167 When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁵⁵. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'*

Footnote 55: A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

'169 Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits.'*

12.247 The application is accompanied by a Flood Risk Assessment (FRA) and an outline drainage strategy. This outlines the existing conditions at the site and sets out the drainage strategy for surface and foul water.

12.248 During the course of the application, the Councils Drainage Engineer has requested further information from the applicants and this has been provided in an updated FRA.

12.249 Within the site there are two ponds/basins within the western side of the site. These are referred to in the FRA as the central and southern pond. Outside the site, there is a pond adjacent to the A272, referred to in the FRA as the northern pond and a further smaller pond to the west, referred to in the FRA as the northwest pond. There is also a pond within the Hurstwood Grange Estate.

12.250 As this is an outline planning application, with the principle of development and the means of access to be established at this stage, it is not necessary for there to be a fully

worked up drainage scheme for the site at this stage. It is necessary for it to be demonstrated that in principle, the site is capable of being satisfactorily drained, without causing a risk of flooding off site.

Flood Risk

12.251 The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). Parts of the site is shown to be at high surface water flood risk (the equivalent of flood zone 3b), with larger parts of the site being at medium surface water flood risk (the equivalent of flood zone 3a). This flooding appears to be in the form of flow paths. The Councils Drainage Engineer has stated that there is a balancing pond positioned in higher elevation and north of the site, serving the A272. An exceedance and breach of this structure poses a flood risk to the site, this, and how such flood risks are mitigated on site, will need to be considered. The FRA advises that the probability of groundwater and sewer flooding are low and negligible respectively.

12.252 The FRA advises that potential surface water flooding has been identified to take place along the natural flow paths that run through the site. It is proposed for Sustainable Drainage System (SuDS) features to link into this flow path and therefore reduce the risk of flooding from this source. With regards to the north pond outside of the site, adjacent to the A272, the FRA states that is proposed to build a flood wall/retaining wall along the northern boundary of parcel 2 (south of the north pond that serves the bypass road) to divert flood water to the central pond and south pond in the event of breach of the embankment.

12.253 The applicants have responded to the Councils Drainage Engineer regarding the flow route of water from the Hurstwood Grange pond. The applicants advise that as part of the reserved matters application this area will be modelled in detail to confirm this flood route, and therefore this route can be embedded into a green corridor and that the size of this overland flow route and any proposed attenuations adjacent to the corridor will be designed to accommodate the overland flow route.

12.254 The Councils Drainage Engineer has not raised an objection to the application in relation to flood risk. The final details of the flood risk and drainage features will come through at the reserved matters stage when the layout of the site will be determined. A planning condition can ensure that these details are provided.

Surface Water

12.255 The FRA sets out how it is intended that the residential parcels of land, school site and burial ground are intended to be drained. Residential parcel 1 will have a mixture of ponds and underground attenuation. Residential parcel 2 will utilise ponds, underground storage and SuDS features. Residential parcel 3 will also use ponds and other SuDS features. Surface water would eventually be discharged into the Pellingford Brook. On residential parcel 4, a pond will be used with the remaining surface water using SuDS features, with the pond discharging to the existing flow path to the east. For the school site it is proposed to include above ground SuDS features including raingardens, permeable paving and swales.

12.256 For the burial ground, the FRA advises that runoff is to be collected into raingardens throughout the burial ground and channelled via filter drains to discharge into the 2m wide swale along the road to minimise the surface water runoffs and water logging across the burial ground.

12.257 The Councils Drainage Engineer has stated '*...the principle of suitable drainage and the management of flood risk has been achieved. Therefore, detailed drainage matters can be managed under Reserved Matters and Condition.*' He goes on to state '*Under reserved matters, the MSDC Flood risk and Drainage team expect to see a finalised site layout that*

incorporates and appreciates the proposed SuDS system and exceedance flow routes. It is expected that a brief technical note will be submitted to supplement the layout which describes how the layout has been considered in parallel with the SuDS system and any exceedance routes. For example, we expect the technical note to contain plans and descriptions of maintenance strips for watercourse culverts, the northern pond exceedance diversion, swale and watercourse maintenance buffers, all shared SuDS features to be maintained only within publicly accessible areas. These expected items are not exclusive, and we may ask for further information.'

12.258 It is considered that the applicants have demonstrated that as a matter of principle, the site can be satisfactorily drained, to comply with the requirements of policy DP41 in the DP and policy E7 in the HHNP. Planning conditions can be used to secure final details, implementation and future management/maintenance of the system, which would come through at the reserved matters stage.

Foul Drainage

12.259 It is proposed that foul water flow would through new sewers running through the parcels and into a new foul sewer along Hurstwood Lane. It is proposed that this new foul sewer connect into existing southern water assets and follow existing foul routes offsite.

12.260 Southern Water have stated '*Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.*' Subject to the imposition of such a condition it is considered that the foul drainage from the site will be satisfactory.

Water Supply

12.261 Policy DP42 states in part that proposals that increase the demand for off site service infrastructure will be permitted where the applicant can demonstrate that there is adequate water supply to serve the development. The applicants have provided a Utility Statement with their application, where South East Water state '*...the additional demand cannot be accommodated without off-site reinforcement. To maintain levels of service in the network and on-site it will be necessary for the Company to undertake additional reinforcement work prior to the site connection works taking place.*' South East Water provide details of the estimated cost of reinforcing the network to connect the site to the network.

12.262 Subject to off site reinforcement, South East Water will provide a water supply to the site. The off site reinforcement falls under legislation that sits outside planning, and is a matter between the applicant and the water supplier to ensure that is provided within the appropriate timescale.

12.263 Having regard to all the above points, it is considered that the application complies with policies DP41 and DP42 of the DP.

Infrastructure

12.264 Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

12.265 The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

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

12.265 The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 55 and 57 which state:

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

and:

'57 Planning obligations must only be sought where they meet all of the following

tests:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.'*

12.266 These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).

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

West Sussex County Council Infrastructure Requirements:

Primary Education. The County Council have advised they will require a pro-rata share of the £2.1 million estimated cost of providing a 52 place nursery facility on site, based on the provision of 375 dwellings (£525,000).

The County Council will require a pro-rata share of the £10.6 million estimated cost of providing a 2FTE primary school (£2,650,000).

The County Council will require a pro-rata share of the £0.9 million estimated cost of providing a 16 place Special Support Centre for children with special educational needs and disabilities at the new primary school (£225,000).

Secondary Education. A financial contribution will be required based on a formula.

In addition, an allowance for land of c. 2.2Ha will be required to create a full 2FE primary, with nursery and Special Support Centre, with a financial deduction based on the additional land over and above the minimum requirement for a 1FE expandable to 2FE school as triggered from 375 dwellings.

Sixth Form Education. A financial contribution will be required based on a formula.

Libraries. A financial contribution will be required based on a formula.

Total Access Demand. A financial contribution will be required based on a formula. To go towards public realm improvements to South Road and/or Sussex Road as set out within the Haywards Heath Town Centre Masterplan Supplementary Planning Document.

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

Sussex Police

Sussex Police have advised that they require a contribution of £70,289 towards police infrastructure.

West Sussex Clinical Commissioning Group

The West Sussex Clinical Commissioning Group have advised that they require a contribution of £575,534 towards NHS infrastructure

Sport England

Sport England have referred to a contribution of £376,902 being required. It should be noted that the contributions towards sports infrastructure will be calculated under the Councils formula in the Infrastructure DPD as set out below.

Mid Sussex District Council

Formal sport. A financial contribution of £459,286 is required toward formal sport facilities at St Francis Sports Ground and / or Whitemans Green and / or Tim Farmer Recreation Ground and / or Victoria Park and/or Hanbury Stadium which all cater for Haywards Heath residents.

Community buildings. A financial contribution of £263,414 is required to make improvements to the Barn Cottage pavilion and / or the new community hall, and / or the Woodside, and / or Ashenground Community Centre and / or new or improved community facilities at Clair Hall.

Local Community infrastructure. A financial contribution will be required based on a formula to go towards the allotments, burial ground and country open park.

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

12.269 It should be noted that as this is an outline planning application, whilst various consultees have referred to specific figures in their consultation responses, the final figures will differ slightly depending on the mix of dwellings that comes forward in the subsequent reserved matters. The figures will be calculated based on a formula. It is considered that the above infrastructure obligations would meet policy requirements and statutory tests contained in the CIL Regulations. There is a requirement under policy H1 in the HHNP for a new school and the legal agreement will secure the land required for this and contributions towards its delivery.

12.270 The additional population from this development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. As Members will know, developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

12.271 Subject to the signing of a satisfactory s106 Legal Agreement, the proposal accords with policies DP20, DP23 and DP31 of the Mid Sussex District Plan 2014-2031, the relevant SPDs, Regulation 122 and guidance in the NPPF.

Ashdown Forest

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

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

12.274 A Habitats Regulations Assessment has been undertaken for the proposed development.

Recreational disturbance

12.275 Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

12.276 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

12.277 The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

12.278 Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

12.279 The proposed development was modelled in the Mid Sussex Transport Study as a development allocated through the HHNP such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

12.280 The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

12.281 No mitigation is required in relation to the Ashdown Forest SPA or SAC.

12.282 A full HRA (that is, the appropriate assessment stage that ascertains the effect on the integrity of the European site) of the proposed development is not required.

Archaeological matters

12.283 The application site is extensive and should therefore be considered to have enhanced potential for containing known and previously unknown below ground heritage assets. Chapter 11 of the ES deals with the potential impact on Archaeology and Heritage. The ES notes the potential for remains from differing periods (prehistoric, Roman, medieval and post medieval). The ES notes that with mitigation in place, the residual effects of these possible remains is likely to be negligible and not significant.

12.284 The Councils Archaeological Consultant agrees that the proposed development lies in an area with a high potential for archaeological remains, ranging in date from the Prehistoric to the post-medieval period. The Councils Archaeological Consultant has recommended that planning conditions be imposed to require details of a programme of archaeological evaluation and appropriate field work to take place before development commences. With such a condition in place the application complies with policy DP34 of the District Plan.

Other Issues

Loss of agricultural land

12.285 It is acknowledged that the proposal will result in the loss of agricultural land. Agricultural land in England and Wales is graded between 1 and 5, depending on the extent to which physical or chemical characteristics impose long-term limitations on agricultural use. Land which is classified as Grades 1, 2 and 3a in the ALC system is defined as best and most versatile (BMV) agricultural land. The applicants have provided information that shows the 45% of the land is classified as grade 2 and 3a.

12.286 Paragraph 174 of the NPPF states in part that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;'

12.287 The land on the western side of Hurstwood Lane is classified as being within the built up area of Haywards Heath as defined in the District Plan and is allocated for development in the HHNP. Part of the eastern side of the site is allocated for non agricultural uses in the HHNP. It is considered that in light of this policy position and given the overriding need for the housing within the development, the loss of the agricultural land is outweighed by the benefits.

Land ownership

12.288 Concerns have been raised that because the District Council were the previous landowners of part of the site and have sold the land to Homes England, the District Council cannot make a fair and unbiased decision about the planning application. The Town and Country Planning Act 1990 sets out that as the Local Planning Authority, the District Council is required to determine planning applications made within their area. In accordance with planning law, the application must be determined in accordance with the development plan, unless material planning considerations indicate otherwise. The fact that the District Council was previously a landowner is not a material planning consideration and the application should be assessed in accordance with planning law.

Open space

12.289 Concerns have been raised about the loss of open space at the site as a result of the development. Policy DP24 in the DP states in part:

‘Proposals that involve the loss of cultural facilities, open space, sports and recreational buildings and land, including playing fields, will not be supported unless:

- *an assessment has been undertaken which has clearly shown the cultural facility, open space, sports land or recreational building to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.’*

12.290 In this case it is considered important to note that the majority of the application site has been allocated for development in the HHNP. As such, the principle of changing what is an undeveloped site into a housing development has been accepted. It is also important to note that there are no public rights of way through the site and therefore no right of access to it. It is acknowledged that an area that is designated as being in the countryside in the DP in the north-eastern corner of the site would change from being an open field to a housing development. It is your Planning Officers view that the loss of this area of open space, which provides a visual amenity to the existing properties to the north, is so harmful as to justify withholding planning permission on this ground.

12.291 The proposal does provide for an area of open space on the eastern side of the site, which would provide an amenity to existing and future residents around the site. This would be secured in the legal agreement and it is intended that this will be offered to Haywards Heath Town Council to manage.

12.292 Policy L3 in the HHNP states that *‘Land is allocated as open space to provide a landscape setting to the proposed Allotments and Cemetery as shown on figure 4 and in housing policy H1 and to safeguard the rural setting of the Town.’* This area of land is outside of the site of this planning application so there is no conflict with this policy as the planning application does not affect this policy allocation.

Human Rights

12.293 Objectors have raised concerns about the impact on their human rights. Article 8 of the European Convention on Human Rights (as incorporated into national law through the Human Rights Act 1998) provides for a right to private and family life, and Article 1 of the First Protocol provides for the protection of property. It is considered that any interference with the enjoyment of private or family life, or of property, is necessary and proportionate to deliver the benefits of the proposed development as described above. The necessary balancing exercise is struck through the planning system.

13.0 PLANNING BALANCE AND CONCLUSION

13.1 Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

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

13.3 The NPPF states that planning should be genuinely plan-led. The Council has an up to date District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

13.4 The planning application is in outline form with only the means of access to be determined at the outline stage. The purpose of the application is to establish the principle of the development and to demonstrate that this amount of development can be accommodated within the site and that the proposed access to the development is satisfactory. The parameter plans that have been submitted are to inform what the proposed development will comprise in the different parcels within the site. The plans that are submitted with the application showing the internal layout of the roads and buildings within the site are for illustrative purposes to help to demonstrate that this amount of development could be accommodated within the site.

13.5 If outline consent is granted, subsequent reserved matters application/s will need to be submitted for the details of the proposal (the appearance, landscaping, layout and scale). It will be at this stage that detailed matters, (for example, the impact of the submitted layout on neighbouring properties, an assessment of the design quality of the layout and an assessment of the means of drainage) will need to be assessed.

13.6 The majority of the site is allocated for a mixed use development for approximately 350 additional homes, the retention of existing employment on the site, the provision of a new school, together with informal open space to include a burial ground and allotments under policy H1 in the HHNP. This application seeks consent for up to 375 dwellings. It is considered that this number of proposed dwellings complies with the above policy, which does not set a cap of 350 dwellings. The figure of 375 dwellings is only 7% more than 350 and therefore in numerical terms this is considered to be acceptable.

13.7 However, it is acknowledged that there is a departure from policy H1 in the HHNP by virtue of the fact that residential development is also proposed on the east side of Hurstwood Lane. This area is not allocated for residential development in the HHNP and is shown as being within the countryside in the DP. The map in the HHNP showing the site of policy H1 indicates that it is the land to the west of Hurstwood Lane that is allocated for residential development, with land to the east of Hurstwood Lane allocated for the burial ground, allotments and an open space.

13.8 The number of houses shown on the illustrative plan on the east side of Hurstwood Lane is approximately 76, with approximately 12 of those shown as being within the administrative boundary of Lewes DC. Given this fact, it is not considered that the proposal can be said to be in full accordance with the development plan. There is a departure from the development plan, and it is necessary to consider whether there are material planning considerations that justify a recommendation to grant planning permission for this development, which is not in full conformity with the development plan.

13.9 The proposed development would result in the delivery of up to 375 dwellings, including a policy compliant number of affordable units, on a site, where the majority of the site is allocated for residential, where it is required to support the delivery of the district housing needs up to 2031. The scheme would also bring economic benefits, including additional council tax. These are all matters that are considered to have significant positive weight in the planning balance.

13.10 It has been identified that the proposals would lead to less than substantial harm to the setting of Hurst House (a Grade II* listed building) and Hurst Barn and Midfield Cottage (both Grade II listed buildings), which carries 'considerable importance and weight' in accordance with s.66(1) of the Listed Building and Conservation Area (LBCA) Act 1990. As such there is a conflict with policy DP34 in the DP in relation to this matter.

13.11 The guidance in paragraph 202 of the NPPF is that the harm should be weighed against the proposal's public benefits. It is considered that the significant public benefits of the scheme (provision of new housing, including affordable housing, provision of a burial ground, allotments, country open space and a school on a site, the majority of which has been allocated for such development in the NNHP, the economic benefits including construction jobs, additional spending in the locality) do outweigh the less than substantial harm to the setting of the heritage asset in this instance.

13.12 It should also be recognised that the land on the west side of Hurstwood Lane is allocated in the HHNP for a major residential development. It is an inevitable consequence of this allocation, which is in a made Neighbourhood Plan, that the settings of the three listed buildings referred to in this report would be impacted as a result of a green field being developed for a major housing scheme.

13.13 It is your Planning Officers view that the scheme is acceptable in relation to its landscape impact. The majority of the site is allocated for development and therefore the principle of a significant change from a green field site to a housing development has been accepted at the plan making stage, together with the consequent landscape impact. Whilst there will be development to the east of Hurstwood Lane on land designated as being within the countryside, it is important to recognise the existing development around the site. There is a relatively new housing development to the northeast that projects further eastwards than the site of this planning application. The new houses proposed in this development would be seen against the backdrop of the existing well established housing to the north at Birch Way and Greenhill Park. The existing tree belt on the eastern side of Hurstwood Lane would be retained so the development on the eastern side of Hurstwood Lane should not appear unduly prominent from the road. In light of this it is considered that whilst there would be a significant change at the site itself by virtue of new development taking place on a green field site, the wider character of this part of the countryside would be retained and the development would be assimilated into this part of Haywards Heath.

13.14 As outlined above, the internal layout of the development and the design of buildings within the site is not a matter before the LPA to be assessed at the outline stage. It is considered that the applicants have demonstrated that as a matter of principle that this level of development could be accommodated on the site. At the reserved matters stage, the layout of the site and the design of the proposed buildings would be submitted and

assessed. There are no reasons to conclude that a satisfactory layout and appropriately designed buildings could not be brought forward at the reserved matters stage.

13.15 The scheme will provide a policy compliant level of affordable housing. The final mix of housing will be determined at the reserved matters stage, but again, there are no reasons why a scheme with an appropriate mix of housing cannot come forward at the reserved matters stage.

13.16 It is acknowledged that the proposal would result in a significant change in the character of the site, as it would change from a greenfield site to a housing development. This would result in a permanent and noticeable change for those residents that adjoin the site. In respect of the housing development on the west side of Hurstwood Lane, the change to the outlook for existing residents is the inevitable consequence of the site being allocated for residential development. As such, it is felt that little weight can be attached to this issue. With regards to the eastern side of the site, it is acknowledged that this area is not allocated for residential development. As such, greater weight can be attached to the change that existing residents would experience in relation to the change in the character of the area. However, it is well established that there is no right to a view under planning legislation. Simply being able to see a development does not automatically equate to planning harm. It is not felt that the proposed development on the eastern side of Hurstwood Lane would be dominant or overbearing so as to cause significant harm to the existing residents adjoining the site.

13.17 In relation to highway matters, the LHA have not raised any objection to the proposals. While it has been identified that the proposed development will have an impact on some junctions within the wider highway network, in terms of additional queuing and delays, it is not considered that the impact will be severe, either individually or cumulatively. It is acknowledged that there is a strong preference from the Town Council, for the Hurstwood Lane/Fox Hill junction to be signalised and if this is not done, the Town Council object to the scheme. The applicants have not proposed that this junction is signalised and have set out their reasons for this. The LPA must assess what has been submitted.

13.18 It is your Planning Officers view that significant weight should be afforded to the views of the LHA in relation to highway matters, including their view that it is not necessary for the Hurstwood Lane/Fox Hill junction to be signalised.

13.19 The development proposed a number of off site improvement works to various junctions and proposes three new signalised pedestrian crossing points (two on Rocky Lane and one on Fox Hill). The development would also have a Travel Plan to promote more sustainable transport choices for both the residential element of the scheme and the new school. The scheme would also require a Traffic Regulation Order (TRO) to close a section of Hurstwood Lane so that it was no longer a through road. The level of car parking within the development would be determined at the reserved matters stage when the layout of the site will be submitted.

13.20 The proposed development will not have an adverse impact in respect of air quality. A planning condition can be imposed to secure the required mitigation measures.

13.21 It is considered that planning conditions can be imposed regarding potential contamination of the site to ensure that the site is made suitable for its future use.

13.22 In respect of trees, there would be a requirement to remove approximately 44 individual trees to facilitate the development. Of those trees, two (English oak no. 351 and holly tree no. 484) are category 'B', all others are category 'C' or 'U'. The report also notes that only six of the 44 trees to be removed are mature specimens of species of large size. Whilst the loss of trees is regrettable, there is scope for new tree planting, the detail of which

would come through at the reserved matters stage. Given the location and quality of the trees that are to be removed, it is felt that visual amenity and character of the area will be retained. Hurstwood Lane would retain the character of being a tree lined lane. There would be no loss of Ancient Woodland.

13.23 In relation to ecology and biodiversity, it is considered that with appropriate conditions the development will have an acceptable impact in relation to the habitats and species on the site. Policy DP38 in the DP seeks to avoid a net loss of biodiversity. There is no policy requirement for a 10% gain in biodiversity on this site. However, the applicants have indicated an aspiration to achieve a 10% BNG. The details of what level of BNG and how this can be achieved, will be controlled through a planning condition. Subject to the securing of appropriate measures through planning conditions and/or a Section 106 Planning Agreement, it is considered that such matters will enable the Council to demonstrate compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Furthermore, officers are satisfied that the proposal, in the main, complies with policy DP38 of the DP and the relevant sections of the NPPF.

13.24 The Council's Drainage Engineer is satisfied that as a matter of principle, the site can be satisfactorily drained. The detailed design of the drainage scheme for the site would come forward with the reserved matters application as this is when the layout of the site (including buildings and SuDs features) will be determined.

13.25 A legal agreement will be required to secure the provision of various infrastructure payments to mitigate the impact of the development. It is acknowledged that there are concerns about existing infrastructure provision. However, developers are only required to mitigate the impact of their development and it is only lawful for the LPA to require infrastructure contributions on this basis. Subject to the completion of a legal agreement to secure the required infrastructure contributions to mitigate the impact of the development, policy DP20 of the DP will be met.

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

13.27 Weighing against the application, there is a conflict with the development plan as the proposal involves development on a parcel of land that is classified as being within the countryside in the District plan and this area is not allocated for development. The development of this area of land will result in a significant change at the local level as the land would change from being a green field to a housing development. However for the reasons outlined in this report, it is your Planning Officers view that the wider character of this part of Haywards Heath and its surrounds would be retained and the development of houses on the east side of Hurstwood Lane would be assimilated into the existing housing developments to the north and east.

13.28 In conclusion, it is your Planning Officers view that because of the proposed housing on the east side of Hurstwood Lane, there is a conflict with policies DP12 and DP15 in the DP. Whilst this is a minority of the housing proposed, on balance, it is considered that because of this conflict, the proposal does not comply with the development plan when read as a whole. However, the majority of the development is on land that is allocated for development in the HHNP.

13.29 Whilst it is for the decision maker to consider the weight that should be attached to these issues, individually and collectively, it is your Planning Officers view that the benefits of this development, as highlighted within the report, significantly outweigh the adverse impacts, which will in any event be mitigated for as far as possible. It is therefore considered

that because the majority of the site is allocated for development, and even with the housing on the east side of Hurstwood Lane, the overall character of the area will be maintained, and the scheme proposes a substantial area of public open space, that there are material planning considerations that indicate that planning permission should be granted.

13.30 It is therefore recommended that planning permission be granted for this development subject to the conditions set out in Appendix A and to the completion of a satisfactory s106 Legal Agreement.

APPENDIX A – RECOMMENDED CONDITIONS

1. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

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

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

2. In all aspects the reserved matter submissions shall be broadly in conformity with submitted parameters plan drawing (drawing nos C5116_0000-01 Rev G, C5116_0000-02 Rev F, C5116_0000-03 Rev D, C5116_0000-07 Rev D)

Reason: In the interest of appearance, character and amenity of the area to accord with policy DP26 of the District Plan and policy H1 of the Neighbourhood Plan.

Pre commencement

3. No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved phasing plan.

Reason: In the interests of managing the implementation of the development and to comply with policies DP21 and DP26 of the Mid Sussex District Plan.

4. Prior to any works commencing (including site clearance/preparation and/or demolition), a construction management plan shall be submitted to and be approved in writing by the Local Planning Authority after consultation with WSCC. The submitted construction management plan shall address all elements of the proposed development but may be submitted in stages reflecting the developments phasing in accordance with condition 3. Thereafter the applicant and contractors

shall complete the works in accordance with the approved plan throughout the construction period in order to minimise disturbance during demolition and construction and will include details of the following information for approval:

- a) the phased programme of construction works;
- b) the means of access and road routing for all construction traffic associated with the development;
- c) details of a scheme for the monitoring of noise, dust and vibration (including any piling) in accordance with the appropriate British Standard (BS). The report on the assessment made under the BS shall include estimated values of LAeq and show all calculations;
- d) provision of wheel washing facilities and details of their operation and location;
- e) construction work including delivery times;
- f) details of a means of suppressing dust arising from the development and site boundary fencing;
- g) details of all proposed external lighting to be used during construction;
- h) details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- i) details of areas to be used for the storage of plant and materials associated with the developments;
- k) details of the temporary construction site enclosure to be used throughout the course of construction;
- l) details of any construction accesses to be used;
- m) details of the appropriate public consultation that will be required;
- n) details of scheme to protect residential properties from the noise sources during construction

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy H1 of the Neighbourhood Plan

5. No development shall commence until a delivery schedule for the proposed highway works has been submitted and approved in writing by the Local Planning Authority. The delivery schedule shall define a clear trigger for the provision of the related scheme of highway works. The delivery schedule shall include the following approved highway works,
 - Old Farm Close/A272 Proposed Signalised Junction, drawings 70081355-WSP-XX-XX-DR-CV-0003 Revision P04 and 70081355-WSP-XX-XX-DR-CV-0004 Revision P04
 - Fox Hill Proposed Pedestrian Crossing, drawing 70081355-WSP-XX-XX-DR-CV-0007 Revision P04
 - Southern Site Access and Footway Provision, drawing 70081355-WSP-XX-XX-DR-CV-0002 Revision P03
 - A272 Rocky Lane/Lewes Road Haywards Heath Proposed Toucan Crossing, drawing 70081355-WSP-XX-XX-DR-CV-0005 Revision P03
 - Proposed A272 Rocky Lane/B2112 Fox Hill/Wivelsfield Road Roundabout Improvement, drawing 70081355-WSP-XX-XX-DR-CV-0006 Revision P03

- Hurstwood Grange and Central Access Junction Forward Visibility, drawing 70081355-WSP-XX-XX-DR-CV-0061 Revision P01
- The closure of Hurstwood Lane to vehicular traffic as shown on drawing number C5116_0000-05 Revision K
Once approved, the highway works shall thereafter be provided prior to the agreed trigger unless agreed in writing by the Local Planning Authority.

Reason: To ensure the necessary highway works are delivered in a timely way to ensure the development provides safe and suitable transport infrastructure and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

6. No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.
The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

7. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer

with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

8. A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority prior to any works commencing (including site clearance/preparation and/or demolition). The submitted CEMP shall address all elements of the proposed development but may be submitted in stages reflecting the developments phasing in accordance with condition 3.

The CEMP (Biodiversity) shall include the following.

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

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

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

9. Prior to the commencement of development on any reserved matters phase, further supplementary ecological surveys for protected species for that phase shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through Conditions. The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

10. A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority before any development above slab level on any phase of the development.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

11. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and Policy E7 of the Neighbourhood Plan.

12. No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the Local Planning Authority. Site protection measures in respect of [the watercourse/pond/trees or other relevant thing that needs protection] shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the features to be retained and protected during construction works in that phase; and
- b) The position and details of warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details.

Reason: In the interests of protecting and enhancing the biodiversity of the environment and Policies DP38 and DP41 of the Mid Sussex District Plan 2014 - 2031.

13. The development, in any particular phase (as defined on the approved 'phasing plan) hereby permitted, shall not commence until details of the finished ground and floor levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

14. Prior to any works commencing on the pedestrian/cycle route from parcel 3 to the Fox Hill roundabout, details of the method of construction and proposed materials for this route shall be submitted to the LPA for its written approval. The pedestrian/cycle route shall then be implemented in accordance with the approved details.

Reason: To ensure the protection of Ancient Woodland and to comply with policy DP38 in the District Plan 2014 - 2031.

15. (i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological evaluation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

(ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part (i) and confirmed by the local authority archaeological advisors.

(iii) A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

(iv) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

(v) The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To identify and to secure the appropriate level of work that is necessary before commencement of the development, and also what may be required after commencement and in some cases after the development has been completed, and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.

16. 1) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification

and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

a) A site investigation scheme, based on the preliminary risk assessment by WSP dated August 2021, ref: 70081355-PRA, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

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

c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy DP41 of the Mid Sussex District Plan 2014-2031.

17. The development, in any particular phase (as defined on the approved 'phasing plan) hereby permitted, shall not commence until a scheme for the protection of trees and hedgerows within that phase has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented as approved. No development beyond slab level shall take place until details of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: In the interests of the visual amenities of the locality and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031 and Policy H1 of the Neighbourhood Plan.

18. The development, in any particular phase (as defined on the approved 'phasing plan) hereby permitted, shall not commence above slab level until the developer has submitted a scheme to the LPA for approval, showing the exact level of glazing and/or ventilation needs for each home, based on the noise levels for the site outlined in, Chapter 12 - Noise and Vibration, of the Environmental Statement by WSP, dated July 2022. Each property identified as requiring specific glazing and / or ventilation shall not be occupied unless the relevant glazing and / or ventilation has been installed.

Reason: To protect the amenity of future residents with regard to external noise and to comply with policy DP29 of the Mid Sussex District Plan 2014 - 2031.

19. The development, in any particular phase (as defined on the approved 'phasing plan) hereby permitted, shall not commence above slab level unless and until samples/a schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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

20. The development, in any particular phase (as defined on the approved 'phasing plan) hereby permitted, shall not commence until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding (where appropriate); surfacing materials; means of enclosure; boundary treatments; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example refuse and / or other storage units, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: In the interests of the visual amenities of the locality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy H1 of the Neighbourhood Plan.

21. The development hereby permitted may not commence until such time as a scheme to secure de-watering of the site if found necessary and a detailed drainage strategy to prevent waterlogging has been submitted to, and approved in writing by, the Local Planning Authority.

Any such scheme should include a maintenance programme of the facilities to be provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the proposed development, including the burial ground, does not harm the water environment in line with paragraph 174 of the National Planning Policy Framework (NPPF) and Position Statement L3 of the 'The Environment Agency's approach to groundwater protection and to accord with policy DP41 of the Mid Sussex District Plan 2014-2031.

Pre-occupation

22. No part of the development accessed from the B2112 Fox Hill/Hurstwood Lane shall be first occupied until a scheme of speed management measures for the B2112 between the A272 Wivelsfield Road Roundabout and the B2112 Fox Hill/Hurstwood Lane junction have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

23. Prior to the first occupation of any dwelling or any other use forming part of this planning permission first commencing, plans and details and timetable for the delivery of the works showing the proposed measures to close Hurstwood Lane to vehicular traffic and downgrade the closed section of road for the use by pedestrians and cyclists. The measures once agreed shall thereafter be implemented in accordance with the agreed timetable.

Reason: To ensure Hurstwood Lane is closed to traffic and suitably downgraded in accordance with the approved development master plan and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and policy Hurst H1 of the Haywards Heath Neighbourhood Plan.

24. The proposed school shall not be first occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage and promote non-car modes of travel in accordance with current planning policy and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and policy Hurst H1 of the Haywards Heath Neighbourhood Plan

25. Prior to occupation of any of any phase of the development hereby permitted, a lighting design scheme for biodiversity for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

26. Prior to the first occupation of any dwelling or any other use forming part of this planning permission first commencing, plans and details and timetable for the delivery of the works showing the proposed measures to close Hurstwood Lane to vehicular traffic and downgrade the closed section of road for the use by pedestrians and cyclists. The measures once agreed shall thereafter be implemented in accordance with the agreed timetable.

Reason: To ensure Hurstwood Lane is closed to traffic and suitably downgraded in accordance with the approved development master plan and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and policy Hurst H1 of the Haywards Heath Neighbourhood Plan.

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

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy DP41 of the Mid Sussex District Plan 2014-2031.

28. Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to the value calculated in, sections 10.6.34 to 10.6.38 of the submitted WSP Air Quality chapter of the Environmental Statement (Ref 70081355, dated July 2022). All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

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

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

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

30. Prior to the occupation of the dwellings hereby permitted details of the play areas and open space areas to be provided on site shall be submitted to and approved by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping, fencing, timetable for construction and future management of the areas to be provided. The development shall only be implemented in accordance with the approved details.

Reason: To ensure satisfactory provisional equipment and to ensure that play area is provided and retained within the development for use by the general public and to accord with Policy DP24 of the District Plan 2014-2031.

31. **Construction phase**

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

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays no work permitted

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

32. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (RSK Biocensus, June 2023), Environmental Statement Volume 2 Chapter 6 - Biodiversity Appendix 6.2 Preliminary Ecological Appraisal (RSK Biocensus, March 2022), including the mitigation measures identified in the EPR (2017), Environment Statement & Technical Appendices for Hurst Farm, Hurstwood Lane, Haywards Heath. Final Report - April 2017, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

33. **Approved Plans**

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

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

INFORMATIVES

1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Access Plan	70081355-WSP-XX-XX-DR-CV-0001	P03	20.02.2023
Access Plan	70081355-WSP-XX-XX-DR-CV-0002	P03	20.02.2023
Access Plan	70081355-WSP-XX-XX-DR-CV-0003	P03	20.02.2023
Access Plan	70081355-WSP-XX-XX-DR-CV-0004	P03	20.02.2023
Access Plan	70081355-WSP-XX-XX-DR-CV-0005	P03	20.02.2023
Access Plan	70081355-WSP-XX-XX-DR-CV-0006	P03	20.02.2023
Access Plan	70081355-WSP-XX-XX-DR-CV-0007	P03	20.02.2023
Site Plan	C5116_0000-01	G	20.02.2023
Access Plan	70081355-WSP-XX-XX-SK-CV-0	PO1	20.02.2023
Site Plan	C5116_0000-02	F	20.02.2023
Location Plan	C5116_001-01	B	19.07.2022
Site Plan	C5116_001-11	E	19.07.2022
Site Plan	C5116_020-12	E	19.07.2022
Site Plan	C5116_010-16	J	19.07.2022
Access Plan	70081355-WSP-XX-XX-SK-CV-0	PO1	20.02.2023
Access Plan	70081355-WSP-XX-XX-SK-CV-00	PO1	20.02.2023
Landscaping Details	70081355-WSP-XX-XX-SK-CV-006	PO1	20.02.2023
Sections	C5116_030-00		03.01.2022
Site Plan	C5116_0000-03	D	19.07.2022
Access Plan	C5116_0000-04	D	19.07.2022

Access Plan	C5116_0000-05	K	19.07.2022
Site Plan	C5116_0000-07	D	19.07.2022

APPENDIX B – CONSULTATIONS

County Planning Officer

S106 Contributions Sought

Primary Education
 Secondary Education
 Sixth Form Education
 Libraries
 Total Access Demand

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

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

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

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

The advice is as follows:

1. School Infrastructure Contribution

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

1.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings, with a 33% discount, for occupation by persons already residing in the education catchment area; the County Council's adopted floorspace standard for education provision; and the estimated costs of providing additional education floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the school infrastructure contribution may be calculated at a later date. The formula should read as follows:

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

ACP x number of year groups = TPR (Total Places Required)

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

Note: x = multiplied by.

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

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

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

DfE Figure = Department for Education (DfE) Secondary/Further Secondary school building costs per pupil place) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2022/2023 is £20,229 – Primary, £30,480 – Secondary; £33,056 for Further Secondary, updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

Early Years, Primary/Secondary Education, SEND/SCC

- 1.3 We will require a pro-rata share of the £2.1 million estimated cost of providing a 52 place nursery facility on site, based on the child product derived from the provision of 375 dwellings. This cost has been calculated by AECOM and Grant Associates Quantity Surveyors as part of their CIL Exercise prepared for West Sussex County Council in July 2017 and will be subject to indexation. 1500 homes generates the need for a 50 place nursery. $\text{£}2,100,000 / 1500$ (no. of overall dwellings needed to fill a 52 place early years setting) x 375 (no. of homes in application) = **£525,000**
- 1.4 We will require a pro-rata share of the £10.6 million estimated cost of providing a 2FTE primary school. This cost has been calculated using a cost analysis undertaken by AECOM and Grant Associates Quantity Surveyors as part of their CIL Exercise prepared for West Sussex County Council in July 2017 and will be subject to indexation. $\text{£}10,600,00 / 1500$ (no. of overall dwellings needed to fill a 2FE 420 place primary school) x 375 = **£2,650,000**.
- In addition, an allowance for land of c. 2.2Ha will be required to create a full 2FE primary, with nursery and Special Support Centre, with a financial deduction based on the additional land over and above the minimum requirement for a 1FE expandable to 2FE school as triggered by the child product from 375 dwellings. The land requirement for a 1FE primary plus 26 place nursery and 8 place special support centre is 1.24 Ha.
- 1.5 We will require a pro-rata share of the £0.9 million estimated cost of providing a 16 place Special Support Centre for children with special educational needs and disabilities at the new primary school. $\text{£}900,000 / 1500$ (no. of overall dwellings needed to fill a 16 place Special Support Centre) x 375 = **£225,000**
- 1.6 We will require a secondary contribution based on the formula described in section 1.2 to be spent on the creation of new secondary places at Warden Park Secondary Academy.

2. Library Infrastructure Contribution

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

However, a scheme is approved to provide additional floorspace at the library. In the circumstances, a financial contribution towards the approved scheme would be

required in respect of the extra demands for library services that would be generated by the proposed development.

2.2 Financial Contribution

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

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

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

Note: x = multiplied by.

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

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

L = Extra library space in sqm. per 1,000 population x the library cost multiplier (which currently for the financial year 2022/2023 are [30/35 sq.m] and £5,928 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on additional facilities at Haywards Heath Library.

3. Transport (TAD) Contribution

3.1 The Total Access Demand Contribution will be calculated by the County Council in accordance with the following formula:

Total Access Demand Contribution = Sustainable Access Contribution + Infrastructure Contribution, where:

Sustainable Access Contribution = (C – D) x E, where:

C (Total Access) = (A (number of dwellings) x B (Occupancy per dwelling)) using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

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

D = Parking Spaces provided by the residential development element of the Proposed Development

E = Standard multiplier of £773

Infrastructure Contribution = D x F, where:

D = Parking Spaces provided by the residential development element of the Proposed Development

F = Standard multiplier of £1,549

Where affordable dwellings are involved, the appropriate discount is applied to the population increase (A x B) before the TAD is formulated.

The TAD contribution will be dealt with separately by the Highways Case Officer.

General points

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

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

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

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

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

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

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

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

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

WSCC Local Lead Flood Authority

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water flood risk.

We have no further comments to submit with regards to this matter at this stage. Please consult the District Drainage Engineer.

WSCC Highway Authority

Comments received 26th June 2023

A further Technical Note (#5) has been submitted by the applicant to address those outstanding matters identified by WSCC Highways.

Taking the broad subject areas, the following further comments would be offered.

Access

The only outstanding matter regarding the vehicular accesses is the potential for a 20mph speed limit to be implemented along Hurstwood Lane. The applicant has acknowledged that changing the speed limit would be subject to a separate Traffic Regulation Order process that would be commenced post-planning. For the purposes of the planning application, all of the vehicular accesses are designed to the appropriate current speed limit and as such these can be brought forward without being reliant on any TRO.

WSSC have previously sought a number of alterations to the proposed A272 signalised junction. These changes have been undertaken by the applicant and further reviewed by WSSC. The signalised access arrangements are now acceptable.

In summary, the vehicular access arrangements are considered acceptable.

B2112 Fox Hill/Hurstwood Lane Junction

WSSC have previously acknowledged that there is limited scope to undertake any improvements to the B2112 Fox Hill/Hurstwood Lane junction; it's considered that the signalisation of this junction is not necessary on capacity grounds and that other potential improvements (namely the squaring up of the junction) would not offer any meaningful betterment. The junction in it's present form is considered to be acceptable to accommodate the current development.

Related to the above, the applicant has been requested to assess potential improvements to reinforce the existing 30mh speed limit along the B2112 Fox Hill. The applicant has confirmed that they are willing to consider measures as part of the detailed design stage. A condition is suggested to ensure the applicant further assesses and implements an appropriate scheme on the B2112 Fox Hill.

Active Travel

Three outstanding matters were identified with respects to walking and cycling (active travel). The first matter related to the design of the signalised crossing on the B2112 Fox Hill. The crossing design has been revised and updated in accordance with the WSSC comments. The crossing design is now accepted.

A scheme of potential improvements has also been requested along the B2112 Fox Hill. The purpose of these works is to reinforce the existing 30mph speed limit.

The other matter relates to the potential for a footpath through the area of ancient woodland between phase 4 and Hurstwood Lane. It is recognised that the presence of ancient woodland severely restricts the ability of the applicant to deliver a comprehensive improvement. It is accepted that on highway terms, a footpath through the ancient woodland wouldn't be necessary to make this development acceptable. A footpath would however provide for the obvious walking route and a suitably designed route would also avoid any damage occurring from the creation of informal routes by residents.

Phasing

The applicants position regarding phasing is noted. Conditions are consequently framed in such a way to enable phasing and consequently the delivery of any associated highway works to be delivered post planning.

Conditions

Highway Works Schedule

No development shall commence until a delivery schedule for the proposed highway works has been submitted and approved in writing by the Local Planning Authority. The delivery schedule shall define a clear trigger for the provision of the related scheme of highway works. The delivery schedule shall include the following approved highway works,

- Old Farm Close/A272 Proposed Signalised Junction, drawings
70081355-WSP-XX-XX-DR-CV-0003 Revision P04 and
70081355-WSP-XX-XX-DR-CV-0004 Revision P04
- Fox Hill Proposed Pedestrian Crossing, drawing
70081355-WSP-XX-XX-DR-CV-0007 Revision P04
- Southern Site Access and Footway Provision, drawing
70081355-WSP-XX-XX-DR-CV-0002 Revision P03
- A272 Rocky Lane/Lewes Road Haywards Heath Proposed Toucan Crossing,
drawing 70081355-WSP-XX-XX-DR-CV-0005 Revision P03
- Proposed A272 Rocky Lane/B2112 Fox Hill/Wivelsfield Road Roundabout
Improvement, drawing 70081355-WSP-XX-XX-DR-CV-0006 Revision P03
- Hurstwood Grange and Central Access Junction Forward Visibility, drawing
70081355-WSP-XX-XX-DR-CV-0061 Revision P01
- The closure of Hurstwood Lane to vehicular traffic as shown on drawing
number C5116_0000-05 Revision K

Once approved, the highway works shall thereafter be provided prior to the agreed trigger.

Reason: To ensure the necessary highway works are delivered in a timely way to ensure the development provides safe and suitable transport infrastructure.

B2112 Fox Hill Speed Management

No part of the development accessed from the B2112 Fox Hill/Hurstwood Lane shall be first occupied until a scheme of speed management measures for the B2112 between the A272 Wivelsfield Road Roundabout and the B2112 Fox Hill/Hurstwood Lane junction have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

Hurstwood Lane Closure

Prior to the first occupation of any dwelling or any other use forming part of this planning permission first commencing, plans and details and timetable for the delivery of the works showing the proposed measures to close Hurstwood Lane to vehicular traffic and downgrade the closed section of road for the use by pedestrians and cyclists. The measures once agreed shall thereafter be implemented in accordance with the agreed timetable.

Reason: To ensure Hurstwood Lane is closed to traffic and suitably downgraded in accordance with the approved development master plan.

Construction Management Plan

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

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

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

School Travel Plan

The proposed school shall not be first occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage and promote non-car modes of travel in accordance with current planning policy.

S106 Obligation

Residential Travel Plan and Auditing Fee – To be submitted and approved, and the auditing fee paid prior to first occupation.

TAD Contribution towards public realm improvements to South Road and/or Sussex Road as set out within the Haywards Heath Town Centre Masterplan Supplementary Planning Document.

Comments received 27th April 2023

Further to the WSCC Highways comments dated 23rd March 2023, an update would be provided in respects of points 15 and 16 (Stage One Road Safety Audit).

The submitted safety audit raised a large number of problems. In reviewing the problems, the scheme designer disagreed with a number of the audit recommendations. This consequently required a further review by WSCC to ensure the designers proposed recommendations were appropriate. This review has now been complete and WSCC Highways are satisfied with the designers proposals. Although potential changes may be required to certain aspects of the scheme (e.g. the A272 signalised junction), no further changes would be required as a specific outcome of the road safety audit process.

Please note that this response deals only with matters relating to the Stage One Road Safety Audit.

Comments received 15th March 2023

1. WSCC Highways has previously issued comments on this proposal. These comments are dated 15th August 2022. The applicant has submitted a further technical note (dated 31st January 2023) in response to the points raised by WSCC.

2. The following comments concentrate on those matters raised previously by WSCC Highways.

Vehicular Access

3. The vehicular access arrangements remain as shown within the initial submission to which no in principle concerns were raised. As requested by WSCC, additional information has been presented showing the achievable visibility splays at the proposed accesses based on the existing or proposed speed limits. Currently, the speed limit along Hurstwood Lane varies. For the accesses into phases 1 and 3, the speed limit on Hurstwood Lane is 30mph. For the access into phases 2 and 4, the existing speed limit is 60mph. It's accepted that the development will significantly change the nature of Hurstwood Lane and as such the existing 60mph speed limit would be inappropriate. The applicant is consequently proposing to reduce the speed limit along Hurstwood Lane from the spur onto the A272 to the B2112 Fox Hill to 20mph. The potential 20mph aside, it's understood that the accesses are though designed to a 30mph speed limit.

4. It is recognised that any change to speed limits on Hurstwood Lane would require a Traffic Regulation Order. The TRO process requires a public consultation process that is entirely separate to the current planning application. Any TRO would also not be progressed by WSCC until after the current planning application is approved. As such, even though the current application may demonstrate the design of the accesses based on a lower and

in principle more suitable speed limit, this effectively cannot be implemented until the TRO is made.

5. For the purposes of the current application, the applicant is advised to review the proposed speed limit changes against the current WSCC Speed Limit Policy to ensure the suggested alterations comply with the requirements. Notwithstanding the statutory TRO process, compliance with the Speed Limit Policy at least then provides some assurance that the alterations are policy compliant and have some reasonable chance of being accepted.

6. A number of additional comments have been received from the WSCC Traffic Signals team regarding the proposed signalised junction onto the A272. The Signals team have raised no major issues with the proposal. They have recommended that the crossing on the A272 is reversed, bringing the stop line closer to the junction, and therefore reducing the inter-greens (the period of time between one green phase ending and another starting). In addition, the preference is for the side road to run as a full green stage rather than split filter arrows as indicated within the LinSig model. These changes will consequently affect the operation of the traffic signals. The applicant is requested to update the design and traffic modelling accordingly.

7. The potential increased use of the B2112 Fox Hill/Hurstwood Lane junction was previously raised by WSCC. The applicant has investigated the signalisation of this junction although this is not being progressed for reasons as stated in the initial WSCC Highways comments. The applicant has also considered the possibility of further improvements to the current junction layout. From the information provided, it's apparent that changes could be made to the layout; these changes would effectively 'square up' the junction allowing drivers on Hurstwood Lane to approach the B2112 more perpendicularly. These changes would only provide a better approach angle, they wouldn't however materially improve visibility for exiting drivers. As such, these changes don't necessarily offer a significant improvement. The applicant is not proposing to take this scheme of works forward.

8. The only other matter raised by WSCC Highways regarding the B2112/Hurstwood Lane junction was whether further measures could be introduced on the B2112 to reinforce the existing 30mph speed limit. There doesn't appear to be a response from the applicant to cover off this matter.

9. The access arrangements along with all other off-site highway changes have been reviewed as part of a Stage One Road Safety Audit. This is dealt with separately.

Active Travel

10. Following on from comments made by WSCC Highways, the applicant has further reviewed walking and cycling distances from the northern and southern phases separately rather than from a single centralised location. This was requested as given the nature of the site, the walking/cycling

distances may vary noticeably from the different phases. Regardless of where distances are measured from, it is noted that there are relatively few services within reasonable walking distance with the majority of those services at the up end of the distance. It is accepted that the site is allocated for residential development (thereby establishing the principle of acceptability of housing on this site) as well as there being proposed and existing infrastructure in place to achieve safe and suitable walking connections despite the distances involved.

11. It's accepted that there is a greater number of services within cycling distance, although this may not appeal to all and the absence of dedicated off-site infrastructure would be a further disincentive. As previously noted, this development would not increase cycling demands to warrant significant off-site cycling improvements.

12. The offsite improvements largely remain as previously proposed. The only notable change is regarding the footway on the southern end of Hurstwood Lane. Previously, it was proposed to narrow the carriageway to 3 metres to enable the provision of a continuous 2 metre wide footway. Given the significant length of carriageway narrowing required and the width the carriageway was being narrowed to, the applicant was advised to consider alternative options. The option now presented retains a consistent 4.8 metre wide carriageway on Hurstwood Lane with a footway varying in width from 1.5 to 2 metres. It's accepted that it would be preferable to achieve a consistent 2 metre width for the footway. There are constraints however and narrowing is required over short lengths albeit it may be possible to reduce these distances or the narrowing once a detailed survey has been completed. Given the local constraints, the arrangement is considered acceptable.

13. With the other aspects of the active travel improvements, the provision of the signalised crossing points on the A272 south of the Lewes Road Roundabout and north of the Wivelsfield Road Roundabout have been accepted through the earlier DM/17/2739. No further comments are made in respects of these. With the proposed crossing on B2112 Fox Hill, clarification would be sought from the applicant in terms of the type of crossing proposed. This is currently shown as a Toucan (for pedestrians and cyclists) although there is no cycle route (either existing or proposed) on the B2112. A crossing of this nature wouldn't then ordinarily be appropriate. It's suggested that a Puffin crossing (for pedestrians only) would be more appropriate. This should be clarified as the nature of the crossing does affect the layout required.

14. The final matter with regard to active travel is the potential for a route through what is recognised as ancient woodland. It is acknowledged that there are restrictions upon the provision of access and routes through ancient woodland. There is though a degree of inevitability that future residents will create an informal route from phase 4 to Hurstwood Lane given the length of the route otherwise. If a route cannot be provided, the Local Planning

Authority should be satisfied that suitable measures can be implemented to avoid any future damage to the ancient woodland.

Stage One Road Safety Audit

15. As requested by WSCC Highways, a Stage One Road Safety Audit has been submitted. The RSA raises a number of problems, the majority of which can be addressed through the detailed design. There are also a number of problems where the scheme designer has disagreed with the auditors recommendation. WSCC Highways are currently processing these RSA problems.

16. The applicant should note that should there be any further significant changes to the design of the proposed highway works that it may then be necessary to further seek the view of the road safety auditor.

Other Matters

17. The only other matter raised previously is that of phasing. It's appreciated that the applicant will not be the end developer that builds out the site. As a result, the applicant does not want to tie any future developer to a phasing plan at this stage. However if no phasing is to be agreed at this stage, this poses issues in terms of securing the delivery of infrastructure necessary for certain phases of development. For example, the delivery of the pedestrian crossing east of the Wivelsfield Roundabout and the length of connecting foot/cycle way within the site would be necessary in association phases 2 and 3, whereas the signalisation of the A272/Hurstwood Lane junction and the crossing south of the Lewes Road Roundabout would be required with phases 1 and 4. Problems have also been raised within the Stage 1 RSA regarding the provision of alternate walking routes to avoid the use of Hurstwood Lane and controls would be required to ensure there are suitable routes in place ahead of certain parcels being occupied. Likewise, there would need to be a trigger for the closure of Hurstwood Lane. It is accepted that the delivery of the crossing on Fox Hill can be linked to the delivery of the school site.

18. It should be noted that whilst the phasing can be agreed at this stage, any future developer can of course seek to vary any condition governing the phasing plans. The infrastructure can then be varied to suit any potential future phasing.

19. The only alternate is a pre-commencement condition preventing any development from occurring until a timetable has been submitted and agreed covering the delivery of all the off-site highway infrastructure. The identified infrastructure would then need to be provided in accordance with the approved timetable. For clarity of certain infrastructure (for example, in terms of access to specific parcels) there may still need to be some reference to the indicative phasing plan however.

20. It would be helpful if the applicants could provide their intentions in terms of the potential framing of triggers for planning conditions covering the delivery of the required highway infrastructure.

21. Whilst not a matter that can be considered further at this stage, the layout of the residential parcels adjacent to the school will need to take account of the potential parking demands that may result at school picking up time. This may include the provision of additional formal parking areas or a greater road width to accommodate on-carriageway parking. Further waiting restriction may also be appropriate avoid obstructive parking from taking place. Such matters will need to be assessed through the detailed design of the parcels.

Summary

22. There remains a number of matters previously raised that need addressing. This includes consideration of potential additional speed reducing measures on B2112 Fox Hill. There are also several additional aspects (namely the design of the A272 proposed signalised junction, consideration of the proposed speed limit reductions against the WSCC Speed Limit Policy, and the form of crossing on the B2112 Fox Hill) that require consideration. The applicant's thoughts in terms of the framing of conditions to secure the highway works if phasing is not to be agreed at this stage would also be sought.

Comments received 15th August 2022

1. The following documents have been reviewed in the preparation of these comments,

- Environmental Statement, Volume 2, Appendix 13.1 - Transport Assessment
- Illustrative Masterplan, drawing number C5116_010-16 Rev J
- Proposed Vehicle and Pedestrian Site Access Options, drawing number 70081355-WSP-XX-XX-DR-CV-0001 Revision P01
- Old Farm Close/A272 Proposed Signalised Junction, drawing number 70081355-WSP-XX-XX-DR-CV-0003 P01 and 70081355-WSP-XX-XX-DR-CV-0004 P01
- A272 Relief Road/Lewes Road Haywards Heath Proposed Toucan Crossing, drawing number 70081355-WSP-XX-XX-DR-CV-0005 Revision P01
- Proposed A272 Rocky Lane, B2112 Fox Hill Wivelsfield Road Roundabout Improvement, drawing 70081355-WSP-XX-XX-DR-CV-0006 Revision P01
- Fox Hill Proposed Pedestrian Crossing, drawing number 70081355-WSP-XX-XX-DR-CV-0007 Revision P01
- Southern Site Access and Footway Provision, drawing number 70081355-WSP-XX-XX-DR-CV-0002 Revision P01

Summary

2. It's recognised that the site is allocated for residential development (for 350 dwellings) within the made Haywards Heath Neighbourhood Plan. The principle of development is therefore established. Other transport related requirements are included in the HHNP allocation for this site, most notably the closure of Hurstwood Lane to through traffic. This is reliant on the

outcome of the necessary statutory processes (i.e. the completion of a traffic regulation order to prohibit traffic using a length of the lane).

3. Outline planning permission has also previously been sought for this site. The previous outline consent received a committee resolution to permit but was withdrawn. In transport terms, schemes of improvement and mitigation were agreed through the application. Whilst there some changes to the overall master plan for the site as currently proposed, the improvement and mitigation schemes largely reflect those previously submitted and agreed.

Vehicular Access

4. There are four residential parcels along with the primary school, early years, allotments, burial ground, and country park. Residential parcels 1 and 4 (providing 135 dwellings) are located to the north. These parcels along with the allotments, burial ground, and country park (also referred to in this response as the northern parcels), will access the wider highway network via the A272 Rocky Lane using the northern end of Hurstwood Lane. Residential parcels 2 and 3 (providing 240 dwellings) along with the primary school and early years provision (referred collectively in this response as the southern parcels) will access the wider highway network via the B2112 Fox Hill using the southern section of Hurstwood Lane.

5. All of the access arrangements are shown on Proposed Vehicle and Pedestrian Site Access Options, drawing number 70081355-WSP-XX-XX-DR-CV-0001 Revision P01.

6. Parcel 1 will take vehicular access via a simple priority junction onto Hurstwood Lane. The principle of this arrangement is considered appropriate. Further details would be sought to demonstrate that adequate visibility can be achieved in light of the existing speed limit as well as to confirm the geometric properties of the junction.

7. Parcel 4 along with the allotments, burial ground, and country park will be served by way of the continuation of Hurstwood Lane into this parcel. The existing uses and buildings at Hurstwood Grange would continue to be accessed via a modified minor arm off Hurstwood Lane opposite that leading into parcel 4. Although visibility is unlikely to be an issue at the minor arm, this should still be demonstrated along with forward visibility for a vehicle turning right into the Hurstwood Grange minor arm to a vehicle exiting parcel 4.

8. It should be noted that the access to parcel 4 is within a section of Hurstwood Lane subject to the National Speed Limit (i.e. 60mph). It's accepted that the constraints along the lane would prevent vehicles from achieving such speeds, the access arrangement will still need to take account of the existing speed limit. In saying this, the nature of the lane will change significantly with the development and that as such a lower speed would seemingly be

appropriate. The applicant should still confirm their intended approach to the design of the parcel 4 access.

9. As noted already, the northern parcels will exit onto the A272 Rocky Lane via the existing connecting link road from Hurstwood Lane. Priorities on Hurstwood Lane will be altered as part of the proposals; that section of Hurstwood Lane leading southwards will become the major arm and that part of Hurstwood Lane leading northwards will become the minor arm. The existing simple priority junction with ghosted right turn lane at the A272/Hurstwood Lane will be upgraded to include traffic signals with crossing phases for pedestrians. These arrangements reflect those accepted for DM/17/2739.

10. Although the design has previously accepted, a Design Audit would be required for the proposed A272 Rocky Lane/Hurstwood Lane alterations. The Audit should clearly identify (ideally in tabular form) all applicable design standards and demonstrate how the scheme complies. If there are 'departures' from design standards, a further process will need to be followed to ensure the highway consequences of non-compliance are considered.

11. The southern parcels will take vehicular access in a similar way to those for the northern parcels. Parcel 3 and the primary school will be served via new simple priority junctions onto Hurstwood Lane. Achievable visibility as well as the geometric properties of these junctions should be demonstrated based on the speed limit in place.

12. With respects to the school access, the submitted plan includes red tactile paving a short distance into the access road serving the school. Red tactile paving is typically used in association with controlled crossings. Confirmation would be sought as to whether a controlled crossing is intended on the access road; there's no reference to such provisions within the supporting TA.

13. Parcel 2 will be served via the diversion and continuation of Hurstwood Lane into the parcel. The principle of this arrangement is acceptable.

14. Notwithstanding the specific information identified for some of the proposed accesses, all of the vehicular accesses would also need to be reviewed by way of a Stage One Road Safety Audit. The RSA would need to be completed in accordance with the current WSCC RSA Policy.

Active Travel

15. The TA includes consideration of potential services within reasonable walking and cycling distance of the site. Reasonable walking distance is defined in the TA as being 2km. This distance is taken from the rather dated CIHT Providing for Journeys on Foot guidance. More recent evidence from the National Travel Survey suggests the majority of walking trips (approximately

80%) are 1.6 km or 1 mile. Little consideration is given to the potential significant variation in walking distances to services depending on whether the parcel in question. For example, the walking distance from parcel 3 or 4 to services located to the north or southern respectively could vary significantly. Whilst accepted that the standard means of assessing walking distances is from an average, central location, in this instance there may be benefit to considering how walking distances vary depending on the parcel. There is also a notable gradient across the site that may affect propensity to walk.

16. The walking distance methodology aside, applying either the CIHT or NTS distance it's recognised that the available services are quite limited. These may be limited further if parcel specific walking distances are accounted for.

17. It is recognised that a significantly greater range of services can be reached via cycling. There are no designed cycle routes and very little LTN 1/20 compliant infrastructure in the surrounding area leading towards potential destinations such as the town centre and railway station though. As such, residents will be reliant on sharing the carriageway with motorised traffic for significant lengths of their journeys. This will affect the propensity to cycle amongst certain user groups. It's recognised that this development would not generate such increase levels of cycle demand to justify and require significant off-site cycle improvements.

18. Suitable linkages are acknowledged as being achievable between the northern and southern parcels (as shown on the Indicative Master Plan). A walking/cycling route can also be achieved within the site leading towards the Wivelsfield Road Roundabout, which then leads onwards to Haywards Heath. The exact details of this route would be reviewed as part of any future reserved matters application. Off-site improvements are also proposed to provide a footway on the western side of Hurstwood Lane serving the southern parcels.

19. The A272 Rocky Lane and B2112 Fox Hill pose significant barriers to active travel trips. These are both busy routes leading into Haywards Heath. To address this, the development includes a number of controlled crossing points. Controlled crossings are proposed on the A272 south of the Lewes Road (Birch Hotel) Roundabout, as part of the signalised junction on the A272/Hurstwood Lane, on the A272 east of Wivelsfield Road Roundabout, and on the B2112 Fox Hill.

20. With regards to more detailed matters, further information would be required to support the design of the proposed controlled crossings. A Design Audit similar to that already requested for the A272 Rocky Lane signalised junction would be requested. All of the crossings would also need to be the subject of Stage One Road Safety Audits.

21. The applicant should note that further comments have been sought from the WSCC Traffic Signals team. These comments are awaited and will be reported once available. The Signals team may request further specific information in terms of the traffic signals design. The extent of this additional information should be determined prior to any further work being undertaken in relation to the traffic signal elements.

22. It's recommended that further consideration also be given to access to the primary school/early years facility for those trips originating to the south. The main point is whether the proposed crossing is on the desire line. The majority of walking trips to the school would be expected from the main concentration of housing forming the Gamblemead development. There is also a further allocation of residential development at Rogers Farm to the south of Gamblemead. These developments are located south of the B2112/Hurstwood Lane junction. The shortest walking route from these developments to the school would be via the Hurstwood Lane junction rather than using the controlled crossing. Whilst it is apparent that there are constraints on siting a crossing closer to the B2112/Hurstwood Lane junction, it would be useful to understand if an option of this nature has been considered.

23. Again, in respects of access to the school from the south, a new length of footway is proposed on the western side of Hurstwood Lane. This is shown on drawing 70081355-WSP-XX-XX-DR-CV-0002 Revision P01. To achieve this footway, a long section of carriageway narrowing is shown. Whilst accepted that a footway should be provided, the inclusion of the long narrowing is not ideal. The 3metre wide carriageway is also potentially narrow in light of this section of Hurstwood Lane providing servicing access to the school. The preference would be to keep the carriageway available for two-way traffic and remove the narrowing but accepting that both the footway and carriageway may be narrowed over a short length. It's unclear if any alternate options have been considered in the development of the southern footway arrangement.

24. If it is necessary to retain a carriageway narrowing, the length of the feature should be reduced and that this forms a package of measures rather than a single feature, which drivers may not be expecting. A full design would also be required to demonstrate that the measures are deliverable. This would include demonstrating adequate forward visibility for vehicles approaching the narrowing.

25. The applicant's attention would be drawn also to the WSCC Developers Guidance Note - Developer-Funded Traffic Engineering and Traffic Calming Schemes. This sets out the steps to be followed at the different stages of the development of the traffic management measures. This Guidance Note would be applicable if the applicant decides to retain the carriageway narrowing.

26. The only other matter regarding accessibility relates to parcel 4 and the country park. The Indicative Master Plan shows the only pedestrian access following the proposed vehicular access. For those trip destinations to or those arriving from the north of the site, the proposed arrangement will result in a significant detour for pedestrians.

27. It is acknowledged that the land between parcel 4 and Hurstwood Lane is ancient woodland, thereby creating restrictions on the formation of access. The inevitability is that residents who do want to travel will create informal shortcuts through the woodland. It would seem more prudent to investigate the feasibility of installing an appropriately constructed pedestrian route to limit the possibility of damage to the ancient woodland once the development has been constructed and is occupied.

Highway Capacity

28. The methodology to be applied to determine the highway capacity impact of this development have been agreed through pre application discussions. In summary,

- Vehicle trip generation has been agreed for the 375 dwellings, primary school, and early years provisions.
- The assessment does not include trip generation associated with the allotments, burial ground, or country park. These uses are not anticipated to result in any peak hour or otherwise significant increase in vehicle movements.
- Vehicle trip rates are provided for the AM and PM network peak hours.
- These hours are recognised as those most sensitive to change.
- The residential uses are estimated to generate 148 (36 arrivals, 113 departures) two-way movements in AM peak hour and 166 (109 arrivals, 57 departures) two-way movements in the PM peak.
- The primary school and early years are estimated to generate 192 two-way movements (108 arrivals, 84 departures) in the AM peak hour and 69 two-way movements (24 arrivals, 44 departures) in the PM peak.
- Trips are distributed using appropriate Census data for the local area.
- This is taken as a proxy for where residents of the new development as well as staff and pupils at the educational uses will likely travel to and from.
- Vehicle trips have been assigned using the most direct route towards the identify destination. As route choices are known, this then identifies those junctions that will experience traffic increases.
- The impact at the identified junctions is considered for with and without development future year scenarios in 2027 (5 years after the submission of the planning application). A further 2027 with development scenario is included to account for the implementation of the travel plan.
- The 2027 future year assessment includes the closure of Hurstwood Lane to through traffic.
- For the 2027 future year, traffic generated by the consented development at Greenhill Way is specifically included.
- All other traffic growth across the local highway network is covered by way of using a growth rate derived from TEMPro.

29. A further 2027 with development scenario and with travel plan is also

included. Whilst this scenario is noted, for the purpose of this review the without travel plan scenario is referred to.

30. Applying the above methodology, the following junctions have been agreed as requiring further assessment using appropriate industry accepted modelling techniques,

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Residential Parcel 1, 3 and 4, and School Parcel Priority Junctions

31. It's apparent that all the accesses into the various residential and school land parcels from Hurstwood Lane operate well within theoretical capacity with minimal queues and delays.

A272 Rocky Lane/Hurstwood Lane Junction

32. This is modelled both in its current format (as a simple priority junction with ghosted right turn lane) as well as with traffic signals. As a simple priority junction, the modelling indicates that the Hurstwood Lane arm would operate with fewer queues and delays in the with development scenario. This is due to the closure of Hurstwood Lane and the overall significant reduction in turning movements onto the A272 from the minor arm (214 movements in the 2027 without development with Hurstwood Lane open versus 105 in the with development with Hurstwood Lane closed). The closure of Hurstwood Lane therefore offers a significant capacity benefit.

33. A mitigation scheme involving the signalisation of this junction is nevertheless proposed. On capacity terms alone, the modelling indicates that the signalisation is not strictly necessary. However, the introduction of signals allows for the introduction of controlled pedestrian crossing facilities as well as providing a safer arrangement for turning vehicle movements. The traffic signals will introduce delays to the north and south bound movements on the A272 that would not occur with the priority junction arrangement.

34. On balance, the safety benefits of introducing traffic signals are considered to outweigh the delays that would be introduced. The delays to movements on the A272 could be reduced further in any case through the traffic signal controller software providing more green time to traffic on the major arms. Such aspects can be explored through the detailed design.

Hurstwood Lane (north) and Hurstwood Lane (south) priority junction

35. This refers to that short length of connecting carriageway between the A272 and Hurstwood Lane. The development proposals will alter the arrangement giving priority to traffic entering the development and travelling southbound on Hurstwood Lane. Traffic from the existing northern section of Hurstwood Lane would have to give way.

36. The modelling demonstrates that the junction with amended priorities would operate well within theoretical capacity. It should be noted that the closure of Hurstwood Lane significantly reduces the volume of traffic using this link

B2112 Fox Hill/Hurstwood Lane priority junction

37. This junction is acknowledged as being used by traffic to avoid the A272 Wivelsfield Road Roundabout. This is demonstrated through the traffic survey data. In the 2027 AM with development scenario, it is still apparent that there would be an increase in vehicle turning movements using this junction (296 in the without scenario vs 383 in a with development scenario). In the 2027 PM, there would be an overall decrease in the number of turning movements at the junction with the proposed development and Hurstwood Lane closure. The increase during the AM peak is reflective of the increased number of traffic movements resulting from the primary school. In both the AM and PM with development scenarios, there is a notable increase in the number of right turning vehicles from Hurstwood Lane onto the B2112 Fox Hill compared with the without development scenario.

38. The highway modelling indicates that the Hurstwood Lane arm would operate within capacity during the PM peak. During the AM peak, the modelling indicates that the Hurstwood Lane arm would exceed the threshold at which queues and delays would start to develop. Despite this threshold being exceeded, the indicated queues and delays are not considered such that these would signify a severe impact.

39. As mitigation, the applicant has considered the potential signalisation of this junction. There are however constraints upon the potential introduction of signals, namely the presence of two private accesses. The applicant raises the valid point also that traffic signals would be needed only to manage traffic issues during a very short time window associated with school traffic. Outside of these times, the presence of traffic signals would otherwise introduce delays to traffic. Whilst this has been accepted for the proposed A272 Rocky Lane/Hurstwood Lane junction, in that instance the presence of the crossing facility for pedestrians that leads towards the town centre is considered to provide sufficient benefit to outweigh the traffic delays. A similar crossing facility built into any traffic signals at the B2112/Hurstwood Lane junction would have limited use other than at school times.

40. In respects of the B2112 Fox Hill on the approach to the Hurstwood Lane junction, there is still a known issue in terms of vehicle speeds exceeding the posted speed limit. Whilst it is beyond the ability of the development to resolve this existing issue, it would still be appropriate to review the operation of the B2112/Hurstwood Lane junction against this context. The TA, for example, references potential speed reducing features on the approaches. The nature of such measures (and their potential effectiveness) will be limited due to the nature of the road however. There may otherwise be physical works to the Hurstwood Lane junction that may improve the positioning of drivers, and therefore visibility, at what is a very wide junction.

41. Whilst it is accepted that the development would increase traffic but would ultimately have no severe capacity consequences, there would still be merit for the applicant to review the layout and operation of this existing junction in

the context of the proposed development. This could include potential options to alter the layout as well as to introduce speed reducing measures on the approaches.

A272/B2112 Wivelsfield Road Roundabout

42. The 2027 without development scenario indicates that the majority of arms would be operating within capacity. The notable exception is the western A272 arm, which is indicated to be exceeding the threshold at which capacity issues may then start to develop.

43. In the 2027 with development scenario, the redistribution of traffic resulting from the closure of Hurstwood Lane along with the additional trips associated with the development results in a notable worsening of performance on both A272 arms and the B2112 Fox Hill. The worsening is particularly notable in the AM peak with significant queues and delays forecast for certain arms. The development impact in the PM is far less pronounced.

44. To address the 2027 with development capacity issues, a number of changes are proposed. This includes increased flaring on the roundabout entries of both the A272 arms as well as the B2112 Fox Hill. This will increase the ability for additional vehicles to queue on the approaches. Improved lining is also proposed although the impact of this cannot directly be discerned from the modelling. The central island is also to be reduced to increase the width of the circulatory carriageway.

45. With the proposed improvements, the performance would improve. Certain arms (the B2112 Fox Hill and A272 west) would still continue to exceed the capacity threshold in the AM peak. The queues and delays forecasted on these arms at worst amount to a queue of 7 vehicles and delays of 28 seconds during the poorest performing time segment. These result impacts with mitigation are not considered to signify a severe impact.

A272/B2272 Lewes Road Roundabout

46. A comparison of the with and without development scenarios indicates that the operation of this roundabout would not be noticeably affected as a consequence of the proposed development.

B2112/B2272 Sussex Square Roundabout

47. The modelling indicates that the majority of arms of this existing roundabout will be unaffected as a consequence of the development proposals. Those arms that work within capacity will continue to do so, whilst those arms over capacity will also continue to operate over capacity. The only arm where the additional development traffic is indicated as having a notable impact is the B2112 Sussex Road arm. It should be noted that this arm is indicated as operating very close to theoretical capacity in the 2027 without development scenario. The additional trips associated with the development serve only to add further stress to this arm.

48. In reviewing the modelling, it should be recognised that the capacity model becomes increasingly unstable when theoretical capacity is exceeded. The forecast queues and delays may not actually materialise although the model still provides a very good indication that there will be issues.

49. Potential improvements schemes on the B2272 South Road and B2112 Sussex Road arms of this roundabout are identified in the Haywards Heath Town Centre Master Plan Supplementary Document. Neither scheme includes works directly affecting the roundabout, but both have the potential to reduce traffic flows on the approaches and therefore improve the overall operation; the purpose of the B2272 South Road scheme in particular is to discourage through traffic and encourage more traffic to use the A272. There would consequently be merit in the development contributing towards the transport schemes included within the HHTC Master Plan SPD.

Layout

50. The development is proposed for outline planning permission with all matters other than access reserved. Those details that are included covering the layout are therefore taken as illustrative. The following observations would still be offered at this stage.

51. The purpose of the proposed foot/cycle accessing onto Fox Hill was understood to primarily be for the benefit of accessing the school site. The master plan however indicates no connection to the school from the foot/cycle route; the proposed route just passes along the western school boundary. There should be a direct link from the proposed Fox Hill route into the school.

52. For the residential parcels, the road layouts should seek to demonstrate connected roads rather than dead ends. For the most part, this is the case. There still appear to be some roads that could be connected.

53. Through the detailed design, it would be useful to understand potential foot and carriageway gradients given the local topography. Specific reference should be made to meeting the recommendations within Inclusive Mobility.

54. Car parking requirements will be considered as part of the detailed design. The needs of the school will be of particular importance given the absence of any potential locations for overflow parking to take place.

55. Again, in respects of car parking, it would be useful to understand what the purpose of the area of indicative car parking shown north of the allotments is intended for. It's presumed that this would be for the allotments and the county park, but this should be confirmed.

Other Matters

56. As would be expected for a development of this size, a framework travel plan has been submitted. The travel plan covers both the residential and school

uses. Although there may be some overlap between the needs of the residential and school uses, it's recommended that the travel plans are split. The school travel plan in particular should be developed in association with the future operator of the school to ensure there is sufficient buy in to the measures being proposed.

57. For the residential use, the majority of the proposed framework is acceptable. There would be benefit at this stage to include a monetary value against any potential voucher type offers. Full travel plans for the residential and school uses can otherwise be secured via condition.

58. The applicant should note that WSCC now charge an auditing fee for the review of travel plans. The fee for a development of this size is £3,500. The fee should be secured as part of any s106 agreement.

59. For the purposes of informing triggers relating to the delivery of the identified improvement schemes, it would be beneficial to understand the likely phasing of the development. Whilst accepted that the residential parcels may proceed in the order that these are numerically numbered, this may not necessarily be the case. Likewise, the delivery of the school should also be confirmed.

60. Related to the phasing for the parcels, confirmation would be sought in terms of when Hurstwood Lane would be closed. It's accepted that some of the residential parcels aren't reliant upon Hurstwood Lane being closed and could be brought forward ahead the closure taking place. The closure should still be sought at an early stage.

Conclusions and Recommendations

61. It's accepted that the principle of development is already established through the adopted Neighbourhood Plan. The overall access strategy is considered acceptable although there are some more detailed matters as set out below that require further attention.

62. The applicant is required to provide,

- Detailed plans showing the necessary geometries and visibility/forward visibility splays for the accesses serving parcels 1, 3, 4, and the school site,
- Design Audits for the A272 Rocky Lane/Hurstwood Lane signalised junction as well as all other proposed signalised crossings,
- Safety Audits to cover all of the developer proposed works within the adopted highway,
- Review walking distances to local services from the northern and southern parcels,
- Review and amend the southern Hurstwood Lane footway/carriageway narrowing,
- Agree with WSCC the need for and scope of any consultation associated with potential traffic management measures on Hurstwood Lane,
- Review the location of the B2112 Fox Hill signalised crossing to ensure this is on the potential desire line to the primary school,
- Review the ability to provide a footpath from parcel 4 and the country park to Hurstwood Lane,

- Review the layout of the existing B2112 Fox Hill/Hurstwood Lane junction in the context of the proposed development and anticipated vehicle movements,
- Details of the likely phasing for the residential and school parcels, and Hurstwood Lane closure.

WSSC Water and Access Officer

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

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

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

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

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

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

ESCC Highway Authority

Comments received 3rd March 2023

I have no comments to make on the further/amended documents and plans.

Comments received 28th July 2022

The proposed access for this application falls outside East Sussex and therefore it is considered that the main impact will be onto the West Sussex County Council highway network. Haywards Heath serves as the closest commercial centre and provides connections to London and Brighton by rail and to surrounding towns by bus.

As with all proposed development sites in Mid Sussex that either straddle or are in close proximity to the Lewes district boundary there is inevitably some impact that affects the East Sussex highway network.

However a previous application for a similar development (in 2017/8) was ultimately accepted by ESCC on the basis that trips onto the East Sussex network would be minimal, in particular in Wivelsfield. In 2017/8 it was demonstrated that there would be 1% increase in traffic flows at the B2112/Green Road roundabout which would be equivalent to a daily flow variation.

The impact in East Sussex has not been explicitly covered in the revised TA which arguably it should have been but as the situation has not altered since 2018, an objection on the grounds of impact on East Sussex network could not be sustained.

Sussex Police

Crime Prevention

Comments received 6th March 2023

Thank you for your correspondence of 23rd February 2023, advising me of an amended outline planning application with all matters reserved except for access for the erection of up-to 375 new homes, a two-form entry primary school, burial ground, allotments, open space with associated infrastructure, landscaping, and parking areas. 'Amended land use, building heights parameters and access plans,, and additional information regarding drainage, agricultural land classification, highways matters, and burial ground and water quality received 20th February 2023' at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the amended application from a crime prevention viewpoint and as a result I have concluded that, under the circumstances, further crime prevention advice is not required.

My previous crime prevention comments within my correspondence of PE/MID/22/12/A dated 09/08/2022 remain extant.

I thank you for allowing me the opportunity to comment.

Comments received 9th August 2022

Thank you for your correspondence of 26th July 2022, advising me of an outline planning application for the erection of up-to 375 new homes, a two-form entry primary school, burial ground, allotments, open space with associated infrastructure, landscaping, and parking areas at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments using Crime Prevention Through Environmental Design (CPTED) principles and from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security – Dwellings), that recommends a minimum standard of security using proven, tested, and accredited products. Further details can be found at www.securedbydesign.com Due to the application being outline, my comments will be broad with more in-depth advice being delivered at reserved matters.

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

With the level of crime and anti-social behaviour in the Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered and I would like to raise the following observations.

I would like to direct the applicant or their agent to the SBD website where the residential SBD Homes 2019 V2 document can be found. The Secured by Design scheme is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. The advice given in this guide has been proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure, and sustainable environments.

Additionally, I would like to direct the applicant to the SBD website where the Secured by Design (SBD) New Schools 2014 document can be found. This document provides design guidance and specification requirements for reducing the risks for crime against people and property in all schools and school grounds such as burglary, theft, arson, vehicle crime and assault. The same advice is also intended to reduce the fear of crime and incidence of anti-social behaviour. Consequently, consideration is given to both environmental design and physical security.

The proposed application consists of a large development of up-to 375 new homes, a two-form entry primary school, burial ground, allotments, open space with associated infrastructure, landscaping, and parking areas that has 4 independent residential parcels within its boundaries.

There are two proposed vehicular access points to the site. Access to the proposed northern residential site parcels 3 & 4 will be taken from Hurstwood Lane which is accessed via the A272 Rocky Lane. The southern access into the development is taken from Fox Hill and Hurstwood Lane from a point just north of the junction with Colwell Lane. Parcels 1 and 2 and the school are accessed from the southern end of the existing Hurstwood Lane.

In addition to the above, new shared pedestrian cycle routes have been proposed that provide east-west links via the north-south green spine, connecting the relief road and the country park into the central spine of the site.

It is important that the design and layout of a development incorporates outward facing dwellings which create good active frontage with the streets and the public areas being overlooked. Back-to-back gardens will remove the need for vulnerable rear garden pathways. Parking would benefit from being on-curtilage, garage, car barn and on-street parking bays, this approach should leave the street layout free and unobstructed. Where secure cycle storage is being considered I would like to direct the applicant to SBD Homes 2019 V2 document chapter 56 for advice on cycle security and chapter 21.9 & 54 for increasing security of the garage vehicle door-set or the interconnecting door-set to the dwelling where applicable.

Should communal parking occur, it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

It is important that the boundary between public space and private areas is clearly indicated. It is desirable for dwelling frontages to be open to view, so walls, fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings, or timber picket fence. Whereas, vulnerable areas, such as exposed side and rear gardens need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m.

Where gates provide access to the rear gardens they must be placed at the entrance to the footpath, as near to the front building line as possible, so that attempts to climb them will be in full view of the street and be the same height as the adjoining fence so as not to reduce the overall security of the dwelling's boundary. Where possible the street lighting scheme should be designed to ensure that the gates are well illuminated. Gates must be capable of being locked (operable by key from both sides of the gate). The gates must not be easy to climb or remove from their hinges.

Where there is a requirement for blocks of multiple dwellings, from a crime prevention perspective it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. SBD recommends specific requirements for access control and door entry systems depending on the quantity of dwellings within each block. Please see SBD Homes 2019 V2 chapter 27 respectively. Tradesperson buttons are not recommended as they have been proven to be the cause of anti-social behaviour and unlawful access to communal development. For multiple blocks of multiple dwellings serving 10 dwellings or more please see chapter 27.14 as they require more robust construction.

With respects to mail delivery for blocks of multiple dwellings, there are increasing crime problems associated with the delivery of post to buildings containing multiple dwellings or bedrooms. Therefore, mail delivery that compromises the security of residential areas of a multi-occupied building in order to deliver individually to each residence is not

recommended. Therefore, facilities should be provided that enable mail to be delivered to safe and secure areas. See SBD Homes 2019 V2 chapter 32. I recommend the postal arrangements for the flats is through the wall, external or lobby mounted secure post boxes. I strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block.

Communal areas, such as playgrounds, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour. Care should be taken to ensure that a lone dwelling will not be adversely affected by the location of the amenity space, and it should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance.

Areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go.

In order to ensure that there is as much natural surveillance across the development as possible, ground planting should no higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area. This will allow for the interaction of capable guardians across the site to observe and report any incidents and occurrences. A capable guardian has a 'human element', that is usually a person who, by their mere presence, would deter potential offenders from perpetrating a crime. However, a capable guardian could also be CCTV, providing that someone is monitoring it at the other end of the camera at all times.

When introducing public footpaths into a development, caution should be used as the introduction of a footpath into or through a development has the potential to generate crime if not adequately designed

Chapter 8.3 of SBD Homes 2019 V2 states; *Whilst it is accepted that through routes will be included within the development layouts, the designer must ensure that the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings or by providing too many or unnecessary segregated footpaths.*

Chapter 8.10 Footpath Design. *SBD have identified that public footpaths should not run to the rear of rear gardens as this have proven to generate crime. Where a segregated footpath is unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that they are as straight as possible • wide • well lit (within BS 5489-1:2020) • devoid of potential hiding places • overlooked by surrounding buildings and activities • well maintained so as to enable natural surveillance along the path and its borders.*

SBD Homes 2019 V2 chapter 8.12 *Where isolated footpaths are unavoidable, and where space permits, they should be at least 3 metres wide (to allow people to pass without infringing personal space and to accommodate passing wheelchairs, cycles, and mobility*

vehicles). If footpaths are designated as an emergency access route, they must be wide enough to allow the passage of emergency and service vehicles and have lockable barriers.

It is recognised that some local authorities have 'dark sky' policies and deliberately light some of their rural, low crime areas to very low levels of illumination. If this is the case this will be acceptable. However, lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS5489-1:2020. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations have been given due consideration.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Infrastructure

Comments received 15th August 2022

I write on behalf of the Office for the Police and Crime Commissioner (PCC) for Sussex concerning application DM/22/2272 seeking planning permission for 375 residential dwellings, a two-form entry primary school, burial ground, allotments, open space with associated infrastructure, landscaping and parking areas on the land at Hurst Farm, Hurstwood Lane, Haywards Heath.

Sussex & Surrey Police are an active member of the National Police Estates Group and now act as one on all infrastructure and town planning related matters across their combined geographical area. Our approach to Section 106 requests is in accordance with national best practice recommended by the National Police Chief's Council (NPCC). The approach now adopted has been tested at public inquiries nationally and found to be in accordance with the statutory CIL tests.

The large numbers of housing being developed across Sussex and more specifically Haywards Heath will place a significant additional demand upon our police service. These impacts will be demonstrated in this submission and the necessity of investment in additional policing services is a key planning consideration in determination of this planning application.

This development will place permanent, on-going demands on Sussex Police which cannot be fully shouldered by direct taxation. Like many other public services, policing is not fully

funded via public taxation. This request outlines a number of the capital costs that will be incurred by Sussex Police to enable safe policing of this development.

All of the infrastructure outlined in this funding request has been found compliant with regulation 122 of the Community Infrastructure Levy and are considered directly related to the development in scale and kind and necessary to make the development acceptable in planning terms.

The application site is a largely greenfield site that has a negligible impact on policing. Once developed this site will create an additional demand upon the police service that does not currently exist.

The police will need to recruit additional staff and officers and equip them. The development will also require the services of a police vehicle. Staff and officers will also need to be accommodated in a premises that will enable them to serve the development. This request is proportionate to the size of the development and is intended to pay for the initial, additional costs resulting directly from the development for those areas where the police do not have existing capacity. The request also explains how the police service is funded, outlines National Planning Policy support for policing contributions and references numerous appeal decisions where police requests for developer contributions have been upheld.

Police forces nationally, are not in a position to support major development of the scale now being proposed for many of the nation's towns and cities without the support from the planning system. If we are obliged to do so using our own resources only, then it is reasonable to conclude that there will be a serious risk of service degradation as existing coverage is stretched to encompass the new development and associated population growth. This is already evident across Sussex due to the significant numbers of housing being developed and clearly shown by the increasing numbers of recorded crimes in Sussex over the last year. Our force must ensure that development growth is supported by the infrastructure necessary to guarantee the safety and security of the new communities.

It is the responsibility of the PCC to ensure our Chief Constable has sufficient financial support to deliver a high level of policing to the residents of Sussex. Our office continues to actively seek financial contributions via Section 106 agreements and Community Infrastructure Levy funds to support our capital program. This will enable Sussex Police to deliver the highest possible service to ensure the protection of the communities that we serve. In line with many other police forces Sussex & Surrey Police have updated our methodology for infrastructure requests to ensure our representations are transparent and provide an up to date, accurate reflection of our current capacity in the district.

Our new methodology has been developed through a joint partnership with Leicestershire, Thames Valley, West Mercia, Warwickshire and other active members of the National Police Estates Group. This methodology was considered Community Infrastructure Levy REG122 compliant by Mr Justice Green in the case of *Jelson v SoSCLG and Hinckley and Bosworth Council* [2016] CO/2673/2016 (Appendix 1). In addition, there are a significant number of recent appeal decisions and High Court judgments supporting both the principle of Police contributions and our methodology (see attached appendices). The principle of developer contributions towards Sussex Police has recently been upheld by the Secretary of State in

the allowed appeal relating to new 400 homes on the land east of Fontwell Avenue, West Sussex (Appeal ref: APP/C3810/V/16/3143095 – Appendix 2).

I will go into further detail on the various items of infrastructure and provide evidence of their compliance with Regulation 122 tests.

1. Police Funding and Development Growth

A primary issue for Sussex Police is to ensure that new development, like that proposed by application DM/22/2272, makes adequate provision for the future policing needs that it will generate. Like other public services, Sussex Police's primary funding is insufficient to be able to add capital infrastructures to support new development when and wherever this occurs. Furthermore there are no bespoke capital funding regimes e.g. the Health Lift to provide capital either. The police therefore fund capital infrastructure by borrowing. However in a service where most of the budget is staffing related, the Sussex Police capital programme can only be used to overcome pressing issues with existing facilities, or to re-provide essential facilities like vehicles once these can no longer be used.

Sussex Police endeavour to use our existing funds as far as they stretch to meet the demands of an expanding population and overwhelmingly for revenue purposes. However, it is the limit of these funds which necessitates the need to seek additional contributions via Section 106 requests and the Community Infrastructure Levy (CIL). This situation also prevails in other public services seeking contributions and there is nothing different here as far as policing is concerned. What is different is that the police do not enjoy capital income from the usual taxation sources. This evidences that the police do not make requests where other funds are available to meet their needs.

The reality of this financial situation is a major factor in our Forces planning and alignment with plans for growth in that whilst Sussex Police can plan using their revenue resources to meet their on-going, and to a limited extent, additional revenue costs these do not stretch to fund necessary additional investment in their infrastructures.

Sussex Police will continue to engage with Local Planning Authorities to ensure crime prevention is referenced within new local plan documents and provide crime prevention design advice to minimise the opportunities for crime within new development. Ensuring new development takes full consideration of crime prevention and the provision of adequate infrastructure to support policing is clearly outlined within the NPPF and within Paragraph 156 of the NPPF which states "Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver... the provision of health, security, community and cultural infrastructure and other local facilities".

In the support of this request the following information is provided by Miranda Kadwell, Corporate Finance Manager at Sussex Police and is a detailed commentary on Sussex Police's budget, which underpins the above statements:

National funding

Sussex Police receives 59% of its funding from central government and 41% from local taxation. Central government funding comprises of the Home Office Core Funding Settlement, the Department for Communities and Local Government (DCLG) Formula

Funding, (together these are referred to as central government grant or CGG for the purposes of this submission) and legacy Council Tax Grants (LCTG). LCTG are fixed and some elements of this are time limited, therefore, LCTG are not affected by variations in the funding formula.

The distribution of central government grant is calculated by the Police Relative Needs Formula. This Police Funding Formula divides up how much money each police force receives from the overall central government funds. It takes into account a number of factors to assess demand in each area.

The first stage of the formula is to divide funds between the different activities that the police undertake. These activities, or workloads, can be broken down into five key areas (Crime, Incidents, Traffic, Fear of Crime, and Special Events).

A portion of total funding is also distributed according to population sparsity, to address the specific pressure created by the need to police rural areas.

The second stage is to divide funding for each of these workloads between the 43 local policing bodies of England and Wales. In order to do this, "workload indicators" are calculated to estimate how much work each Police Force is expected to have in each of the key areas compared to other forces. These estimates are calculated by socio-economic and demographic indicators that are correlated with each workload. Indicators of workload are used rather than data recorded crime levels to account for known variations in recording practices, and the funding model has been designed to avoid creating any incentives for forces to manipulate figures.

The formula consists of a basic amount per resident and a basic amount for special events, and top ups for the five key areas, sparsity and area costs (which takes account for regional differences in costs).

The top-ups etc. are weighted and use specific categories of population, rather than a straight forward population figure, to determine grant allocations, for example specific categories include the population of various benefits, long-term unemployed, over crowded households, hard pressed households, residents in terraced accommodation etc.

Whilst the funding formula is influenced through allocation of a basic amount per resident, this does not necessarily lead to an increase in Central Government Grant to Surrey Police. Putting aside the time delays between recognising population growth and this being fed in to the funding formula, the overall pot available to all forces the CGG is limited and in fact has declined over the last few years as part of the Government's fiscal policy. Therefore, changes in general population or the specific population do not increase the overall funding made available through CGG, rather they would affect the relative distribution of grant between forces.

For the 2020/21 year there was an increase in the CGG despite to begin to accommodate 'Operation Uplift' across the UK. This funding was ring fenced for revenue expenditure on employing new police officers. However it can be stated with certainty that even if there was further increases in central funding as a result of development growth, this funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not

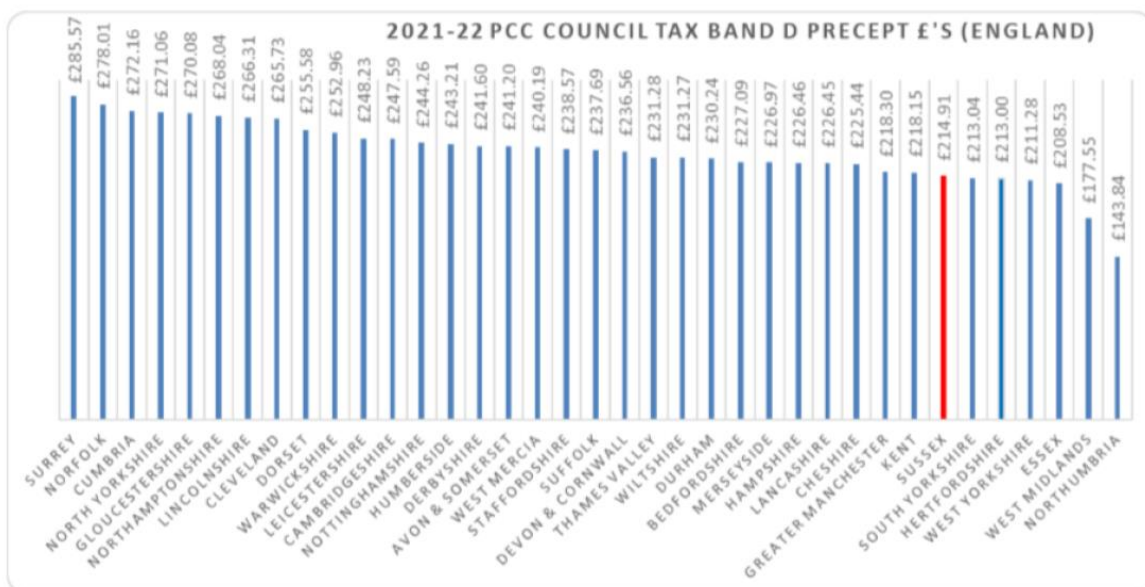
capital items and not what is claimed here). This funding, therefore, would not be available to fund the infrastructure costs that are essential to support the proposed development growth.

During the last year, the Home Office and police partners engaged on potential changes to the police funding formula. However, in the context of changing demand, the Minister for Policing and the Fire Service Nick Hurd has said that providing funding certainty over the next two years to enable the police to plan in an efficient way is his priority. Therefore, proposed changes to the funding formula will be revisited at the next Spending Review. Due to the uncertainty and range of possible outcomes, we have made no assumptions regarding a change to the funding formula in our current financial forecasts. This adds to the level of uncertainty over future government funding.

Local funding

Sussex Police (precepting body) places a demand or precept on the district and borough councils in its area (billing authorities) for a sum of money to be raised through the council tax. The amount to be raised is divided by the Council Tax Base (CTB) or number of households to arrive at an average Band D council tax, from which all other bands of council tax are determined. The growth in the council tax or the amount each household pays is decided by the Police and Crime Commissioner (PCC), having regard to the DCLG rules concerning the need to hold a local referendum where the proposed spending increase in the precept is above a prescribed threshold, currently £12 per Band D property to maintain real terms funding. The cap on precept uplift was raised to £12 for all forces for the 2018/19 year. The precept was raised to £10 for the 2021/22 financial year.

During 2021/22 Sussex Police had the 7th lowest net expenditure per head of population nationally at £199.91 and the 7th lowest precept of any PCC in England and Wales.



There remains potential for the council tax yield to increase simply through a growth in the CTB. However, it should be noted that the CTB is reduced for discounts and exemptions provided under the Local Council Tax Benefit Scheme (LCTBS) and may also be affected by collection rates. Therefore, a growth in households might not lead to a growth in council tax yield where those households benefit under the LCTBS.

The additional funding generated by council tax in 2020/2021 will reduce the severity of the Forces previous savings target. The savings target represents a funding gap between our existing budget requirements and current funding sources. However the latest Medium Term Financial Strategy indicates the PCC will still require a further £1.9m to be drawn from our reserves to support revenue costs associated with our Local Policing Program over the period to April 2022.

Most importantly, the higher council tax precept will allow our PCC to retain and invest in our workforce and continue supporting our Local Policing Program (LPP). Key considerations driving the precept increase decision included:

- Public demand on police services is increasing exponentially;
- Criminal investigations are becoming increasingly complicated, with huge amounts of digital material to identify, secure and analyse, against an exacting threshold for prosecution;
- The public want to see investment in more visible, local policing, focusing on crimes like burglary and anti-social behaviour and they rightly want to feel safe on the roads, in public spaces and at night-time;
- The public also want to see improvements in the force's approach to public contact and more support to the 101 service;
- HMICFRS (Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services) has recently acknowledged the public's concerns about changes to neighbourhood policing, and stressed the importance of community intelligence;
- And, the PCC's consultations and correspondence with the public show that a majority of Sussex residents are prepared to support their police service through increased precept contributions.

Savings

Since 2010/11 we have seen reductions to the grant funding provided by the Government to Policing Bodies in England and Wales. Over the last nine years Sussex Police have worked hard to deliver savings and have made £109m of reductions and efficiencies to head towards balancing its books (source: Her Majesty's Inspectorate of Constabulary's (HMIC) Police Effectiveness, Efficiency and Legitimacy (PEEL) assessment and 2017/18 revenue budget).

Despite increases in the Council tax yield the 'Sussex Police Medium Term Financial Strategy' (MTFS) identifies a net savings requirement in the region of £20.7m over the next four years. This is the "budget gap" i.e. the difference between funding and the cost of policing which will need to be met by savings.

Capital Funding

Central Government funding for investment in capital infrastructure takes the form of a Home Office Grant. This grant makes up a small part of the overall funding for the Capital Programme and was reduced from 0.906m to £0.243m for the 2019/20 financial year and has remained at this level for 2020/21. Our capital and investment program is funded firstly by our capital grant and capital receipts (building sales) and is then supported by reserves or revenue contributions.

Home office capital grant is cash limited and has been reduced in recent years due to austerity measures and the requirement to fund national projects such as the new National

Police Air Support (NPAS) service and Police Live Services for digital data and technology capabilities. The grant is not affected by movement in the local population of CTB, therefore, any local capital investment creates an additional financial burden on Sussex Police which will be funded through reserves or borrowing. With diminishing reserves and the implications of borrowing both situations both alternative funding mechanisms are inadvisable.

Conclusions on funding

Like many other public sector organisations, Sussex Police have seen a real terms reduction in grant funding in recent years, which has necessitated changes to the policing model. At the same time the demands placed on the police service increase, whilst the service has to deal with the changing nature of crime at both the national and local level, for example, cybercrime, child sexual exploitation and terrorism are areas of particular concern. Additional funding granted towards policing will support and sustain local policing services to Sussex residents.

In conclusion it remains necessary to secure Section 106 contributions or direct CIL funding for policing infrastructure, due to the direct link between the demand for policing services and the changes in the operational environment beyond Sussex Polices control i.e. housing growth and the subsequent and permanent impact it has upon policing.

Securing modest contributions means that the same level of service can be provided to residents of new development as it is to existing residents and without compromising frontline services. The consequence of no funding is that existing infrastructure will eventually become stretch to breaking point, and none of the communities we serve will received adequate policing.

Whilst national and local funding must continue to cover salary and maintenance costs, there would be insufficient funding to provide the infrastructure required for officers to carry out their jobs effectively, Sussex Police consider that these infrastructure costs arising directly as a result of the development proposed and that funding for the police under S106 or CIL is both necessary and justified.

2. Assessment and Request

Our office have undertaken an assessment of the implications of growth and the delivery of housing upon the policing of Mid Sussex and in particular the areas of this borough where new development is being directed towards. We have established that in order to maintain the current level of policing, developer contributions towards the provision of capital infrastructure will be required. This information is disclosed to secure essential developer contributions and is a fundamental requirement to the sound planning of the district. In the absence of developer contributions towards the provision of essential policing infrastructure the additional strain placed on our resources would have a negative impact on policing of both the development and force-wide policing implications within the borough.

This submission will provide the most recent annual statistics for crime/incidents in Mid Sussex which will be compared to the number of existing households. This provides an incident per existing household (or person) within Mid Sussex which can then be used as the background to the various items of infrastructure outlined in this funding request.

Nationally, the Police Force ensure that we take regular legal advice and guidance from industry professionals on the applicability of NPPF tests relating to the application of Regulation 122 on our funding requests for S106 agreements and Infrastructure Development Plans. This included advice as to what is infrastructure which can be summarised as follows:

- The first point to note is that “infrastructure” is not a narrowly defined term. Section 216 of the Planning Act 2008 provides a list of “infrastructure” but is clear that that list is non-exhaustive. That fact is demonstrated by the use of the word “includes” prior to the list being set out.
- There is no difficulty in the proposition that contributions towards Police infrastructure can be within the definition of infrastructure for the purposes of the 2008 Act. In policy terms this is reinforced by the reference to security infrastructure in paragraph 156 of the National Planning Policy Framework.
- Infrastructure is not limited to buildings and could include equipment such as vehicles, communications technology, and surveillance infrastructure such as CCTV.

The submission set out below is based on the same methodology previously found sound by Planning Inspectors, the Secretary of State and the High Court and has been found sound. The costs included in this submission are sites specific costs which are envisaged to be secured via a Section 106 agreement. The significant costs relating to revenue will be met by local and national taxation.

3. Current Policing requirements in the District of Mid Sussex

Sussex Police’s existing estate

At present, Neighbourhood policing in Mid Sussex is delivered from Burgess Hill, Haywards Heath and East Grinstead Police stations. Burgess Hill and Haywards Heath are the main operational bases for Neighbourhood Policing Teams (NPT) and Neighbourhood Response Teams (NRT) in the District. East Grinstead police station is our new drop-in office within the Chequer Meads arts centre.

Our office have undertaken a full capacity analysis of our sites across Sussex and identified police stations where we have issues with existing capacity and would therefore be unable to support additional officers and staff required due to population growth. This study shows that Haywards Heath Police Station has very limited capacity and could not support additional staff or officers to mitigate against this development. This base supports front line policing and other neighbourhood policing roles which will be required to support this development.

Sussex Police’s current policing requirements and projections

For the last financial year Sussex Police recorded 20,569 incidents in the District of Mid Sussex which accounted for 6.1% of the total number of incidents in the County (2021/22 incident records) and 13.6% of incidents in the Western division.

To determine the current policing requirements per household or individual person an approximate estimation of the number of households and population in the district is required. The 2021 census listed 63,300 households and 152,600 persons living in Mid

Sussex with an average household size of 2.41 persons. Taking into account the number of recorded incidents and current number of households this results in 0.325 incidents per household (20,569 / 63,300) and 0.135 incidents per person (20,569 / 152,600) that require police attendance in the Mid Sussex district each year.

Sussex Police have a duty to respond to all incidents and many of these incidents are not recorded as crimes. We deliver crime prevention and presence, attendance and service lead at emergencies eg RTA's or flooding, counter terrorism and community reassurance. We must also attend all incidents involving deaths, attend crowd and events policing, attend and input to community safety and crime partnerships, and provide referral responses when there are expressed concerns about the safety or children, the elderly and those with special needs.

4. Breakdown of predicted incidents as a result of population increase in Mid Sussex

The proposed development of 375 homes would have a population of 844.5 persons (see breakdown). Applying the current ratio of "incidents" to population then the development would generate an additional 114 incidents per year for Sussex Police to attend (0.135 x 844.5).

These incidents are likely to result in 34 additional recorded crimes per year attributed to this neighbourhood.

Proposed residential units- 375 units

Housing Type	1 bed	2 bed	3 bed	4 bed	Total
No. of units	48	121	113	93	375
Expected occupancy	1.3	1.9	2.5	2.9	
Total	62.4	229.9	282.5	269.7	844.5

5. Current breakdown of policing delivered in Mid Sussex

Current statistics show that Sussex Police employ 3124 officers in active duty delivering policing to the residents of Sussex. These roles can be categorized into dedicated policing teams delivering neighbourhood and response policing; divisional policing delivering specialist services such as investigations; and Forcewide policing teams delivering specialist policing services across the county such as Firearms, Major crime and counter terrorism. Only departments of over 5 officers have been included within Forcewide staff and officers which removes specialist officer roles which are not clearly directly tied to population growth (ex: Chief Inspectors, specialist management functions).

In total the Local Authority of Mid Sussex is served by; (all figures = FTE)

Police officers

- 87 dedicated uniformed Officers

Neighbourhood Policing Team officers (NPT), Local Support Team, Response Policing Teams, Police Community Support Officers.

- 19 divisional officers

The West Sussex division has 151 officers not including the dedicated officers listed as dedicated uniformed officers. These roles include Investigation teams, Special Investigations Unit (SUI), CIT (Crisis Intervention Team, Operational support teams. Recorded incidents in Mid Sussex account for 12.5% of the recorded incidents in West Sussex over the last year therefore it is reasonable to allocate 19 divisional officers to the Mid Sussex district.

- 56 Force wide officers

A large number of our officers deliver force wide policing in a variety of roles including Operations, Firearms, Major crime, Public protection, Specialist crime, Custody, Communications, Professional standards and Training roles. There are 930 officers Force wide officers which deliver policing to the whole of Sussex and are vital to the operation of all types of policing including the functioning of neighbourhood policing. Taking into account into account that 6% of all incidents managed by Sussex Police occur in Mid Sussex, 56 officers are required for the policing of this district.

Police staff

Sussex Police currently employs 2509 support staff delivering policing to the residents of Sussex. These roles can be categorized into dedicated support staff such as police enquiry officers and facilities assistants; Divisional staff teams (ie: East Sussex, West Sussex, and Brighton & Hove) delivering services such as crime prevention, operations, investigations, strategic support, corners office and other essential roles. Force wide support staff roles such as public protection, joint transport services, crime justice & custody, communications departments and specialist crime command. Some specialist department roles have not been included, however all the above force-wide departments consist of 10 employees or larger. This precludes specialist support staff roles such as the office of the Police and Crime Commissioner which are not directly linked to population growth.

- 14 dedicated support staff

Police Enquiry officers, Facilities officers, Facilities Assistants

- 24 divisional support Staff

As with police officers roles divisional support staff is essential to support front line policing and drawn upon when required. Divisional support staff roles include Investigations teams, Crime Prevention, Licensing, Prosecution case workers, Coroner's Office and other essential roles.

- 120 Force-wide support staff

The majority of our support staff functions are delivered in a force-wide capacity. Only departments with over 10 or more support staff members have been included within this field which removes specialist roles within Sussex Police which capacity is not directly related to population increase. There are 2509 support staff within these various major support staff departments including Specialist crime command, Public protection, Operations, Human Resources, Communications departments and Joint Transport Service. Taking into account into account that 6.5% of all incidents managed by Sussex Police occur in Mid Sussex, 120 support staff are currently required to support policing in Mid Sussex.

Dedicated officers	87	
Divisional officers	19	
Force wide officers	56	
Total number of officers	162	
Dedicated support Staff	14	
Divisional support staff	24	
Force wide support Staff	120	
Total number of staff	158	

Currently 20,569 incidents are attended by 162 officers per year in Mid Sussex which is a ratio of 127 incidents per officer, per year. To retain this current ratio of 127 incidents per officer per year, an additional 114 incidents per year would require 0.9 additional officers (90% of an officers workload).

In addition to the significant impacts this development would place on our policing teams this development would also require significant investment in our support staff capacity. As we have shown, approximately 158 police staff are required to support policing to the 63,300 households in Mid Sussex. This is a ratio of 400 households per staff member. Therefore an

additional 375 households would require 0.94 additional support staff to retain this existing ratio.

Additional officers/staff required as a result of 375 additional homes

Total Additional Officers Required	0.9	114 (expected No. incidents arising from development) / 120 (No. incidents attended per year by an officer)
Total Additional Support Staff (Local/Central)	0.94	(375 / 400) (no. of new households / Existing no of support staff per household)

6. COSTS

In order to mitigate against the impact of growth our office have calculated that the capital “cost” of policing new growth as a result of this major planning application equates to £70,289.

These funds would be used for the future purchase of infrastructure to serve the proposed development. This cost will now be broken down clearly to show the capital infrastructure required to support these new officers.

The contribution requested will fund, in part, the following items of essential infrastructure and is broken down as follows;

OFFICER SET UP

OFFICER			
Start-up equipment (radio, workstation, body worn camera, IT equipment)	£4,307.33	0.9	£3,876.60
Start-up recruitment and training cost	£5,460	0.9	£4,914.00
TOTAL COST	£9767.33	0.9	£8,790.60

SUPPORT STAFF			
Start-up equipment (workstation, IT equipment)	£2,086	0.94	£1,960.85
Start-up recruitment cost	£1,060	0.94	£996
TOTAL COST	£3,146	0.94	£2,957.24

Sussex Police would utilise the contribution in the following manner;

- £8,790.60 as a pooled payments towards the cost of 1 additional dedicated officer in the Franklands NPT to deliver policing to the site and surrounding area to be based at Haywards Heath Police Station.
- £2,957.24 as a pooled payment towards the cost of training and equipping 1 additional support staff member to deliver policing to the site and surrounding area to be based at Haywards Heath Police Station.

We could not have officers attending this development with less than adequate equipment with unnecessary risk to themselves and occupiers served.

PREMISES

At present policing in Mid Sussex is delivered from Haywards Heath, Burgess Hill and East Grinstead (Chequer Meads art centre) police stations. Haywards Heath and Burgess Hill are our major divisional sites which accommodates various functions including prevention, response and roads policing teams that would serve new development occurring across the district. Haywards Heath is outlined to be retained in the existing 2018-2022 estates strategy and capacity improvements will be made to the existing Police Station.

Our office have undertaken a full capacity analysis of our sites across Sussex and identified police stations where we have issues with existing capacity and would therefore be unable to support additional officers and staff required due to population growth. This study shows that Haywards Heath Police Station has very limited capacity and could not support additional staff or officers to mitigate against this development. This base supports front line policing and other neighbourhood policing roles which will be required to support this development.

Any additional officers deployed within this area of the district will need to be based at Haywards Heath Police Station and additional floor space will be to be created through the alteration / adaption of the existing building. These improvement works are likely to be carried out in various sections between the next three financial years depending on budgets and availability additional funding.

Sussex Police are required to maintain a high capacity of accommodation for staff and officers, with any additional capacity delivered via new works to provide floor space. Taking an average of the floor space provision over our sites in Sussex which deliver neighbourhood policing we have determined that each new officer/member of staff should be allocated approximately 7.93sqm of office floor space. We are also required to provide a minimum of 1sqm for officers/staff for storage (locker room etc). This bring the total space requirement to 8.93sqm.

The 15/01/2022 issue of the RICS BICS costs (Appendix 5) which lists the median cost for adaptations/conversion of police stations at £2,754 (Median) which would be considered the minimum cost appropriate to support the additional officers/staff at through refurbishment/redevelopment of the existing Police Station.

The cost of accommodating a minimum of 1.84 additional officers/staff (which are required to police this development) would therefore be $8.93 \times £2,754 \times 1.84 = £45,251.52$

VEHICLES

A vital part of providing effective policing to the residents of Mid Sussex is maintaining the large fleet of vehicles. These vehicles range from General Response Vehicle (GRVs or patrol cars), unmarked general support vehicles, Public Service Unit vans and minibuses, scientific (e.g Scene of Crime Officers) vehicles, pursuit vehicles – 4 x 4 and high speed, motorcycles. Current fleet deployment in Mid Sussex administrative area (serving 63,300 households) currently consists of 27 active dedicated vehicles and 39 force-wide vehicles. Maintaining our forcewide fleet is essential to the success of Sussex Police and important to enable the force to efficiently combat cross border crime. There is currently no capacity to provide additional vehicles in line with development growth at present and our budget is required to replace and maintain vehicles at their end of life.

Contributions towards additional police vehicles have commonly been sought via developer contributions to meet the increased demands on our service as a result of development growth.

In total there are 27 dedicated vehicles and 39 force-wide vehicles delivering policing to the district of Mid Sussex.

	Department	Number of vehicles
Divisional	Crime management, Local command, Local investigations, Neighbourhood Policing Teams, Neighbourhood Response Teams, Response investigations	27
Forcewide	Crime support command, Dogs section,	39
	Firearms, Intel, Licensing, Major investigations, Public protection, Traffic, Training.	

The average capital cost of a new vehicle is £17,000 (not including fuel and maintenance). Our guideline for the majority of marked vehicles is to replace every four years or £125,000 miles. The condition of vehicles at the end of their police life varies however Sussex Police forecast that they will redeem, on average 5% of a vehicles value on disposal.

The development will require fleet investment far exceeding 4 years therefore Sussex Police would require at least an 8 year life of provision. This contribution is justified because there is insufficient funding within the police's revenue income to take on the capital cost after just four years, without diverting money from elsewhere. Sussex Police estimate that the 4 year lifetime cost per vehicle is approximately £42,240 including running costs and capital charges.

66 vehicles at net value of £1,122,000

Existing number of households in Mid Sussex (63,300) = £17.72 per Household (1,122,000 / 63,300) x 375 Households x 2 = £13,290 to give 8-year life of provision.

Sussex Police would utilise the contribution in the following manner;

□ £13,290 as part payment towards one additional vehicle in the Franklands NPT/NRT to deliver policing to the Mid Sussex District Council administrative area. This would include replacement after 4 years at a cost of £17,000 per vehicle.

The same methodology has been used to calculate our fleet requirement as the Warwickshire police representation which has been supported in the most recent appeal decision concerned contributions towards policing (Appendix 5 - APP/R1845/W/17/3173741) issued on the 18th March 2018. Sussex Police consider this would be the most appropriate methodology to use in this and all future section 106 requests.

7. Compliance with National Policy and CIL Regulations

Following the abolition of CIL regulation 123, the funding of infrastructure is no longer restricted to 5 separate developer contributions. Within Mid Sussex the majority of policing is carried out by the NRT/NPT teams, therefore our office would recommend funds received from Section 106 agreements should be spent directly on supporting these teams. Therefore, when contributions from new housing development are pooled it is sensible to do this based on NRT areas which in the case of this development is the Franklands NRT/NPT.

The assessment for these infrastructure contributions is outlined in CIL Regulation 122, which requires each item to meet the following three tests. From the numerous appeal /

Secretary of State decisions and High Court judgements there is significant evidence that all the items listed in this request comply with CIL Regulation 122.

The costs of training officers have been included in this request and have been found sound (and compliant with Regulation 122) in numerous appeal decisions included as Appendix 2. In the respect of training in particular, the Sketcheley house decision (page 19 of Appendix 2) makes specific reference to “protective clothing, uniforms and bespoke training” and were endorsed by the Inspector in his report at paragraph 11.57 and by the Secretary of State at paragraph DL22.

It is therefore plain that the Secretary of State and numerous Planning Inspectors consider that National Planning Policy and legislation is capable of encompassing these types of **infrastructures**.

1. Necessary to make the proposed development acceptable in planning terms

The creation of safe and accessible environments where crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion is fundamental to planning for sustainable development as confirmed in the National Planning Policy Framework.

The Mid Sussex District Plan (2014-2031) lists one of the major challenges facing the District as the need to achieve sustainable, attractive and inclusive communities to ensure that the District continues to benefit from low crime levels, good health and an attractive natural and built environment.

One of the priority themes of the emerging plan is ‘Ensuring cohesive and safe communities’. Crime prevention and crime management is essential to ensure strategic objective 12 is met which aims “To support sustainable communities which are safe, healthy and inclusive”.

With regard to adopted local planning policy, Policy G3 of the adopted Mid Sussex development plan does allow for police contributions. The policy includes a non-exhaustive list of infrastructure requirements. The fact that it does not cite police contributions specifically does not preclude the need for these contributions. The policy is expressed with sufficient width that it encompasses any necessary infrastructure, which could and should lawfully include police contributions. Such contributions are, in principle, within the lawful ambit of the policy regime which requires financial contributions from developments to help defray the external costs of the proposals which would otherwise fall on general taxation.

The adopted Mid Sussex District Council Development Infrastructure and Contributions SPD (July 2018) includes detailed calculations of Sussex Police’s infrastructure requirements. Certain statistics have been updated for this representation however the majority of data is in accordance with the adopted SPD.

The Secretary of State has recognised that it is not a rigid requirement to have express reference to policing within local planning policy because the overarching principle of ensuring safe communities is recognised in the NPPF. The Planning Inspector in the case of North-west Leicester District Council vs Money Hill Consortium (Appendix 4) stated:

62. The obligations of the Undertaking, other than that to support Police operations, are all related to requirement of development plan policies and are all necessary to make the development acceptable in planning terms. They are all furthermore, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development. The Legal Agreement, setting aside the Police contributions, therefore complies with Regulation 122 of the CIL Regulations 2010. Furthermore, taking into account the submissions of NWLDP, LCC and LP, the Agreement complies with Regulation 123 of the CIL Regulations 2010.

63. The contributions of £219,029 towards Police infrastructure is not related to requirement of development plan policies. The figure has been arrived at following a close and careful analysis of the current levels of policing demand and deployment in Ashby. The proposed development, in terms of population increase, would have a quantifiable and demonstrable effect on the ability of the Police to carry out their statutory duties in the town. LP has not sought any contribution to some aspects of policing, such as firearms and forensics, but only for those where there is no additional capacity. The contribution is necessary because the new housing that would be created would place a demonstrable additional demand on Police resources in Ashby. The financial contributions to Police operations thus satisfies Regulation 122 of the Community Infrastructure Levy Regulations 2010 and a provision of the Undertaking would ensure that the contribution also satisfies Regulation 123 of the Community Infrastructure levy Regulations 2010.

The importance of policing contributions is importantly recognised in recent court judgments and considered an essential core principle of the NPPF. The judgment of Mr Justice Green 01/11/2016 (Appendix 1) with regard to the High Court challenge of Jelson Limited vs Secretary of State for Community and Local Government (1) Hinkley and Bosworth District Council stated:

“The gist of the Inspectors reasons are adequately set out in paragraphs [44]-[47] (see above). She records that LP has adequately demonstrated that the sums would be spent on equipment and services which arose “.. Directly from the new households occupying the proposed development”. Accordingly she concluded, in terms of causality, that there was a proper nexus between the expenditure and the new development. She also records that the proposed spending was properly attributed between individual projects and procurement such as property adaption and contributions towards a vehicle in order to prevent a need for pooling contributions”.

“Mr Lambert cited empirical data based upon existing crime patterns and policing demand and deployment from nearby residential areas which established the direct and additional impacts of the development upon local policing. That data established that there would be an incremental demand in relation to such matters as calls and responses per year via the police control centre; an increase in annual emergency events within the proposed development; additional local non-emergency events which trigger follow-up with the public; additional recorded crimes in the locality based upon beat crime and household data and a proportionate increase in anti-social behaviour incidents an increase in demand of patrol cover; and, an increase in the use of vehicles equating to 12% of an additional vehicle over a six year period.”

Moreover, the wider principles of sustainable development within the NPPF also require consideration of all necessary infrastructure requirements, as observed by Foskett J in R. (Police and Crime Commissioner for Leicestershire) v Blaby DC and others. This judgment stated:

11. It is obvious that a development of the nature described would place additional burdens on local health, education and other services including the police force. The focus in this case is upon the effect upon the local police force. If it sought to shoulder those additional and increased burdens without necessary equipment (including vehicles and radio transmitters/receivers for emergency communications) and premises, it would plainly not be in the public interest and would not be consistent with a policy that encourages “sustainable development”: see for example, paragraphs 17 of 79 of the National Planning Policy Framework (NPPF). It is that that leads to the Claimants interest in the matters”.

As shown in section 1, there is no dedicated Government funding to comprehensively cover the capital costs associated with policing new housing development. Unless contributions from new developments are secured then Sussex Police would be unable to maintain the current levels of policing with resources diverted and stretched, inevitably leading to increased incidents of crime and disorder within the local area. Sussex Police strive to reduce the level of crime in the County however due to the significant numbers of new housing being brought forward the need for more front line staff and associated infrastructure has never been more relevant as a fundamental planning policy consideration.

Appeal decision APP/C3240/W/16/314445 (Appendix 2) issued on the 21st March 2017 provides further support for developer contributions towards the capital costs of additional policing infrastructure arising from new development. The Planning Inspector stated:

165: There is no doubt that the proposed development would generate a need for policing and that need would require additional resources which have been calculated on a pro-rata dwelling basis. The Framework identifies a need for safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. In addition, an extensive array of appeal decision supports the principle of police contributions. Overall, the balance of the evidence before me points to the obligation (based on the underlying pro-rata calculation) being necessary and proportionate mitigation for the development.

We would also bring to attention dicta from the High Court judgment by Mr Justice Foskett in Police and Crime Commissioner for Leicestershire vs Blaby Council. Paragraph 61 and 62 of the judgment state:

61. I do not, with respect, agree that the challenge mounted by the Claimant in this case can be characterised as a quibble of a minor factor. Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would want to know that the police service can operate efficiently and effectively in the area. That would plainly be “consumer view” of the issue. The providers of the service (namely, the Claimant) have statutory responsibilities to carry out and, as the witness statement of the Chief Constable makes clear, that itself can be a difficult objective to achieve in these financially difficult times. Although the sums at

stake for the police contributions will be small in comparison to the huge sums that will be required to complete the development, the sums are large from the point of view of the police.

62. I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide police with sufficient contribution to its funding requirements to meet the demands of policing the new area:

lawlessness in one area can have effects in another nearby area. Miss Wigley, in my judgment, makes some entirely fair points about the actual terms of the section 106 Agreement so far as they affect the Claimant.

Appeal decision APP/K2420/W/15/3004910 provides further evidence for developer contributions towards necessary policing infrastructure required to enable effective policing of new housing development. The Planning Inspector supported the methodology used for this calculation and compliance with the specific capital infrastructure items detailed in our request.

44. Leicestershire Police (LP) have demonstrated adequately that the sums request would be spent on a variety of essential equipment and services, the need for which would arise directly from the new households occupying the proposed development. It would be necessary, there, in order to provide on-site and off-site infrastructure and facilities to serve the development commensurate with its scale and nature consistent with LP Policy IMP1. The planning contribution would also enable the proposed development to comply with the Framework's core planning principle of supporting local strategies to improve health, social and cultural wellbeing and delivering sufficient community facilities to meet local needs".

In respect of the methodology used for this request the same Planning Inspector stated "47 – I consider this to be a no less realistic and robust method of demonstrating the criminal incidents likely to arise in a specific area than the analysis of population data which is normally used to calculate the future demand for school places. The evidence gives credence to the additional calls and demands on the police service predicted by LP".

A financial contribution towards essential policing infrastructure is clearly essential to make new housing development acceptable in planning terms. The policing infrastructure items outlined in this request are essential to help support new officers required due to population growth and most importantly keep existing and future residents of Mid Sussex safe.

2. Directly related to the proposed development

There is a functional link between new development and the contributions requested. Put simply without new development taking place and the subsequent population growth there would be no requirement for the additional infrastructure. The additional population growth will lead to an increase in incidents, which will require a Police response. The infrastructure outlined in this request has been specifically identified by the NPT/NRT teams policing the areas of Mid Sussex as necessary to deal with the likely form, scale and intensity of incidents this new housing development will generate.

3. Fairly and reasonably related in scale and kind to the proposed development.

Securing proportionate developer contributions towards necessary capital expenditure is essential to help meet a proportionate increase in police infrastructure costs and to enable Sussex Police to maintain its current level of service in the borough. This infrastructure has been identified by Sussex Police as necessary to provide an appropriate level of policing to serve the proposed development and maintain the existing high level of community safety.

A clear numerical, evidence based approach has been demonstrated which is supported by case law and recent appeal decisions by the Planning Inspectorate. The various items of capital expenditure and infrastructure requested are considered CIL compliant and are necessary to enable new officers to undertake their role to meet the policing needs of the development and mitigate impacts to existing resources. A reasonable and proportionate approach has been adopted.

We would also highlight two recent appeal decisions in Leicestershire (APP/F2415/A/12/2179844 & APP/X2410/A12/2173673, Appendix 2). In assessing the request from Leicestershire police for developer contributions towards infrastructure the Inspector commented at para 29 of decision 2179844;

The written evidence submitted by Leicestershire Police detailed the impact the proposed development would have on policing, forecasting the number of potential incidents and the anticipated effect this would have on staffing, accommodation, vehicles and equipment. In view of the requirement of national planning policy to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life, it is considered that, on the evidence before me, a contribution towards policing is necessary to make the development acceptable in planning terms.

Furthermore with regard to appeal decision 2173673, the Inspector is unequivocal in highlighting the acceptability of police contributions being recipients of developer's contributions;

Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services. There is no reason, it seems to me why police equipment and other items of capital expenditure necessitated by additional development should not be so funded, alongside, for example, additional classrooms and stock and equipment for libraries. Para 292

These appeal decisions confirm that the approach of Sussex Police in assessing the impact of development, having regard to an assessment of the potential number of incidents generated by growth is appropriate, and fundamentally it confirms that police infrastructure should be subject to developer contributions as the provision of adequate policing is fundamental to the provision of sustainable development.

Furthermore the requirement to ensure that crime and the fear of crime is addressed through the planning process runs through the revised NPPF (2018);

Paragraph 20 (b) retains reference to 'security infrastructure' and advises that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

b) Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat).

Paragraph 91 advises that planning policies should aim to achieve healthy, inclusive and safe places which:

“are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

Paragraph 95 outlines the importance of engaging with the security services to inform planning policy decision and promote public safety and defence requirements. This will be achieved by:

a) Anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant area (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and

b) Recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

The Glossary to the new NPPF includes an entry entitled ‘Essential Local Worker’. It states ‘these are public sector employees who provide frontline services in areas including health, education and community safety – such as NHS Staff, teachers, police, firefighters and military personnel, social care and childcare workers’. This recognises the emergency services as essential for the public, alongside education and health.

I trust this sets out sufficiently our office’s request for infrastructure contributions relating to this development on the land at the Hurst Farm, Haywards Heath.

I am more than happy to discuss the content of this submission with yourselves and support with any further evidence if considered necessary.

Historic England

Comments receive 1st March 2023

Thank you for your letter of 23 March 2023 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Comments received 15th August 2022

Thank you for your letter of 26 July 2022 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Significance

The site is located within the open land of Hurst Farm, south of Hurstwood Lane, West Sussex.

The site does not contain any heritage assets, however adjacent to the site boundary lies Hurst Farm, a farmhouse dating from the C16 which is a particularly fine example of its type. The quality of the materials and the unusual degree of their survival has justified listing at Grade II*. Importantly, the rural character of the setting provided by this site makes a major contribution to understanding and experiencing its significance as an historic farmhouse.

The rural nature of approach from the south and the tranquil character of landscape in terms of its current use and appearance to the south-west, south and south-east, reinforce an understanding of the connection between the farmhouse and its rural setting and help to understand and appreciate why and how the buildings came to be located here.

Impact

The proposals are for an outline planning application for a residential development to provide 375 new homes, a new primary school, a burial ground and allotments at land within Hurst Farm.

The housing would be provided in 4 'parcels' with Parcel 1 and Parcel 2 the closest to the Grade II* designed asset Hurst Farm and Grade II listed barns associated with it. The new buildings in these parcels would be 2 storeys high.

There are no views provided that show what impact the proposed development would have on views from the Farmhouse complex and no assessment has been provided of how the setting would be experienced with the addition of a large housing development within its views. However, based on our previous advice for similar proposals on this site, it is likely that the proposals would cause some harm to the Grade II* listed asset through the erosion of its rural setting.

An area of land between these two parcels will be kept undeveloped as rural land, which will enable views from the Farm out over a proposed burial ground, allotments and a country

park.

Historic England consider this proposed layout of the masterplan and retaining the open field as a simple informal green space far as possible will allow the designated heritage asset to keep some of its rural setting, even if not as currently experienced.

We consider ensuring that the development at the edge of the parcels is only two storeys high would go some way to minimising visual impact.

Policy

The National Planning Policy Framework (NPPF) 2020 sets out the government's policies for decision-making on planning proposals. The NPPF places great weight on the desirability of sustaining and enhancing the significance of heritage assets, and of new development making a positive contribution to local character and distinctiveness.

Paragraph 195 instructs local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 199 instructs that great weight must be given to the conservation of heritage assets, and paragraph 200 any harm that will be caused should require clear and convincing justification. Where less-than-substantial harm would be caused, paragraph 202 explains that this must be weighed against the proposal's public benefits.

Position

We consider the change in the wider setting to the designated heritage asset and the consequent erosion of its contribution to significance is less than substantial.

Proposals to minimise the harm both from the residential development, the access road and the character of the retained green space have been clearly set out. Historic England is therefore content that your authority to assess whether the harm is convincingly justified by the wider benefits brought about by the development when weighed in the planning balance.

Your authority should be convinced that the less than substantial harm now being caused to the contribution made by the setting of the designated heritage asset to its significance is justified.

If you are minded to approve the application the proposed minimisation and mitigation measures should be secured. In particular, the details of how the long-term management of the field and green space will be secured and funded should be clearly established and controlled.

West Sussex Clinical Commissioning Group

Overview

Current Estate is at capacity in Haywards Heath. With housing developments in this area of Mid Sussex rising. As such, NHS Sussex (NHS commissioning) has worked with the District Valuer and District Council on both strategic plans and more local factors.

For Haywards Heath GP's, there are circa 65,000 current registered people. The impact of new people coming to the area requires more places for GP attendances and as such the NHS is requesting financial contributions to support growth from housing.

Development proposal

NHS Sussex predicts that new residents will register **at Cuckfield or new/other NHS facility**. The new homes are in the catchment area of 3 GP practices. Residents may be supported by other sites, dependent upon choice – but all are at capacity. Thus, the CCG requests a contribution to enable support of the growing new housing population.

Additional population generated by this development will place an increased demand on existing primary healthcare services to the area. The application did not include any provision for health infrastructure on site (as this is not a strategic site) and so a contribution towards health infrastructure off-site via financial obligation is being sought.

The planning permission should not be granted Without an appropriate contribution to local health infrastructure to manage the additional load on services directly incurred as a consequence of this proposed development. **Without associated infrastructure, NHS Sussex would be unable to sustain sufficient and safe services provided in the area and would therefore have to OBJECT to the development proposal.**

NHS Sussex requests a contribution from the applicant of **£575,534**, as quantifiably in the tariff section, which will be used most likely towards supporting Dolphins / Newtons (potentially another site or central hub which will serve the catchment population of this proposed development – this will be considered after the Covid19 pandemic 'working update' is driven from NHSE). **Funding will not be duplicated.** The CCG will consider the proportional use of these funds coupled with the other Haywards Heath and area developments so as to give best benefit to patient care.

The Tariff formula has been independently approved by the District Valuer

Assessment & request

NHS Sussex has undertaken an assessment of the implications of growth and the delivery of housing upon the health need of the District serving this proposed development, and in particular the major settlements in the district where new development is being directed towards. We have established that in order to maintain the current level of healthcare services, developer contributions towards the provision of capital infrastructure will be required. This information is disclosed to secure essential developer contributions and acknowledge as a fundamental requirement to the sound planning of the District.

The additional population generated by the development will inevitably place additional demand upon the existing level of health provision in the area. In the absence of developer contributions towards the provision of additional health infrastructure the additional strain placed on health resources would have a significant detrimental impact on District wide health provision.

Health utilises the legal advice outcomes and industry professional inputs from other public funded area, such as the Police service. With the direct impact of new housing and house growth plans on registered patients, the submission that follows captures the necessary, directly related and fair/reasonable contributions required that relate to the associated house build volumes.

The tried and tested formula used has been in use for many years and is annually reviewed.

Current Primary Healthcare Provision in Haywards Heath

Primary Care services in Haywards Heath are provided by a number of GP practices, funded from NHS funds for providing Primary health care.

Some sites are purpose built in prior decades and some are re-worked sites. However, all sites were set to a size (estate area) for a population that has gone above optimal or possible working remits.

The proposed development will need to have Primary Care infrastructure in place in order to care for the population increase. This contribution requested will be for the necessary infrastructure to cater for the site development at the most local GP service site(s) and encompass all the necessary components of patient need, whether at the GP practice or neighbouring service area.

As noted, this is the current position. COvid19 and/or other pandemic may require additional estate. We envisage that this will be supported centrally (NHS). This current development response just related to new housing growth.

NHS Sussex works closely with Mid Sussex District council, and as such we are continually looking at options and emerging opportunities. Our strategy is to work alongside stakeholders to deliver at scale where possible. Where this is not pragmatic for an area, then developing an existing site (building on existing great NHS services and thus optimising workforce) is another preferred option.

To clarify, Primary Care provision in Haywards Heath is strong, but physical premises (and to some degree workforce) are required to meet the new residents in housing developments. GP's have list sizes (and catchment areas) of over 10,000 on average, and the aim is for larger scale where possible. Hence, in this instance, the plan is for developer contributions to support infrastructure.

Contribution Sought and Methodology

The funding will be a contribution of **£575,534** for the infrastructure needs of **NHS GP service site(s)** and with a possible use at a NHS service central site if patient registration is, by patient choice, occurring at that site / other site. With recent Covid impacts, the NHS is reviewing how population need can be best supported premises wise. **Funds will only be asked for on a proportionate level for the directly related services.**

NHS Sussex, in line with NHS services and Commissioning across England, uses a service-demand and build-cost model to estimate the likely demand of increasing populations on healthcare provision and the cost of increasing physical capacity to meet this demand.

This service-demand and build-cost model is ideal for estimating the likely impact of future residents arising from a new development on health infrastructure capacity and the cost implications this will have on the CCG, through the need to build additional physical capacity (in the form of new/expanded GP surgeries). The model has been used by CCGs in the southeast for over 10 years and is accepted by local planning authorities across West Sussex.

Service-load data is calculated on a square-metre-per-patient basis at a factor of 0.1142sqm/person. This factor is based on the average size of typical GP practices ranging from 1 to 7 doctors, assuming 1600 patients per doctor.

Build-cost data has been **verified by the District Valuer Service** (last update July 2022) and assumes £5,950/sqm, 'sense-checked' against recent building projects in West Sussex. The cost inputs refers only to capital construction costs; the commissioner funds the revenue cost of running the GP practices in perpetuity including staffing costs, operational costs and medical records etc.



Occupancy data, used to calculate the number of future patients-per-dwelling, is derived from 2011 Census Data and confirmed by West Sussex County Council (last update July 2015).

Finally, the specific dwelling size and mix profile for the proposed development is input into the model to provide a bespoke and proportionate assessment of the likely impact on health infrastructure arising from the development.

The output of this model for the proposed development is an estimated population increase of 847 new residents (weighted) with a consequential additional GP surgery area requirement of 96m². This equates to a direct cost of **£575,534** for additional health infrastructure capacity arising from the development. The council is requested to ensure this contribution is index-linked within the S106 agreement at a basis that meets house build cost growth.

The Health Tariff is on the next page

Health Tariff

S106 Contribution to NHS/GP Community/ Provision		(Formula agreed by The District Valuer)						
DM / 22/ 2272 District Council Reference								
375 new homes & new school, Haywards Heath								
Font in red can be adjusted								
								
Housing Development								
House Numbers (Inc Social Housing)	House Type	New Occupanc (Persons)	Surgery Area Requirement (sqm)		Infrastructure Development cost(psm)	Capital Contribution (£)	Approx Contribution per dwelling(£)	
50	1 Bed	75	9	@	£5,950	£50,962	£1,019	
130	2 Beds	247	28	@	"	£167,836	£1,291	
120	3 Beds	300	34	@	"	£203,849	£1,699	
75	4 Beds	225	26	@	"	£152,887	£2,038	
0	5 Beds	0	0	@	"			
0	Care Home							
		equivalent						
375	House Total	847	96.73	@	"	£575,534		
	Ave Occupancy	2.26			Contribution Per Dwelling	£1,535	per dwelling	
						£679	per person	
Occupancy Assumptions (confirmed by WSCC JUL 2015)					Care home contributions are at up to 100% of 1 bed dwelling			
PER CENSUS 2011 - WSCC								
Infrastructure costs	£5,950.0	psm						
Average Sqm Per Patient	0.1142	sqm						
Average Occupancy Assumptions								
	1 Bed	1.5	Persons					
	2 Bed	1.9	Persons					
	3 Bed	2.5	Persons					
	4 Bed	3	Persons					
	5 Bed	3	Persons					
Explanation								
1.Build costs include basic build cost,finance,professional fees.To be amended annually.								
2.The occupancy assumptions can be amended as per the requirements of the Local Authority.								
3.The average sq metre per patient has been derived from SFA 2003/04 as below, including additional space.This can be amended to reflect the flexibility of the NHS Directions and the requirement of the CCG to provide addition clinical or service development space within a new development								
	1600	patients per GP						
1500	sqm GIA	7	GP Practice	AVG Patient List	11200	0.1339	sq m per patient	
836	sqm GIA	6	GP Practice	AVG Patient List	9600	0.0871	sq m per patient	
718	sqm GIA	5	GP Practice	AVG Patient List	8000	0.0898	sq m per patient	
646	sqm GIA	4	GP Practice	AVG Patient List	6400	0.1009	sq m per patient	
487	sqm GIA	3	GP Practice	AVG Patient List	4800	0.1015	sq m per patient	
374	sqm GIA	2	GP Practice	AVG Patient List	3200	0.1169	sq m per patient	
271	sqm GIA	1	GP Practice	AVG Patient List	1600	0.1694	sq m per patient	
				Average		0.1142	sq m per patient	

Compliance with National Policy and CIL regulations

The Community Infrastructure Levy Regulations in 2010 imposed new legal tests on local planning authorities to control the use of planning obligations (including financial contributions) namely through Section 106 agreements as part of the granting of planning permission for development.

The three legal tests were laid down in Community Infrastructure Levy Regulation 122: “A *planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:*

i. Necessary to make the proposed development acceptable in planning terms

Health infrastructure is an important material planning consideration in the determination of planning applications and the Council must take into account the positive or negative impact of development proposals on health infrastructure when granting planning permission and associated section 106 agreements. There is no dedicated Government funding to cover new housing developments. Unless contributions from developments are secured, at worst there will be practices that would be forced to close as there would not be safe healthcare provision. In the least, there will be wait times (mainly driven by no estate / rooms to see patients in) would not be suitable for adequate healthcare.

Mid Sussex local plan has increasing incremental annual growth assumptions for housing development with certain strategic sites are potentially going to deliver in excess of 5,000 homes in this area over the current planning horizon.

The pace of delivery and volume of new build housing and its subsequent occupancy will have a negative impact on the availability and capacity of health infrastructure causing a strain on existing services; the required additional infrastructure will comprise: clinical rooms for consultation/examination and treatment and medical professionals (and associated support service costs and staff).

West Sussex CCG seeks to include these necessary and additional works as part of the solution to estate need for Burgess Hill (Silverdale being one of the lead providers).

ii. Directly related

It is indisputable that the increase in population of approximately 847 people living in the new development (with associated health needs) at GP practice or associated facility will place direct pressure on all organisations providing healthcare in the locality, in particular primary care provided by the Clinical Commissioning Group. **Put simply, without the development taking place and the subsequent population growth there would be no requirement for the additional infrastructure.**

The proposed developer contribution is therefore required to enable a proportionate increase to existing health infrastructure, to maintain its current level of service in the area.

The infrastructure highlighted and costed is specifically related to the scale of development proposed. This has been tried and tested and has District Valuer support, in terms of the value of contribution.

iii. **Fair and reasonably related in scale and kind to the proposed development**

The developer contribution is to help achieve a proportionate increase in health infrastructure, thus enabling health to maintain its current level of service. Utilising a housing size as a reasonable proportion of infrastructure scale allows for fairness to all new housing developments, including the sites that are also strategic in nature.

The model uses robust evidence including local census data, build cost estimates (and actual) verified by the District Valuer Service and population projections verified by West Sussex County Council. A review of the police CIL compliance and their review of education and library compliance underlie the fair and reasonable approach of the health tariff – which is in turn in line with the other public sector areas.

Conclusion

In summary, the contributions sought by NHS Sussex are well-evidenced, founded in adopted development plan policy and comply with the legal tests of the CIL Regulations and NPPF. The contribution will be used to provide additional capacity in primary care facilities in the vicinity of the development, directly linked to this development, to support its future residents. To reiterate, without this essential contribution, planning permission should not be granted.

As noted, this is the current position. COvid19 and/or other pandemic may require additional estate. We envisage that this will be supported centrally (NHS). This current development response just related to new housing growth.

Thank you for the continued support in securing health infrastructure contributions to enable the population of Mid Sussex to have access to the health care that it needs now and for future generations

Natural England

Comments received 14th March 2023

Natural England has no comments to make on this amended application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Comments received 22nd August 2022

Thank you for your consultation on the above dated 26 July 2022 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

DETERMINE AGRICULTURAL LAND AND SOIL IMPACTS

As submitted, the application could have likely effects on 'Best and Most Versatile' (BMV) agricultural land according to the MAFF Agricultural Land Classification (ALC) strategic mapping dataset. Natural England advises that you, the Local Planning Authority, gather further information in order to determine the agricultural land and soil impacts for the proposed development at the site scale, and take account of findings before making a decision.

The following issues should be considered and, where appropriate, included as part of the Environmental Statement (ES):

- The degree to which soils would be disturbed or damaged as part of the development
- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted.

This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available. For information on the availability of existing ALC information see www.magic.gov.uk.

1. Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and

appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).

2. The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.

3. The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

Further information is available in the Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites and The British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction.

It is recommended that the impact on land and soils is assessed using the new IEMA guidance.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me on Hannah.Lee@naturalengland.org.uk.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

Annex A – Additional Advice

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently

large to consult Natural England. Further information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's Biodiversity Metric 3.1 may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the Small Sites Metric may be used. This is a simplified version of Biodiversity Metric 3.1 and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside Biodiversity Metric 3.1 and is available as a beta test version.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 100 and 174 of the NPPF highlight the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

Environment Agency

Comments received 15th March 2023

We have reviewed the submitted cover note (reference: 70081355, WSP, dated 01/02/2023) and documents relevant to our remit, and have the following comments to make.

Environment Agency position

Subject to the conditions below, we are able to withdraw our previous objection, dated 30 September 2022 (reference: HA/2022/124349/02). Without these conditions, the proposed development on this site poses an unacceptable risk and we would object to the application.

The proposed development presents a risk to groundwater which is particularly sensitive in this location because the proposed development site is located upon secondary aquifer A and the moderate to high risk proposed usage as a burial ground on part of the development.

Further detailed information will however be required before any development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning authority.

Condition 1 - Scheme to be agreed

The development hereby permitted may not commence until such time as a scheme to secure de-watering of the site if found necessary and a detailed drainage strategy to prevent waterlogging has been submitted to, and approved in writing by, the Local Planning Authority.

Any such scheme should include a maintenance programme of the facilities to be provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the Local Planning Authority.

Reasons

To ensure that the proposed development, including the burial ground, does not harm the water environment in line with paragraph 174 of the National Planning Policy Framework (NPPF) and Position Statement L3 of the [‘The Environment Agency’s approach to groundwater protection’](#).

Condition 2 - Development on land affected by contamination

Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority.

The scheme shall be implemented as approved.

Reasons

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the NPPF.

Condition 3 - Verification report

Prior to each phase of development being occupied or brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reasons

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF.

Condition 4 - Previously Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority.

The remediation strategy shall be implemented as approved.

Reasons

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the NPPF.

Advice to the Applicant

Cemeteries

Operators of cemeteries should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality. These measures are set out in our comments below. The Local Planning Authority should consider whether they wish to secure specific measures through appropriate planning conditions.

We recommend that reference should be made to cemetery section in the [‘The Environment Agency’s approach to groundwater protection’](#) and information on the Natural Death Centre website.

A hydrogeological risk assessment must be undertaken to show that there are minimal risks to the environment either at time of burial, or in the future. Reference should be made to the Environment Agency document ‘Assessing the Groundwater Pollution Potential of Cemetery Developments’. Relevant best practice guidance must be followed and the design should be appropriate for the local circumstances, and should be based on-site investigation.

In principle any new cemetery or the extension of any existing cemetery must:

- be at least 250 metres from a well, borehole or spring used to supply water that is used for human consumption, or for use in dairy farms
- be at least 30 metres from any other spring or watercourse and at least 10 metres from any field drain
- have at least one metre of subsoil below the bottom of the burial pit, allowing a hole deep enough for at least one metre of soil to cover the remains
- have at least one metre of unsaturated zone (the depth to the water table) below the base of any grave. Allowance should also be made to any potential rise in the water table (at least one metre should be maintained)

If you wish to discuss any of these issues the Environment Agency can be contacted on 03708 506 506 or by enquiries@environment-agency.gov.uk.

Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the [position statement](#) on the Definition of Waste: Development Industry Code of Practice
- The [waste management](#) page on GOV.UK

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal

activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on GOV.UK for more information.

Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

Comments received 30th September 2022

Thank you for re-consulting the Environment Agency on the above application.

We have reviewed the additional information as submitted and set out our position below.

Environment Agency position

The 'T2 Groundwater Risk Assessment, Haywards Heath Town Council, Land off Hurstwood Lane, Haywards Heath, RH17 7SZ' does not satisfactorily address our earlier concerns. We therefore **maintain our objection** set out in our response dated 9 August 2022.

Reasons

While the report indicated that the groundwater would be at 30 metres below ground level, it discussed perched water tables that may be present due to the local geology. This could affect the depth of the unsaturated zone and has not been investigated to a sufficient degree considering the site is already ascribed moderate-high risk in the report.

The report also does not contain information on any local abstractions.

Additionally, as per our objection requirement '4. *Where required by any stage of the risk assessment, a method statement, based on that agreed risk assessment, for construction and operation of the proposed development*' has not been carried out as the conclusions of the report identified the need for a method of dealing with water logging and surface run off across the burial ground.

We also note that guidance on protecting groundwater from human burials has been revised since the issuing of this report.

Overcoming our objection

The applicant should provide further information relating to the method of dealing with water logging and surface run off across the burial ground, as well as information on local abstractions.

Advice to the Local Planning Authority

If you are minded to approve the application contrary to our objection, we would be grateful if you could re-notify us to explain why material considerations outweigh our objection, and to give us the opportunity to make further representations. Should our objection detailed above be removed, it is likely we will recommend planning conditions to be included on any subsequent approval.

In accordance with the Planning Practice Guidance (Ref. ID: 20150415), please notify us by email within 2 weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Advice to Applicant

Charged Advice

If the Applicant would like any further detailed advice we would be happy to provide this subject to a charge.

As part of this service you would have a dedicated project manager to coordinate the advice from different teams within the Environment Agency. It would also include bespoke technical and planning advice if you request this. This will allow you to have greater clarity about the assessments you need to accompany your planning application and certainty about whether the development is acceptable to us before you resubmit.

Environmental Permit

Please note that this development may require an environmental permit, a variation of an existing permit or an exception from an environmental permit from us.

Further information can be found on the gov.uk website –

<https://www.gov.uk/topic/environmental-management/environmental-permits>

The Applicant must ensure that the operations at the site are in accordance with the Environmental Permitting (England and Wales) Regulations 2016. The Applicant is advised to contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk to obtain advice about environmental permitting matters.

Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the [position statement](#) on the Definition of Waste: Development Industry Code of Practice
- The [waste management](#) page on GOV.UK

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on GOV.UK for more information.

Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

Comments received 9th August 2022

Thank you for consulting the Environment Agency on the above application.

We have reviewed the information as submitted and set out our position below.

Environment Agency position

We **object** to the planning application, as submitted, because the proposed cemetery development would pose an unacceptable risk of pollution of groundwater. We recommend that planning permission should be refused on this basis, in line with paragraph 174 of the National Planning Policy Framework (NPPF).

Reasons

Our approach to groundwater protection is set out in '[The Environment Agency's approach to groundwater protection](#)'. In implementing the position statements in this guidance, we will oppose development proposals that may pollute groundwater especially where the risks of pollution are high and the groundwater asset is of high value.

Groundwater is particularly sensitive in this location because the proposed development site is located upon secondary aquifer A.

To ensure development is sustainable, the applicant must provide adequate information to demonstrate that the risks posed by development to groundwater can be satisfactorily managed. In this instance the applicant has failed to provide this information and we consider that the proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality because the information supplied in 'Environmental Statement Volume 1 Chapter 8 – Ground Conditions and Volume 2 Chapter 8 – Ground Conditions (WSP, Ref No. 70081355, July 2022)'.

The above referenced documents indicate isolated shallow groundwater, that a burial ground may put at risk, as well as increasing the risk of mobilisation between the shallow and deep groundwater within the Tunbridge Wells Sand which is a secondary A aquifer that underlies most of the site.

Please note that we provide guidance on good practice and approach to risk assessment in [Cemeteries and burials: groundwater risk assessments - GOV.UK \(www.gov.uk\)](#).

Overcoming our objection

The applicant should provide a scheme to assess the risks to groundwater and identify appropriate mitigation to manage those risks. The scheme must include the following detailed information:

1. Tier 1: Risk screening in accordance with Environment Agency guidance [Cemeteries and burials: groundwater risk assessments - GOV.UK \(www.gov.uk\)](#).

2. Where required by the Tier 1 assessment, a Tier 2: Preliminary quantitative risk assessment with detailed desk study and preliminary site investigation
3. Where required by a Tier 2 assessment, a Tier 3: Detailed quantitative risk assessment
4. Where required by any stage of the risk assessment, a method statement, based on that agreed risk assessment, for construction and operation of the proposed development.
5. A completion statement to demonstrate that work specified in the method statement has been suitably carried out.

Should this scheme demonstrate that any risks identified can be satisfactorily managed through a method statement we will be able to withdraw this objection.

Advice to the Applicant

Environmental Permit

Please note that this development may require an environmental permit, a variation of an existing permit or an exception from an environmental permit from us.

Further information can be found on the gov.uk website –

<https://www.gov.uk/topic/environmental-management/environmental-permits>

The Applicant must ensure that the operations at the site are in accordance with the Environmental Permitting (England and Wales) Regulations 2016. The Applicant is advised to contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk to obtain advice about environmental permitting matters.

Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the [position statement](#) on the Definition of Waste: Development Industry Code of Practice
- The [waste management](#) page on GOV.UK

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on GOV.UK for more information.

Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

Southern Water

Thank you for your letter dated 27/07/2022.

The submitted drainage layout (HUF-WSP-DR-002 Rev-P03) shows that the applicant is proposing to abandon/divert a foul sewer. Any public sewer diversion proposals shall be approved by Southern Water under Section 185 of the Water Industry Act. An application

should be made using Southern Water's Get Connected Service at developerservices.southernwater.co.uk

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul sewer and rising main asset within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The 160 mm public foul rising main, and 150 mm public foul sewer requires a clearance of 3 metres on either side of the sewers and 525 mm public foul sewer requires a clearance of 3.5 metres on either side of the sewer to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 and 3.5 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer and rising main.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf.

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers"

(southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf) and the Sewerage Sector Guidance (water.org.uk/sewerage-sector-guidance-approved-documents) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service:

developerservices.southernwater.co.uk and please read our New Connections Charging

Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

The submitted drainage details indicate the SuDS to be maintained within private ownership and maintenance.

However, under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

<http://water.org.uk/sewerage-sector-guidance-approved-documents>

http://ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been

submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

South East Water

No comments received

Sport England

Thank you for consulting Sport England on the above application.

Sport England – Non-Statutory Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#open-space-sports-and-recreation-facilities>

This application falls within the scope of the above guidance as it relates to a residential development of 300 dwellings or more.

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport>

The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site.

The application in that part of the planning statement discussing planning obligations identifies that a contribution towards sport and recreation is likely to be required.

The Proposal and Assessment against Sport England's Objectives and the NPPF

Built Facilities

You may be aware that Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The SFC indicates that a population of 863 (based on all 375 proposed dwellings and 2.3 people per household) in this local authority area will generate a demand for 0.02 3G Artificial Grass Pitches at a cost of £24,785 (£22,543 if sand based); 0.01 indoor bowls rinks at a cost of £6,047; 0.24 sport hall courts at a cost of £163,885 and 9.36sqm of swimming pool space at a cost of £182.185. A total at Q2 2021 build costs of £194,899. The full breakdown of requirements is provided in the attached document.

Outdoor Pitches

The development will also generate additional demand for outdoor playing pitches. The Council has an up to date Playing Pitch Study or strategy (PPS) adopted in 2019. The PPS identifies a number of projects in the vicinity of the application where new or improved provision is required to meet the demands that will be made by the growing population. As the Council's PPS is up to date, it is able to access Sport England's Playing Pitch Calculator that would assist it in identifying an appropriate contribution required towards off site provision of playing pitches resulting from the population that will be generated here. Please contact me if assistance with accessing the calculator is required.

Active Design

Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link:

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

Conclusion

In light of the above, Sport England offers its **support** for this this application subject to an appropriate financial contribution towards the provision of new or improvement of existing indoor facilities and outdoor playing pitches being negotiated and secured within a s.106 planning agreement.

We would be grateful if you would advise us of the outcome of the application by forwarding a copy of the decision notice.

Ecological Consultant

Comments received 24th July 2023

Thank you for re-consulting Place Services on the above outline application. Our previous comments are dated 11th July 2023.

Recommend Temporary Holding Objection	
No ecological objections	
Recommend Approval subject to attached conditions	Yes
Recommend Discharge of condition	

Summary

We have reviewed the submitted information concerning the footpath and cycle route through the 15m buffer of Anscombe Wood ancient woodland (irreplaceable habitat) to the west of the application site (MAGIC maps <https://magic.defra.gov.uk/MagicMap.aspx>). The construction of a hard surface would not be acceptable as any loss to irreplaceable habitat and associated deterioration which would need to be justified as wholly exceptional and a suitable compensation strategy would need to be in place, as set out in Government guidance. Paved paths can cause additional harm by impacting tree roots and tree stability, causing runoff from the path into woodland, and may open up woodland to other recreational activity.

However, we would support a minimal impact pedestrian/cycle route using materials and guidance in the document 'The use of Cellular Confinement Systems Near Trees: A Guide to Good Practice' (Arboricultural Association, September 2020). We recommend that an Arboricultural consultant prepares an Arboricultural Method Statement for construction of a minimal impact pedestrian/cycle which should be secured by a condition of any consent. In addition, lighting must be assessed by a suitably qualified ecologist to ensure that it does not impact on nocturnal species within the woodland, such as bats and hedgehogs.

Our previous comments dated 11th July 2023 are shown below:

We have reviewed the Preliminary Ecological Appraisal Report (RSK Biocensus, June 2023), Environmental Statement, including Volume 2 Chapter 6 – Biodiversity Appendix 6.2 Preliminary Ecological Appraisal (RSK Biocensus, March 2022) and the Parameters - Landscape and Green Infrastructure C5116_0000-07 Rev D (IDP Architects, July 2022), supplied by the applicant, relating to the likely impacts of development on protected & Priority habitats and species, and identification of proportionate mitigation.

We note that the Preliminary Ecological Appraisal Report (RSK Biocensus, June 2023) updates previous surveys and that the habitats have not changed significantly. We therefore agree that further species surveys are not required until the year prior to commencement (Preliminary Ecological Appraisal Report (RSK Biocensus, June 2023)).

Our previous comments dated 4th October 2022 are shown below:

We note that the an 'exceptional' population of slow-worm were recorded on site (Preliminary Ecological Appraisal (RSK Biocensus, March 2022)) and that the Environmental Statement concluded that the area qualifies as a 'Key Reptile Site' of Local Importance. Therefore, we support the recommendation that a Reptile Mitigation Strategy should be secured and implemented in full (Environmental Statement Volume, Chapter 6 Table 6-26 (WSP, July 2022)).

We support the recommendation that further update ecology surveys should be undertaken in the year prior to the commencement of any proposed works to inform the need for any mitigation (Preliminary Ecological Appraisal (RSK Biocensus, March 2022)) and these are secured by a condition of any consent. We note that a protected species licence in relation to badgers may be required (Environmental Statement Volume, Chapter 6 Table 6-26 (WSP, July 2022)) and a walkover survey will need to be included prior to commencement. We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation measures identified in the Environmental Statement Volume 2 Chapter 6 – Biodiversity Appendix 6.2 Preliminary Ecological Appraisal (RSK Biocensus, March 2022), including the mitigation measures identified in the EPR (2017), Environment Statement & Technical Appendices for Hurst Farm, Hurstwood Lane, Haywards Heath. Final Report – April 2017, should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

The enhancement measures to be proposed within Network Enhancement Zone 2 of the National Habitat Network (DEFRA MAGIC website) and the new habitats proposed in the Parameters - Landscape and Green Infrastructure C5116_0000-07 Rev D (IDP Architects, July 2022) should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver the promised biodiversity value and improved biodiversity connectivity within the wider landscape. The specifications and locations of biodiversity enhancements, such as tree and wall-integrated bird and bat boxes, should also be identified in the LEMP. The LEMP should be secured by a condition of any consent.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application Environmental Statement Volume, Chapter 6 Table 6-26 (WSP, July 2022)).

Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <2700k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

We recommend that reasonable biodiversity enhancements should be proposed to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to slab level.

Submission for approval and implementation of the details below should be a condition of any planning consent:

Recommended conditions

1. CONCURRENT WITH RESERVED MATTERS ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (RSK Biocensus, June 2023), Environmental Statement Volume 2 Chapter 6 – Biodiversity Appendix 6.2 Preliminary Ecological Appraisal (RSK Biocensus, March 2022), including the mitigation measures identified in the EPR (2017), Environment Statement & Technical Appendices for Hurst Farm, Hurstwood Lane, Haywards Heath. Final Report – April 2017, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: FURTHER SURVEYS

“Further supplementary ecological surveys for protected species shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through Conditions. The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

3. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of “biodiversity protection zones”.*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*

- d) *The location and timing of sensitive works to avoid harm to biodiversity features.*
 - e) *The times during construction when specialist ecologists need to be present on site to oversee works.*
 - f) *Responsible persons and lines of communication.*
 - g) *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
 - h) *Use of protective fences, exclusion barriers and warning signs.*
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”*

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

3. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: REPTILE MITIGATION STRATEGY

“No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) *Purpose and conservation objectives for the proposed works.*
- b) *Review of site potential and constraints.*
- c) *Detailed design(s) and/or working method(s) to achieve stated objectives.*
- d) *Extent and location/area of proposed works on appropriate scale maps and plans.*
- e) *Type and source of materials to be used where appropriate, e.g. native species of local provenance.*
- f) *Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.*
- g) *Persons responsible for implementing the works.*
- h) *Details of initial aftercare and long-term maintenance of the Receptor area(s).*
- i) *Details for monitoring and remedial measures.*
- j) *Details for disposal of any wastes arising from works.*

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

4. CONCURRENT WITH RESERVED MATTERS PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

“A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) *Purpose and conservation objectives for the proposed enhancement measures;*
- b) *detailed designs to achieve stated objectives;*
- c) *locations of proposed enhancement measures by appropriate maps and plans;*

d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

e) persons responsible for implementing the enhancement measures;

f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.”

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

5. CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

“A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.

The content of the LEMP shall include the following:

a) *Description and evaluation of features to be managed.*

b) *Ecological trends and constraints on site that might influence management.*

c) *Aims and objectives of management.*

d) *Appropriate management options for achieving aims and objectives.*

e) *Prescriptions for management actions.*

f) *Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*

g) *Details of the body or organisation responsible for implementation of the plan.*

h) *Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

6. CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Comments received 11th July 2023

Recommend Temporary Holding Objection	
No ecological objections	
Recommend Approval subject to attached conditions	Yes
Recommend Discharge of condition	

Summary

We have reviewed the Preliminary Ecological Appraisal Report (RSK Biocensus, June 2023), Environmental Statement, including Volume 2 Chapter 6 – Biodiversity Appendix 6.2 Preliminary Ecological Appraisal (RSK Biocensus, March 2022) and the Parameters - Landscape and Green Infrastructure C5116_0000-07 Rev D (IDP Architects, July 2022), supplied by the applicant, relating to the likely impacts of development on protected & Priority habitats and species, and identification of proportionate mitigation.

We note that the Preliminary Ecological Appraisal Report (RSK Biocensus, June 2023) updates previous surveys and that the habitats have not changed significantly. We therefore agree that further species surveys are not required until the year prior to commencement (Preliminary Ecological Appraisal Report (RSK Biocensus, June 2023)).

Our previous comments dated 4th October 2022 are shown below:

We note that the an 'exceptional' population of slow-worm were recorded on site (Preliminary Ecological Appraisal (RSK Biocensus, March 2022)) and that the Environmental Statement concluded that the area qualifies as a 'Key Reptile Site' of Local Importance. Therefore, we support the recommendation that a Reptile Mitigation Strategy should be secured and implemented in full (Environmental Statement Volume, Chapter 6 Table 6-26 (WSP, July 2022)).

We support the recommendation that further update ecology surveys should be undertaken in the year prior to the commencement of any proposed works to inform the need for any mitigation (Preliminary Ecological Appraisal (RSK Biocensus, March 2022)) and these are secured by a condition of any consent. We note that a protected species licence in relation to badgers may be required (Environmental Statement Volume, Chapter 6 Table 6-26 (WSP, July 2022)) and a walkover survey will need to be included prior to commencement.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation measures identified in the Environmental Statement Volume 2 Chapter 6 – Biodiversity Appendix 6.2 Preliminary Ecological Appraisal (RSK Biocensus, March 2022), including the mitigation measures identified in the EPR (2017), Environment Statement & Technical Appendices for Hurst Farm, Hurstwood Lane, Haywards Heath. Final Report – April 2017, should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

The enhancement measures to be proposed within Network Enhancement Zone 2 of the National Habitat Network (DEFRA MAGIC website) and the new habitats proposed in the Parameters - Landscape and Green Infrastructure C5116_0000-07 Rev D (IDP Architects, July 2022) should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver the promised biodiversity value and improved biodiversity connectivity within the wider landscape. The specifications and locations of biodiversity enhancements, such as tree and wall-integrated bird and bat boxes, should also be identified in the LEMP. The LEMP should be secured by a condition of any consent.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application Environmental Statement Volume, Chapter 6 Table 6-26 (WSP, July 2022)).

Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <2700k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

We recommend that reasonable biodiversity enhancements should be proposed to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to slab level.

Submission for approval and implementation of the details below should be a condition of any planning consent:

Recommended conditions

1. CONCURRENT WITH RESERVED MATTERS ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (RSK Biocensus, June 2023), Environmental Statement Volume 2 Chapter 6 – Biodiversity Appendix 6.2 Preliminary Ecological Appraisal (RSK Biocensus, March 2022), including the mitigation measures identified in the EPR (2017), Environment Statement & Technical Appendices for Hurst Farm, Hurstwood Lane, Haywards Heath. Final Report – April 2017, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: FURTHER SURVEYS

“Further supplementary ecological surveys for protected species shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through Conditions. The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

3. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

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

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

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the

Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

3. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: REPTILE MITIGATION STRATEGY

“No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.*
- b) Review of site potential and constraints.*
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.*
- d) Extent and location/area of proposed works on appropriate scale maps and plans.*
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.*
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.*
- g) Persons responsible for implementing the works.*
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).*
- i) Details for monitoring and remedial measures.*
- j) Details for disposal of any wastes arising from works.*

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

4. CONCURRENT WITH RESERVED MATTERS PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

“A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans;*
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;*
- e) persons responsible for implementing the enhancement measures;*
- f) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.”

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

5. CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

“A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.*

- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.

- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

6. CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Comments received 4th October 2022

Recommend Temporary Holding Objection	
No ecological objections	
Recommend Approval subject to attached conditions	Yes
Recommend Discharge of condition	

Summary

We have reviewed the Environmental Statement, including Volume 2 Chapter 6 – Biodiversity Appendix 6.2 Preliminary Ecological Appraisal (RSK Biocensus, March 2022) and the Parameters - Landscape and Green Infrastructure C5116_0000-07 Rev D (IDP Architects, July 2022), supplied by the applicant, relating to the likely impacts of development on protected & Priority habitats and species, and identification of proportionate mitigation.

We note that the an 'exceptional' population of slow-worm were recorded on site (Preliminary Ecological Appraisal (RSK Biocensus, March 2022)) and that the Environmental Statement concluded that the area qualifies as a 'Key Reptile Site' of Local Importance. Therefore, we support the recommendation that a Reptile Mitigation Strategy should be secured and implemented in full (Environmental Statement Volume, Chapter 6 Table 6-26 (WSP, July 2022)).

We support the recommendation that further update ecology surveys should be undertaken in the year prior to the commencement of any proposed works to inform the need for any mitigation (Preliminary Ecological Appraisal (RSK Biocensus, March 2022)) and these are secured by a condition of any consent. We note that a protected species licence in relation to badgers may be required (Environmental Statement Volume, Chapter 6 Table 6-26 (WSP, July 2022)) and a walkover survey will need to be included prior to commencement.

We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation measures identified in the Environmental Statement Volume 2 Chapter 6 – Biodiversity Appendix 6.2 Preliminary Ecological Appraisal (RSK Biocensus, March 2022), including the mitigation measures identified in the EPR (2017), Environment Statement & Technical Appendices for Hurst Farm, Hurstwood Lane, Haywards Heath. Final Report – April 2017, should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

The enhancement measures to be proposed within Network Enhancement Zone 2 of the National Habitat Network (DEFRA MAGIC website) and the new habitats proposed in the Parameters - Landscape and Green Infrastructure C5116_0000-07 Rev D (IDP Architects, July 2022) should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver the promised biodiversity value and improved biodiversity connectivity within the wider landscape. The specifications and locations of biodiversity enhancements, such as tree and wall-integrated bird and bat boxes, should also be identified in the LEMP. The LEMP should be secured by a condition of any consent.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application Environmental Statement Volume, Chapter 6 Table 6-26 (WSP, July 2022)). Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <2700k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.

- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

We recommend that reasonable biodiversity enhancements should be proposed to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to slab level.

Submission for approval and implementation of the details below should be a condition of any planning consent:

Recommended conditions

1. CONCURRENT WITH RESERVED MATTERS ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Environmental Statement Volume 2 Chapter 6 – Biodiversity Appendix 6.2 Preliminary Ecological Appraisal (RSK Biocensus, March 2022), including the mitigation measures identified in the EPR (2017), Environment Statement & Technical Appendices for Hurst Farm, Hurstwood Lane, Haywards Heath. Final Report – April 2017, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: FURTHER SURVEYS

“Further supplementary ecological surveys for protected species shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through Conditions. The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

3. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*

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

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

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

3. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: REPTILE MITIGATION STRATEGY

“No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

4. CONCURRENT WITH RESERVED MATTERS PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

“A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;

- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.”

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

5. CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

“A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species)

6. CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Landscape Consultant

Comments received 3rd March 2023

Not supportive on landscape grounds	
Supportive subject to attached recommendations and / or conditions	
Further information required prior to determination	X
No landscape comments / do not wish to comment	

Given the site is strongly distinctive and representative of the Low Weald, we would advise that the assessment judgements are reviewed (as per our previous response dated 16/08/2022) and reconsidered prior to us making a final recommendation.

As part of this consultation, we have reviewed the following documents:

- Cover Letter (Ref: 70081355 Dated: 01/02/2023)
- Proposed Vehicle and Pedestrian Site Access Options (Dwg no. 70081355-WSP-XX-XX-DR-CV-0001 P03)
- Planning Statement (May 2022)
- Flood Risk Assessment and Outline Drainage Strategy (Ref: 70081355-RP-001 Dated: December 2022)
- Parameters – Building Heights (Dwg no. C5116_0000-02 Rev F)
- Parameters – Land Use (Dwg no. C5116_0000-01 Rev G)
- Street Elevations and Sections (Dwg no. C5116_030-00)

Review of Submitted Information

The application has not been supported by the submission of an amended Landscape and Visual Impact Assessment (LVIA) undertaken by WSP. Therefore, our previous comments dated 16/08/2022 relating to Landscape Character and Visual Amenity impacts still stand, and we would recommend that these comments are still considered.

Further actions

The submitted documents do not relate to the further actions recommended in our previous response and are therefore still applicable. We do recognise the policy position and if minded for approval would recommend the follow landscape matters are addressed as part of the design development. These include:

- A predominance of one species or variety should be avoided in order to minimise the risk of widespread biotic threats to the urban forest and to increase species diversity. Preference should be given to native trees and shrubs, though the use of naturalised trees and shrubs, which are not necessarily native but are the correct tree for site conditions and would add landscape and arboricultural value could be used where appropriate and justified.
- A sympathetic and naturalised approach to the burial ground should be prioritised, especially given the proximity to the Country Park and proposed residential properties.
- Every effort should be made to minimise the urbanising influences (i.e., kerbing, widening, domestic paraphernalia) to ensure that the proposals are sympathetic to the rural surroundings. The proposed surfacing should also be considered and opportunities for block paving across the development would help to create a characterful approach from the public highway.

- The aesthetic appeal of the SuDS features play an important role in ensuring they integrate within green open spaces and provides multiple benefits. The ground contouring, planting and inlet and outlet design should be carefully considered to maximise the amenity value. A

Concurrent with any future proposal or as part of a planning condition, the following information should also be provided:

1. PRIOR TO COMMENCEMENT OF DEVELOPMENT: SOFT LANDSCAPING SCHEME.

No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

2. PRIOR TO COMMENCEMENT OF DEVELOPMENT: HARD LANDSCAPING SCHEME.

No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding (where appropriate); surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example refuse and / or other storage units, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

3. PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPE MANAGEMENT PLAN

No development above ground level shall take place until a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than privately owned plots) together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall be carried out in accordance with the approved details and timetable.

4. PRIOR TO COMMENCEMENT OF DEVELOPMENT: ARBORICULTURAL METHOD STATEMENT

Prior to commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:

- a. Measures for the protection of those trees and hedges on the application site that are to be retained;
- b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstanding, roads and footpaths;
- c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

If you have any queries regarding any of the matters raised above, please let us know.

Comments received 16th August 2022

Not supportive on landscape grounds	
Supportive subject to attached recommendations and / or conditions	
Further information required prior to determination	X
No landscape comments / do not wish to comment	

Site Context

As part of this consultation, we have reviewed the following documents:

- Planning Statement (WSP, 2022)
- Existing plans
- Illustrative Masterplan
- Parameter Plans
- Design and Access Statement
- Environmental Statement Landscape and Visual Chapter
- Arboricultural Assessment

The application site covers land in both Mid Sussex and Lewes District Council. The site is 33ha of greenfield land that is currently mostly undeveloped and used partially for grazing purposes. It is located immediately south of the A272 (Rocky Lane) and is dissected through its centre by Hurstwood Lane, a narrow two-way country lane the provides a link between Rocky Lane to the north and Fox Hill to the south west. The land can be separated into three distinct parcels:

- Parcel 1 - located between Hurstwood Grange to the south and the junction of Hurstwood Lane and Rocky Lane to the north. The parcel land falls significantly from north to south.
- Parcel 2 is located to the south of Hurstwood Grange and immediately bounds the business park to the north-west.
- Parcel 3 is generally flat and includes a permissive route on its northern edges that provides a link to the Rocky Lane / Wivelsfield roundabout to the north-west of the site. Translocated ancient woodland is located to the north-western corner on land between A272 and B2112 Fox Hill.
- Parcel 4 - land to the east of Hurstwood Lane includes approximately 0.7ha of ancient woodland immediately abutting Hurstwood Lane. The land to the east of the site is mostly flat with the exception of the south-western corner which slopes up from the south.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published by the Ministry of Housing, Communities & Local Government (MHCLG) and last updated in July 2021. The NPPF includes for the conservation and enhancement of the natural environment by protecting and enhancing “*valued landscapes*” and sites of biodiversity or geological value / soils. Recognise the intrinsic character and beauty of the countryside, and the wider benefits of natural capital and other ecosystem services including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Local Planning Policy

The development plan consists of the Mid Sussex District Plan (adopted 2018) and the Haywards Heath Neighbourhood Plan (2016).

Mid Sussex District Plan (MSDP)

As the site is located within the countryside, the application must have consideration for Policy DP12: Protection and Enhancement of Countryside, which states:

“The countryside will be protected in recognition of its intrinsic character and beauty.

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

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

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

Other policies of considered relevance include Policy DP37: Trees, Woodland and Hedgerows and Policy DP38: Biodiversity.

Haywards Heath Neighbourhood Plan

The site is identified in the Haywards Heath Neighbourhood Plan under allocation H1 for a mixed used development for approximately 350 additional homes, the retention of existing employment on the site, the provision of a new school, together with informal open space to include a burial ground and allotments (11.5ha).

Other policies of considered relevance include Policy E5 and E6.

Review of submitted information

The application has been supported by a Landscape and Visual Appraisal (LVA) undertaken by WSP. The LVA has been carried out accordance with the principles set out within the ‘Guidelines for Landscape and Visual Impact Assessment’, Third Edition (‘GLVIA3’) (2013) prepared by the Landscape Institute (LI) and Institute of Environmental Management and Assessment (IEMA). It also refers to the LI Technical Guidance Note (TGN) 06/19 ‘Visual Representation of Development Proposals’ (2019) and TGN 02/21 ‘Assessing Landscape Value Outside of National Designations’. The assessment includes a desktop study, a review of the landscape and visual baseline, Geographic Information System (GIS) mapping, including a Zone of Theoretical Visibility (ZTV), and an assessment of landscape and visual receptors, that includes value, susceptibility and sensitivity and an assessment of potential direct and indirect effect on landscape and visual environment.

Landscape character

The importance of understanding the landscape character of all landscapes in England is recognised in the National Planning Policy Framework (NPPF) published by the Ministry of Housing, Communities & Local Government (MHCLG) and last updated in July 2021, which states that planning policies and decisions should contribute to the natural environment by: *“recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services”*.

Landscape character assessment is the process which can identify these intrinsic values and unique characteristics of the diverse landscapes in the UK.

Effects on landscape character can be both direct (i.e., on the character area / landscape type that the site is located within), and indirect (i.e., changes to characteristics or perceptions of character that occur beyond the boundary of a character area / landscape type). In addition, effects on landscape character may be positive or negative (i.e., strengthening and enhancing the characteristic patterns and features, or eroding and losing the patterns and features that contribute to landscape character).

The LVIA has identified the landscape baseline of the site as including the National Character Area (NCA) as defined by Natural England, the West Sussex Landscape Character (2003) Assessment, Strategy for the West Sussex Landscape (2005) and East Sussex Landscape Character Assessment (2016). The Site and its surroundings are considered in several different landscape character assessments, which from our record, have all been referenced in the baseline review.

The landscape south of Haywards Heath, which includes the Site falls within the Low Weald and spans over two county character areas (High Weald Fringes and Western Low Weald). The landscape character of the Site and its context includes many of the key characteristics of these character areas. The High Weald Fringes Landscape Character Area (LCA) description defines 'Landscape and Visual Sensitivities'. Those relevant to the site include:

- *“Woodland cover limits the visual sensitivity of the landscape and confers a sense of intimacy, seclusion and tranquillity.*
- *Network of lanes, droveways, tracks and footpaths provide a rich terrain for horse-riding, cycling and walking and for the appreciation of nature.*
- *Long views from open ground have a high sensitivity to the impact of new urban development, modern farm buildings, masts and pylons and new roads.*

We appreciate that the TGN 02/21 was used to judge the value of the landscape and that landscape qualities (valued characteristics) were considered. That said, the Landscape Value assessment in turn has judged that the site and its setting is valued as “*towards the upper end of Local Value.*” (Para 9.6.29). Whereas given the site is strongly distinctive and representative of the Low Weald, has strong ecological integrity, presence of a number of typical Wealden historic listed buildings and several PRoWs, we would deem the site to be of at least Moderate value. Unfortunately, the criteria and descriptions shown in Table 9.6 are defined as International, National, County/District, Local and Unvalued and therefore it is impossible for the site and its surroundings to be deemed any higher than locally valued, which is not a true representation of the site and its current value. We ask that this criteria and judgement is reconsidered as this may influence overall landscape effects and in turn the recommended mitigation measures proposals.

Its also noted that the Susceptibility judgements within Table 9.12 are missing. Though we can make the professional judgement that these would not necessarily have a significant impact on the overall effects, we would ask that these are included for completeness.

Notwithstanding the above, the LVIA identifies that the proposed landscape masterplan would conserve the key landscape features. Only five mature trees and only one category 'B' specimen (out of 457 trees) are proposed for removal, which means that woodland cover will not be directly affected and therefore impacts on this characteristic will be negligible. The masterplan also incorporates extensive green infrastructure including the country park, which has been sited to protect the rural

Visual Amenity

Visual effects are a result of the sensitivity of visual receptors (people who will experience changes to existing views) to the proposed development and the magnitude of those changes. The appraisal has identified visual receptors within the Study Area that are likely to have visibility of the Proposed Development. These include [but are not limited to]; Pedestrians using the B2112 Fox Hill, Sussex Border Path and PRow users. As stated previously, the LVIA makes reference to the Visual Representation of Development Proposals TGN 06/19, however, on review, the viewpoint imagery provided is presented as small panoramic views that do not correspond with best practice. Commonly, we would advise that viewpoint photographs are presented as a single image (390x260mm) with panoramic images for baseline/context information only. This is because panoramas on an A3 sheet are too small to provide a representation of the proposed development.

The extent of views is restricted to close range viewpoints adjacent to the application site and scattered, occasional mid-distance views from areas of higher land. It has been judged that on completion of the development there would be some adverse visual effects from mid-distance views, but not of significance. Whereas close range views will be significantly impacted due to the magnitude of change expected. However, as the LVIA describes, it is not necessarily unexpected that significant impacts will occur where new residential development is located close to the existing urban edge, and that over time the visual impact will reduce as the mitigating planting matures. In general, we agree with the methodology and support the majority of the visual effects judged. Where judgements may differ, these are not deemed significant and would not alter the overall stance on the proposed development.

interface on the most prominent part of the site.

Further actions

Notwithstanding the matters above, we do recognise the policy position and if minded for approval would recommend the following landscape matters are addressed as part of the design development. These include:

- A predominance of one species or variety should be avoided in order to minimise the risk of widespread biotic threats to the urban forest and to increase species diversity. Preference should be given to native trees and shrubs, though the use of naturalised trees and shrubs, which are not necessarily native but are the correct tree for site conditions and would add landscape and arboricultural value could be used where appropriate and justified.
- A sympathetic and naturalised approach to the burial ground should be prioritised, especially given the proximity to the Country Park and proposed residential properties.
- Every effort should be made to minimise the urbanising influences (i.e., kerbing, widening, domestic paraphernalia) to ensure that the proposals are sympathetic to the rural surroundings. The proposed surfacing should also be considered and opportunities for block paving across the development would help to create a characterful approach from the public highway.
- The aesthetic appeal of the SuDS features play an important role in ensuring they integrate within green open spaces and provides multiple benefits. The ground contouring, planting and inlet and outlet design should be carefully considered to maximise the amenity value. A standard approach of precast concrete and galvanised handrail for inlets/outlets should be avoided. To improve biodiversity the attenuation areas should be combined with a range of vegetation types such as wildflowers and other nectar rich plants, trees and shrubs, grasses of various heights, drought tolerant species as well as marginal aquatics and wet grassland.

Concurrent with any future proposal or as part of a planning condition, the following information should also be provided:

1. PRIOR TO COMMENCEMENT OF DEVELOPMENT: SOFT LANDSCAPING SCHEME.

No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

2. PRIOR TO COMMENCEMENT OF DEVELOPMENT: HARD LANDSCAPING SCHEME.

No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding (where appropriate); surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example refuse and / or other storage units, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

3. PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPE MANAGEMENT PLAN

No development above ground level shall take place until a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than privately owned plots) together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall be carried out in accordance with the approved details and timetable.

4. PRIOR TO COMMENCEMENT OF DEVELOPMENT: ARBORICULTURAL METHOD STATEMENT

Prior to commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:

- a. Measures for the protection of those trees and hedges on the application site that are

to be retained;

b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstanding, roads and footpaths;

c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

If you have any queries regarding any of the matters raised above, please let us know.

Heritage Consultant

Thank you for reconsulting the Historic Environment Advisor to Mid Sussex District on the above planning application. This office has reviewed the additional documentation submitted and has no additional comments to make beyond those of our initial correspondence of 26th July 2022.

For clarity, we continue to recommend that archaeological conditions are applied to any consent. These are in accordance with the National Planning Policy Framework, paragraph 205 and are repeated below for convenience:

RECOMMENDATION: Geophysical Survey

(i) No development or preliminary groundworks of any kind shall take place until a programme of geophysical survey has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

(ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of geophysical survey identified in the Written Scheme of Investigation defined in Part (i) and confirmed by the local authority archaeological advisors.

(iii) The applicant will submit to the local planning authority a report detailing the results of the geophysical survey, which will be used to inform a programme of archaeological evaluation.

RECOMMENDATION: Archaeological Evaluation and Excavation

(i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological evaluation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

(ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part (i) and confirmed by the local authority archaeological advisors.

(iii) A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

(iv) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

(v) The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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

Contaminated Land Officer

As part of the application a preliminary risk assessment has been undertaken by WSP dated August 2021, ref: 70081355-PRA. This can be seen in volume 2, appendix 8 of the Environmental Statement.

While the report has identified potential risks of contamination on site from the current uses of agricultural land use and electricity substation, and former uses, including sewage tanks and vats, buildings and filter beds.

While previous risk assessments at the site have not found any exceedances for contaminants tested, it is noted that no testing has taken place to the east of the site. As such, the preliminary risk assessment indicates there is still low to moderate risk to human health and controlled waters, and states that an intrusive investigation should take place to the east of the site.

The intrusive investigation will be part of phased approach, whereby if contamination is found above the assessment criteria, a remediation option appraisal, remediation plan, and verification report will be required. As such, a phased condition should be attached. If no contamination is found during the intrusive investigation, and the report is approved by the LPA, then the entire phased condition can be discharged at that stage.

Additionally, a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed

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

a) A site investigation scheme, based on the preliminary risk assessment by WSP dated August 2021, ref: 70081355-PRA, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

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

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

In addition, the following precautionary condition should be applied separately:

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

I do note that a T2 Groundwater Risk Assessment has been submitted with the application relating to the proposed cemetery. As the Environment Agency have expertise in this area and will be the regulator for any permit required for the undertaking, they are best placed to comment further on the assessment submitted.

Environmental Health Officer

Comments received 17th March 2023

The additional information submitted does not significantly change the comments that I made on the 3rd of August 2022, nor those of the air quality officer on the 19th of August 2022, and the recommendation of approval with suggested conditions still stands.

Comments received 3rd August 2022

Comments: I have read Chapter 12 – Noise and Vibration, of the Environmental Statement by WSP.

The applicants have used that noise data from a survey carried out in 2015 as a basis for the noise modelling. WSP has used updated traffic count data to model the soundscape for the site.

The report has looked at the external sound pressure levels for properties that will be worse impacted by the noise in each phase. The report shows that this site is capable of being developed, and will only require standard double glazing in terms of noise protection. However, dependant on the exact design of properties, and where habitable rooms are placed, there may be a need for alternative ventilation in some house, as internal noise level for habitable rooms may not be met with the windows open. The reports has suggested ventilation could take the form of high performance through the wall ventilator with 8500mm² for free vent space

It is important to note that sound levels will differ across the site, and that the report focuses on those houses worst affected. As such, the developer plans to assess the exact level of glazing and/or ventilation needs for each home, when further details are submitted in the future of the exact layout, orientation and design of properties.

The report shows that external amenity spaces will achieve below the upper threshold of 55dB LAeq, 16 hours, and that the actual figure is likely to be lower once barriers and fences are added in.

The report shows for the school to achieve an internal level of 40dB LAeq, 30minutes, in line with The Acoustics of Schools, a design Guide (Nov, 2015), the SRI of the building would only have to achieve 16.3, which as the reports states “is easily achieved”.

I understand reading chapter 5 of the Environmental Statement by WSP that lighting will be looked at later stage of the development.

I note that dust mitigation measures for high risk sites during construction have been included in appendix 10.4. These will measures will need to be secured construction environmental management plan, which should also look at matter of noise, light and pollution control.

1. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include

amongst other matters details of: measures to control noise or vibration affecting nearby residents; artificial illumination; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

2. Prior to the commencement of the development hereby permitted, a the developer will submit a scheme to the LPA for approval, showing the exact level of glazing and/or ventilation needs for each home, based on the noise levels for the site outlined in, Chapter 12 – Noise and Vibration, of the Environmental Statement by WSP, dated July 2022. Each property identified as requiring specific glazing and / or ventilation shall not be occupied unless the relevant glazing and / or ventilation has been installed.

Please note that Air Quality and Contaminated land comments will be made separately to these comments.

Comments relating to air quality (operational use only):

The applicant has submitted an air quality assessment which has been carried out with reference to relevant guidance. The assessment finds that the development will not cause any significant adverse effects in terms of air quality. There will potentially be minor adverse impacts to a small number of properties in Fox Hill but no exceedances of air quality objective levels. The conclusions of the report are accepted.

I recommend the following conditions should the proposed development be granted permission:

Conditions:

- **Air Quality:** Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to the value calculated in, sections 10.6.34 to 10.6.38 of the submitted WSP Air Quality chapter of the Environmental Statement (Ref 70081355, dated July 2022). All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

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

Reason: to preserve the amenity of local residents regarding air quality and emissions.

Planning Policy Officer

Development Plan

The Mid Sussex District Plan 2014-2031 was adopted in March 2018 and the Site Allocations DPD adopted in June 2022. The Haywards Heath Neighbourhood Plan (HHNP) was 'made' in December 2016. The HHNP includes an allocation for housing and the provision of a school, allotments and burial ground; the allocation and application site, within Mid Sussex district, largely share the same boundary.

The comments below highlight the policies from the development plan that are considered relevant to the principles of this application proposal.

Development in this location

Policy DP6: Settlement Hierarchy supports the growth of settlements where it meets local housing, employment and community needs. DP12: Protection and Enhancement of Countryside seeks to protect the countryside for its intrinsic character and beauty. The application site straddles the boundary between Mid Sussex district and Lewes district; approximately two thirds (19ha) of the site is within Mid Sussex district. The section of site within Mid Sussex district is predominately within the built-up area boundary where the principle of development is accepted. Land east of Hurstwood Lane is outside the built-up area boundary.

Proposed development

The application proposes up to 375 dwellings, including 113 affordable dwellings. The 375 dwellings represent an uplift of approximately 7% on the "approximately 350 additional homes" set out in Policy H1: Land at Hurst Farm, Hurstwood Lane of the HHNP. The Case Officer will need to determine if, when taking into account the proposals as a whole, the additional dwellings are acceptable and are not to the detriment of other policy requirements.

Table 6-1: Proposed accommodation schedule of the Applicant's Planning Statement shows 113 affordable housing to be provided; this is consistent with Policy DP31: Affordable Housing which requires a minimum of 30% on-site affordable housing. In line with national policy, 25% of the affordable housing should now be First Homes, the remaining 75% should be social or affordable rent as required by Policy DP31.

In addition to the provision of housing, HHNP Policy H1 requires "*the retention of existing employment on the site, the provision of a new school, together with informal open space to include a burial ground and allotments*".

Hurstwood Grange is an existing "Major employment site" adjacent to the site's northern boundary. HHNP Policy B3 allows for the modernisation/ redevelopment of existing commercial sites. The boundary of the Application site excludes the existing Hurstwood Grange employment site, thus not proposing any change to its status. Although the HHNP shows Policy B3 extending beyond the Hurstwood Grange employment site, this land is not in existing commercial use. Whilst policies H1 and B3 overlap, in this instance, HHNP Policy 1 should be given greater weight.

In accordance with Policy H1, 2.1ha of land in the southern corner of the site is included for a new two form entry primary school with early year provision. A new burial ground and allotments are also proposed east of Hurstwood Lane. The HHNP makes provision for allotments and a new burial ground east of Hurstwood Lane under Policies E3 and E4

respectively. The Applicant's masterplan proposes the burial ground in the southern half of the E3/E4 land, with housing to the north; the allotments are east of the new burial ground outside of the E3/E4 land and within Lewes district. The requirement of both community facilities is in response to an identified shortfall within Haywards Heath town and so should be secured by the appropriate mechanism to meet this need.

Other policies

The following development plan policies are also considered relevant to this planning application:

- DP34: Listed Buildings and Other Heritage Assets and HHNP E9 – three listed buildings located in close proximity to the site (Middlefield Cottage, Grade II; Hurst Barn, Grade II; and Hurst House, Grade II*)
- DP37: Trees, Woodland and Hedgerows – Ancient Woodland to the northeast of Parcel 3 and within Parcel 4 abutting Hurstwood Lane.
- DP41: Flood Risk and Drainage and HHNP E7 – two tracks of High and Medium Risk from surface water flooding in western part of site which meet at the disused reservoir.

Housing Officer

"The applicant is proposing a development of up to 375 dwellings which gives rise to a minimum onsite affordable housing requirement of 30% (113 units) in accordance with District Plan Policy DP31. In order to meet a range of housing needs and our occupancy requirements, the affordable housing mix will need to comprise approximately:

25%	28	1B/2P flats, FOGS, maisonettes or bungalows @ a minimum of 50m2 (excluding the staircase & entrance hall in the case of any FOGS or maisonettes or 58m2 including them)
63%	71	2B/4P houses & flats (the majority, if not all, are to be houses) @ a minimum of 79m2 in the case of houses (2 storey) and 70m2 in the case of flats (excluding the staircase & entrance hall in the case of any FOGS or maisonettes or 79m2 including them)
10%	12	3B/5P houses @ a minimum of 93m2 (2 storey) and 99m2 (3 storey)
2%	2	4B/6P houses @ a minimum of 106m2 (2 storey) & 112m2 (3 storey)
100%	113	Total

and the currently proposed illustrative mix split as below would be acceptable as long as the required occupancy requirements and unit sizes are met.

Unit Mix	No. of Affordable Units proposed
1 bed flat	31
1 bed house	2
2 bed flat	6

2 bed house	61
3 bed house	11
4 bed house	2
	113

5 of the units will need to be fully wheelchair accessible units comprising 1 x 1B/2P bungalow or flat @ a minimum of 60m², 2 x 2B/4P houses @ a minimum of 103m² and 2 x 3B/5P houses @ a minimum of 121m². A wheelchair accessible flat if provided will also need to have access to an area of private garden space.

All of the wheelchair accessible units will need to comply with the requirements contained in Part M4(3)(1)(a) and (b) and M4(3)(2)(b) of Schedule 1 of the Building Regulations 2010 as amended, and 3 x A1 sized hard copies of 1:50 plans showing the various dimensions, floor areas & furniture layouts of individual rooms, and the measurements and floor area of the dwelling as a whole will be required, together with a plan showing the access from the wheelchair accessible parking space(s) to each dwelling.

These plans will need to be checked against the requirements and approved by our OT prior to full planning permission being granted, with final approval required as a condition of planning consent. This is to make sure that these dwellings meet the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) of Schedule 1 of the Building Regulations 2010 as amended

25% (29) of the total number of affordable units will need to be provided for First Homes **(NOT shared equity)** and should comprise mainly 2B/4P houses with a few 1B/2P units, and 75% (84) of the total (including the wheelchair accessible units) will need to be provided for **social or** affordable rent.

Affordable rented flats will need to be located in a separate block, accessed via a separate core/entrance or on a separate floor(s) to any First Homes or open market flats, with no more than 6 x 1B/2P flats included in one block and individual accesses provided for any ground floor flats.

The affordable units must be distributed throughout the site, with no more than 10 affordable housing units in one cluster and open market units in between each cluster, in order to assist social integration and the creation of a balanced community.

An affordable housing plan will be required showing the First Homes in blue and the proposed rented units in red, together with their allocated car parking spaces. The location of the wheelchair accessible units and their associated parking spaces and gardens must be clearly identified in green.

Any phasing proposed must also be clearly identified on the plan, with 30% affordable housing split 25% First Homes / 75% rented included in each and every phase and rounded up to the next whole number if not a whole number.

An affordable housing schedule will also be required detailing the plot number, type of dwelling, number of storeys, floor area in m2, floor level in the case of a flat, number of bedrooms, number of persons, proposed tenure and whether or not it is a wheelchair accessible dwelling for each affordable housing unit, in order to clearly demonstrate that all requirements are being met”

Tree Officer

Whilst it is accepted that this is an allocated site, I have a number of concerns.

I also note that this is an outline application, therefore some of these issues may be resolved by the submission of a fully detailed application.

An AIA has been submitted, dated June 2022. An updated report is required with any future application.

44 trees are to be lost, including 2 Cat B trees, mainly to accommodate access requirements. There will also be incursions into a number of other RPAs, however, to what extent and exact % is unknown. Full details of incursions into RPAs will also be required with any future application, as well as mitigation.

I note there appears to be sufficient space for replacement and mitigation planting.

Whilst there appears to be no impact on the AW, I am concerned about any impact on buffer zones, which, again, I am unable to assess in the absence of detailed plans.

If permission is granted, I would recommend that all of the conditions detailed in the Specialist Landscape Advice, dated 3/3/22 are applied.

Leisure Officer

Thank you for the opportunity to comment on Outline plans for up-to 375 new homes and associated infrastructure on Land At Hurst Farm, Hurstwood Lane, Haywards Heath. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings (based on a 30% affordable housing).

CHILDRENS PLAYING SPACE

The DAS indicates that the developer intends to provide a NEAP consisting of playground with timber and steel play equipment, informal hard courts and outdoor gym equipment in the Village Green area plus a natural play slope in the Hillside Parkland and a dry stream / play feature in the Country Park. The developer has also identified indicative sites for two LAPs but these are not necessary as they only offer limited play value. This would meet the requirements for a development of this scale and full details regarding the layout, equipment and on-going maintenance will need to be agreed by condition.

FORMAL SPORT

In the case of this development, a financial contribution of £459,286 is required toward formal sport facilities at St Francis Sports Ground and / or Whitemans Green and / or Tim

Farmer Recreation Ground and / or Victoria Park which all cater for Haywards Heath residents.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £263,414 is required to make improvements to the Barn Cottage pavilion and / or the new community hall, and / or the Woodside, and / or Ashenground Community Centre and / or new or improved community facilities at Clair Hall.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

As there are no public community buildings or formal sport provision proposed for the site it is important that the application addresses resident access to recreational facilities in the south of Haywards Heath on the other side of the A272, and a pedestrian crossing will be needed to facilitate this to encourage walking and cycling rather than driving (at St Francis Sports Ground, Ashenground and Tim Farmer Rec which are within approx. 100m, 900m and 1400m respectively).

Can you add Hanbury Stadium to the list of Formal Sport projects.

Drainage Engineer

APPLICATION DETAILS

Application Number	DM/22/2272 - Outline
Planning Officer	Steve King
Flood Risk and Drainage Officer	Scott Wakely
Response Date	13.07.2023
Site Location	Hurstwood Lane, Haywards heath
Development Description	375 Dwellings
Recommendation	No Objection Agree Principle Subject to Reserved Matters and Condition

FLOOD RISK

INFORMATION

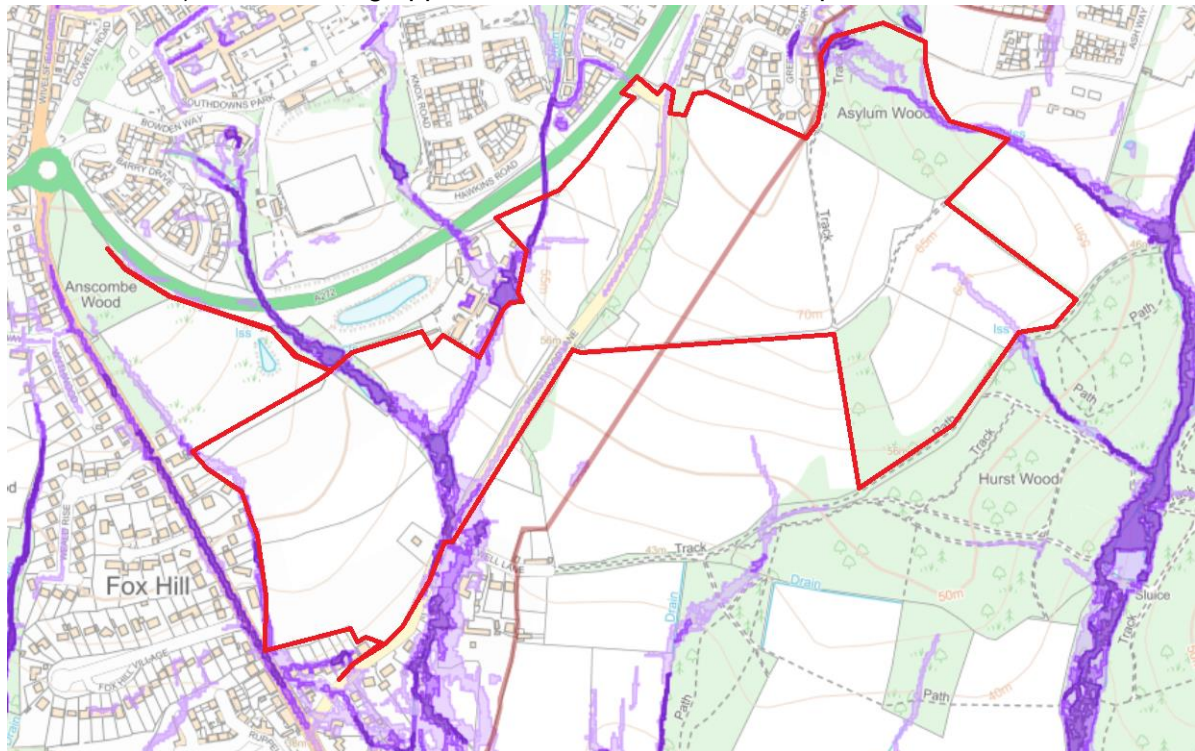
[The Planning Practice Guidance for Flood Risk and Coastal Change](#) requires all sources of flood risk to be considered consistently with how fluvial and tidal flood risk is considered within the [National Planning Policy Framework](#). This means that surface water flood risk extents should be considered equivalent to flood zones when assessing a development's vulnerability to flooding and the need for a site-specific flood risk assessment.

For clarity Mid Sussex District Council's Flood Risk and Drainage Team (in line with advice from West Sussex Lead Local Flood Authority) utilise the below table when considering flood risk.

Annual exceedance	Flood Zone	Surface Water Flood Risk
Greater than 3.3% (>1:30-year)	3b	High
Between 1% and 3.3% (1:100-year and 1:30-year)	3a	Medium
Between 0.1% and 1% (1:1,000-year and 1:100-year)	2	Low
Less than 0.1% (<1:1,000-year)	1	Very Low

APPLICATION SPECIFIC COMMENT

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). Parts of the site is shown to be at high surface water flood risk (the equivalent of flood zone 3b), with larger parts of the site being at medium surface water flood risk (the equivalent of flood zone 3a). This flooding appears to be in the form of flow paths.



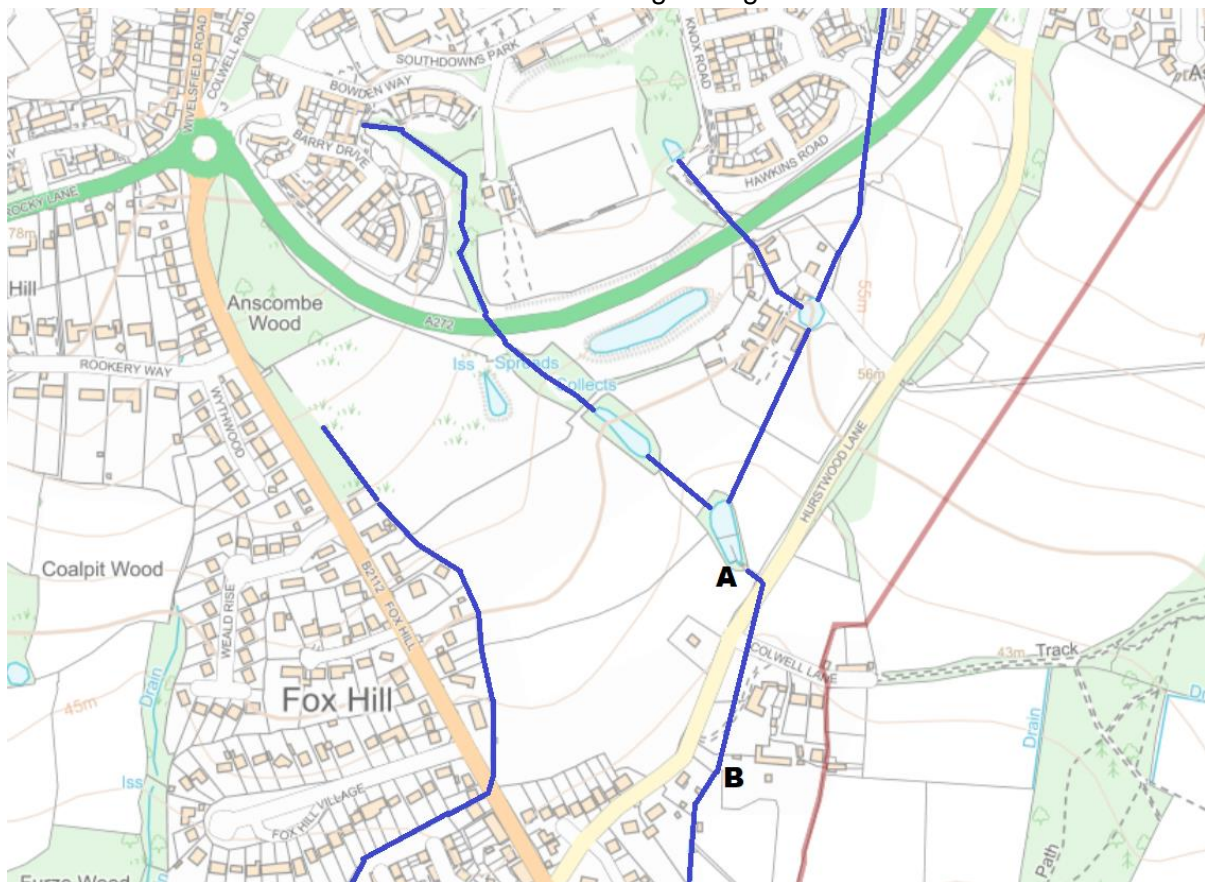
Surface Water Flood Maps Extent – Very Low to High.

Mid Sussex District Council's records show the site has experienced flooding in the past. Our records also show the area immediately surrounding the site has also experienced flooding in the past, which match the surface water flood maps shown.

Mid Sussex District Council's records are not complete, and flooding may have occurred which is not recorded. A site having never flooded in the past does not mean it won't flood in the future.

There is a balancing pond positioned in higher elevation and north of the site, serving the bypass road. As exceedance and breach of this structure poses a flood risk to the site, this, and how such flood risks are mitigated on site, will need to be considered.

There are known watercourse and culverts running through the site. These are shown:

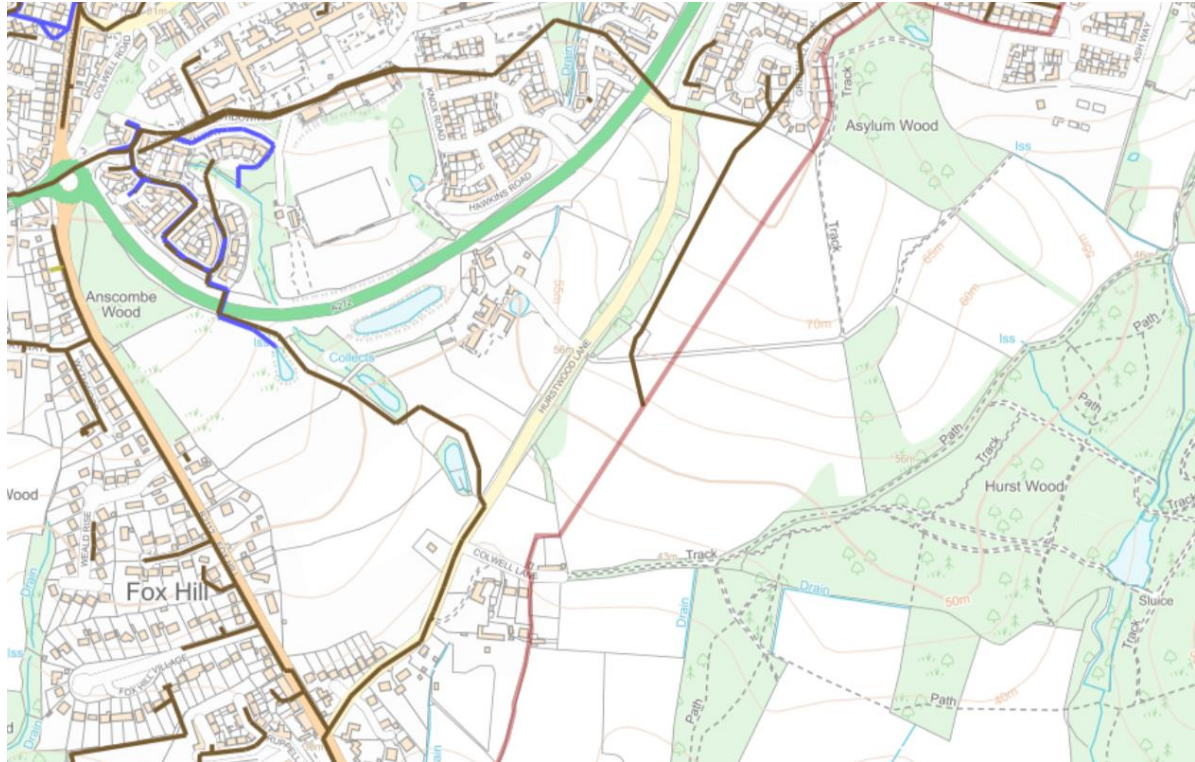


There may be further watercourses not shown on site, and it is the advice of the MSDC Flood Risk and Drainage Engineers that this site is fully surveyed to identify all possible watercourses and culverts, including those which may have become silted from a lack of maintenance.

The route and size of the culvert watercourse between points A and B on the above image is unknown. As part of the development's site survey and investigation, the Flood Risk and Drainage Engineers would like this part of the watercourse fully jettied and surveyed to ensure its location is identified and is in suitable condition and capacity for any proposed discharge connection from an improved upstream system. The developer is under no legal obligation to do this

SEWERS ON SITE

The Southern Water public sewer map shows public surface water and foul water sewers located within the redline boundary of the site.



Southern Water Foul and Surface Water Sewer locations – only up to District Boundary

There may be sewers located on the site not shown on the plan which are now considered public sewers. Any drain which serves more than one property, or crosses into the site from a separate site may be considered a public sewer. Advice in relation to this situation can be found on the relevant water authority's website.

SURFACE WATER DRAINAGE

INFORMATION

Surface water drainage will ultimately need to be designed to meet the latest national and local drainage policies. The drainage system will need to consider climate change, the allowances for which should be based on the [latest climate change guidance](#) from the Environment Agency.

APPLICATION SPECIFIC COMMENT

The BGS infiltration potential map shows the site to be in an area with high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be possible on site. To ensure the drainage hierarchy is followed this will need to be confirmed through infiltration testing on site as part of detailed drainage design.

Information into our general requirements for detailed surface water drainage design is included within the 'General Drainage Requirement Guidance' section.

FOUL WATER DRAINAGE

Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section.

FURTHER INFORMATION REQUESTED (04.10.2022)

A request for further information was made by MSDC Flood Risk and Drainage 04.10.2022:

- A revised Flood Risk Assessment and Environmental Statement that considers the 25.08.2022 changes to [The Planning Practice Guidance for Flood Risk and Coastal Change](#)

The revision was received 20/02/23.

FURTHER INFORMATION REQUESTED (03.05.2023)

A request for further information/clarification was made by MSDC Flood Risk and Drainage 04.10.2022:

1. Confirmation that the correct river catchment has been used.
2. Further details needed about how the green / blue drainage corridor will capture and manage overland flow from the existing Hurstwood Grange pond if this discharge becomes exceeded / blocked.
3. Confirmation that it would be possible to separate the flow route from the existing pond and the SUDS from development Parcel 2.
4. Review of the allowable discharge rates within the development parcels.

The developer provided a response document and revised Flood Risk Assessment. Response to the above points being:

1. *A discrepancy in the Climate change allowance has been caused by a typing error within the submitted FRA. To confirm all calculations and design have been completed for the correct Management Catchment of Adur and Ouse with a climate change allowance of 45%. The FRA has been amended to correct this typographical error and is provided with this note.*
2. *Concerns have been raised over the flood flow route from the Hurstwood Grange pond, whereby if the downstream culvert, into which the pond discharges, were to*

become exceeded/blocked, the pond would overtop and flow overland through the development site. To mitigate this the following has been suggested:

- There is a culvert located where the flow route travels through the site which will be included in the maintenance regime for the surface water system of the site. Therefore, the chances of the blockage occurring will be greatly reduced. This maintenance regime is for drainage located on land under ownership of Homes England only.*
 - This maintenance could be extended up to the pond edge with an additional commercial agreement between the private landowner and any future management company.*
 - As part of the reserved matters application this area will be modelled in detail to confirm this flood route, and therefore this route can be embedded into a green corridor.*
 - The size of this overland flow route and any proposed attenuations adjacent to the corridor will be designed to accommodate the overland flow route.*
- 3. Additionally, concerns have been identified that the proposed attenuation swale located to the north of parcel 2 will be filled with the identified surface water flood flow from the Hurstwood Grange Pond. There is no reason why the final reserved matters design could not have a separate green/blue corridor for the surface water flood flow Page 2 from Hurstwood Grange pond if required and a SuDS attenuation system will be considered in detailed design stages.*
- 4. Concerns have been raised over the proposed discharge rates in Table 7-3 of the report and the proposed allowable discharge rates being too high. We believe these rates to be correct as the allowable discharge rates have been calculated using the entire developed area of the catchment, including the gardens and green spaces which may be considered permeable areas, where these are part of the masterplan development area. Hence these calculations have not been based on the impermeable area which in some catchments may be smaller than the development area. For catchments where part of the catchment is not being developed, the non-developed permeable areas have not been included in the discharge rate calculations. As such the rates have not been changed and are believed to be correct.*

The MSDC Flood Risk and Drainage team appreciate the submitted responses to the request for further information/clarification. We confirm these responses address the points we raised.

RECOMMENDATION

The MSDC Flood Risk and Drainage team advise that the principle of suitable drainage and the management of flood risk has been achieved. Therefore, detailed drainage matters can be managed under Reserved Matters and Condition.

RESERVED MATTERS

Under reserved matters, the MSDC Flood risk and Drainage team expect to see a finalised site layout that incorporates and appreciates the proposed SuDS system and exceedance flow routes. It is expected that a brief technical note will be submitted to supplement the layout which describes how the layout has been considered in parallel with the SuDS system and any exceedance routes. For example, we expect the technical note to contain plans and descriptions of maintenance strips for watercourse culverts, the northern pond exceedance diversion, swale and watercourse maintenance buffers, all shared SuDS

features to be maintained only within publicly accessible areas. These expected items are not exclusive, and we may ask for further information.

CONDITION RECOMMENDATION

C18F - MULTIPLE DWELLINGS/UNITS

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

PROTECTIVE MEASURES DURING CONSTRUCTION

No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the Local Planning Authority. Site protection measures in respect of [the watercourse/pond/trees or other relevant thing that needs protection] shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the features to be retained and protected during construction works; and
- b) The position and details of warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

WORKS WITHIN 5M OF DRAIN OR WATERCOURSE

No part of any concrete foundations and no construction activities shall be within [specify] metres of any drain or watercourse.

Reason: In the interests of protecting the natural environment.

District Planning Committee



GENERAL DRAINAGE REQUIREMENT GUIDANCE

Mid Sussex District Council's flood risk and drainage requirements are based on relevant national and local policies and guidance.

SURFACE WATER DRAINAGE

Finalised detailed surface water drainage design is required to be submitted and approved prior to construction starting on site. The design should be based on the [Environment Agency's latest climate change allowances](#) and follow the latest [West Sussex Lead Local Flood Authority Policy for the Management of Surface Water](#).

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

The locating of attenuation, detention, or infiltration devices (including permeable surfacing) within flood extents is not acceptable, this includes areas of increased surface water flood risk.

Table 1 overleaf sets out a list of information the detailed surface water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

FOUL WATER DRAINAGE

Finalised detailed foul water drainage design is required to be submitted and approved prior to construction starting on site. The use of public foul sewer connection should always be prioritised over non-mains drainage options.

The use of non-mains foul drainage should consider the latest [Environment Agency's General Binding Rules](#).

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the latest Binding Rules will need to be replaced or upgraded.

Table 2 overleaf sets out a list of information the detailed foul water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

Table 1: Detailed drainage design requirements – surface water

Requirement	Information	Location of information / drawing number
For all designs		
Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)		
On-site infiltration test results		
Plans / details of areas to be drained based on finalised development plans		
Calculations showing the system has been designed to cater for the 1 in 30 with climate change and 1 in 100 with climate change storm events		
Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system		
Maintenance and management plan ¹		
For soakaways		
Sizing calculations (to cater for 6-hour, 1 in 100-year plus climate change event)		
Half drain time (<24 hours)		
Construction details		
For discharge to watercourse		
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) ²		
Outfall location and construction details		
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event ³)		
For discharge to sewer		
Discharge rates (restricted to 1 in 1 or QBar Greenfield rate for drained area unless otherwise agreed with sewerage provider)		
Discharge location and manhole number		
Outline approval from sewerage provider in relation to connection, discharge rate and connection location ⁴		
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event ⁵)		

¹ The scale of this document should reflect the scale of the development and the complexity of the drainage system.

² If the 1 in 1 or QBar Greenfield runoff rate cannot be achieved, then evidence into why a higher discharge rate has been proposed should be provided as part of the detailed design. Due to improvements in drainage systems the 2l/s minimum will not be accepted without justification.

³ If system does not attenuate up to the 1 in 100-year with climate change event, then evidence that the system shall not increase flood risk on or off site shall be required.

⁴ Formal approval via S106 etc is not required.

⁵ If system does not attenuate up to the 1 in 100-year with climate change event, then evidence that the system shall not increase flood risk on or off site shall be required.

Table 2: Detailed drainage design requirements – foul water

Requirement	Summary	Location of information / drawing number
<i>For all designs</i>		
Plans showing entire drainage system, including invert levels, pipe diameters, falls and outfall/connection location		
Foul flow calculations and confirmation proposed system is sized appropriately		
<i>For connection to main foul sewer</i>		
Discharge location and manhole number		
Evidence of communication with Water Authority regarding connection ⁶		
<i>For non-mains system with drainage field</i>		
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields		
Evidence that either: a) The system meets latest General Binding Rules, or b) An Environmental Permit application is to be submitted		
<i>For non-mains system with discharge to open water</i>		
Evidence that either: a) The system meets latest General Binding Rules, or b) An Environmental Permit application is to be submitted		
Outfall location and construction details		

Conservation Officer

Comments received 20th March 2023

In relation to the further information received in respect of the above planning application I have no further comments to offer.

Comments received 28th September 2022

Comments on the above planning application.

The site and nearby heritage assets.

The application site is a parcel of land, currently open fields and woodland, straddling Hurstwood Lane, and including land lying between this lane, Fox Hill and the A272. The site wraps around Hurst Farm to the south, east and north- Hurst Farmhouse is a Grade II* listed

⁶ Formal approval via S106 etc is not required.

building dating from the 16th century – the former farmstead includes its associated farmyard and barn, now converted to business and residential use. The barn, which dates from the 17th century, is separately listed at Grade II.

To the west of the site, facing onto Fox Hill, is Middlefield Cottage, which is a Grade II listed 17th century cottage.

The site as depicted in the current application extends to the north to include Asylum Wood, which is close to the southern boundary of the Lewes Road Conservation Area.

The current proposal is an outline application with all matters reserved except for access for the erection of up-to 375 new homes, a two-form entry primary school, burial ground, allotments, open space with associated infrastructure, landscaping and parking.

Impact on the setting and special interest of Hurst Farmhouse and Hurst Barn.

Hurst Farmhouse (formerly known as Asylum Farm, later Hospital Farm, a reference to the County Asylum, later St Francis's Hospital located just to the north west, with which it was at one point associated), will be considered to possess historical evidential and illustrative value as a particularly fine example of a 16th century Sussex farmhouse, with historical associations with the County Asylum, as well as aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn.

Hurst Barn would be considered to possess historical evidential and illustrative value as a good example of a 17th century Sussex timber framed barn, with a later lean-to addition, as well as aesthetic value based in part again on the use of vernacular materials.

These buildings will also possess group value with each other and with other surviving historic buildings within the farmstead, which is recorded in the West Sussex Historic Farmstead and Landscape Character Assessment under the name Hospital Farm as a historic farmstead of the medieval period.

Although the setting to the north of the farm has been significantly altered by the construction of the A272 relief road and the residential development beyond this, the surviving open fields to the north east, south and south west (including the application site) make, in my opinion, a strong positive contribution to the special interests of the listed buildings and the manner in which these are appreciated, as do the surviving barn and farm buildings to the west of the house (now in different uses), and the tree-lined approach to the farmstead from Hurstwood Lane to the south, which has a distinctly rural character.

The proposed development, which is submitted only in outline in most respects, will have a fundamental impact on a significant portion of the wider setting of the farmstead, which from open fields will become suburban development. The indicative layout and form of the outline proposal does show some attempt to mitigate the level of harm caused, by retaining the area directly to the south east of the house, overlooked by its principle frontage, as open space, by limiting the height of the development to the east of the house to two storeys, and by at least partially retaining the tree-lined character of the entrance track from Hurstwood Lane to the farmhouse. However, there is no doubt that the character of the wider setting of both Hurst Farmhouse and Hurst Barn will be significantly altered and the currently positive

impact made by setting to the special interests of these buildings and the manner in which they are appreciated much reduced.

Based on the outline scheme in front of us I would place the level of harm caused at less than substantial, at the mid-high range of that scale, depending on the full detail of the proposal. Paragraph 202 of the NPPF will therefore apply.

Impact on the setting and special interest of Middlefield Cottage

Middlefield Cottage is a Grade II listed 17th century cottage. The cottage would be likely to be considered to possess historical evidential and illustrative value as a good example of a rural Sussex building of its type and period, as well as aesthetic value based in part on the use of vernacular materials. At one time it sat in a rural position, and only during the second half of the twentieth century did development spread from Fox Hill along the road to encompass it to either side. At present it retains its rural setting to the rear, although with some tree planting providing partial screening along the rear garden boundary. This surviving rural setting, which is part of the proposed development site, makes a positive contribution to the special interest of the cottage and the manner in which this is appreciated, in particular those parts of that interest which are drawn from historical illustrative and aesthetic values.

The current proposal places residential development close to the rear boundary of the garden to Middlefield Cottage. Although a modest planted buffer appears to be shown on the indicative site plan, the development will undoubtedly have a significant impact on the character of this part of the setting of the Cottage, and will effectively remove the last traces of its formerly rural environment. Notwithstanding the existing and proposed screening it is therefore considered that the proposal will be harmful to the setting of the listed building, its special interest as a modest rural Sussex cottage dating from the 17th century and the manner in which this is appreciated.

In terms of the NPPF, I would place the likely degree of harm caused by the proposal to Middlefield Cottage to be less than substantial, at the mid range of that scale, such that again paragraph 202 will apply.

Impact on the setting and significance of Lewes Road Conservation Area

Although the Council does not have an adopted character appraisal for the Lewes Road Conservation Area, the Council's document 'Conservation Areas in Mid Sussex' contains a brief assessment of its key features:

'Lewes Road (A272) is situated on the east side of Haywards Heath, and is the main approach for westerly travelling traffic. The area is characterised by low density development, and represents the gradual transition from the countryside to the urban area. The following features make a particular contribution to the character of the Conservation Area:

- the variety of age and style of the buildings, most of which are large properties set well back from the road within spacious grounds;*
- presence of trees and hedges around and between the buildings;*

- *the presence of grass verges, hedges and ‘fingers’ of agricultural land between dwellings which contribute to the rural character of the Area; and*
- *the low density of development which creates a gradual transition from the countryside to the urban area.’*

The submitted Heritage Statement scopes the Conservation Area out at an early stage, for the reason ‘*Taking into account the distance from the site boundary and extensive areas of intervening built development along the A272 and to the east of the northern part of Hurstwood Lane along with the presence of areas of planting/landscaping it is considered the Proposed Development would have no impact on the asset itself or its setting.’*

At present, I would tend to agree with that assessment, although this will be dependant on the detail of the final scheme and the retention of Asylum Wood as a landscape buffer between the site and the Conservation Area.

Urban Designer

I have no objections to this scheme.

In principle perimeter plan is acceptable. I understand the submitted masterplan is still only illustrative, and more details will be submitted at the reserved matter stage.

There are significant site constraints on this site that will make it a challenge to achieve anywhere near the 375 dwellings while also according to the principles set out in the Council’s Design Guide. Therefore, the internal layout of individual parcels would have to be determined at a later stage.

In particular, the awkward topography generates steep slopes, which make it more challenging to integrate buildings comfortably on the site, so they appropriately address both their street context and the profile of the land while also avoiding unsightly retaining structures; this becomes especially an issue with apartment buildings that have large footprints.

In the later stages, I anticipate that parking will be fully accounted for, as well as each individual building plot. Additionally, section drawings will be used to test for any issues, particularly in the steeper parts of the site.

Also, the drainage requirements are more significant than average which potentially generates a greater need for attenuation ponds which are also tricky to integrate because of the sloping land; from the design point of view, it will be essential to avoid insensitive cutting/filling/embanking.

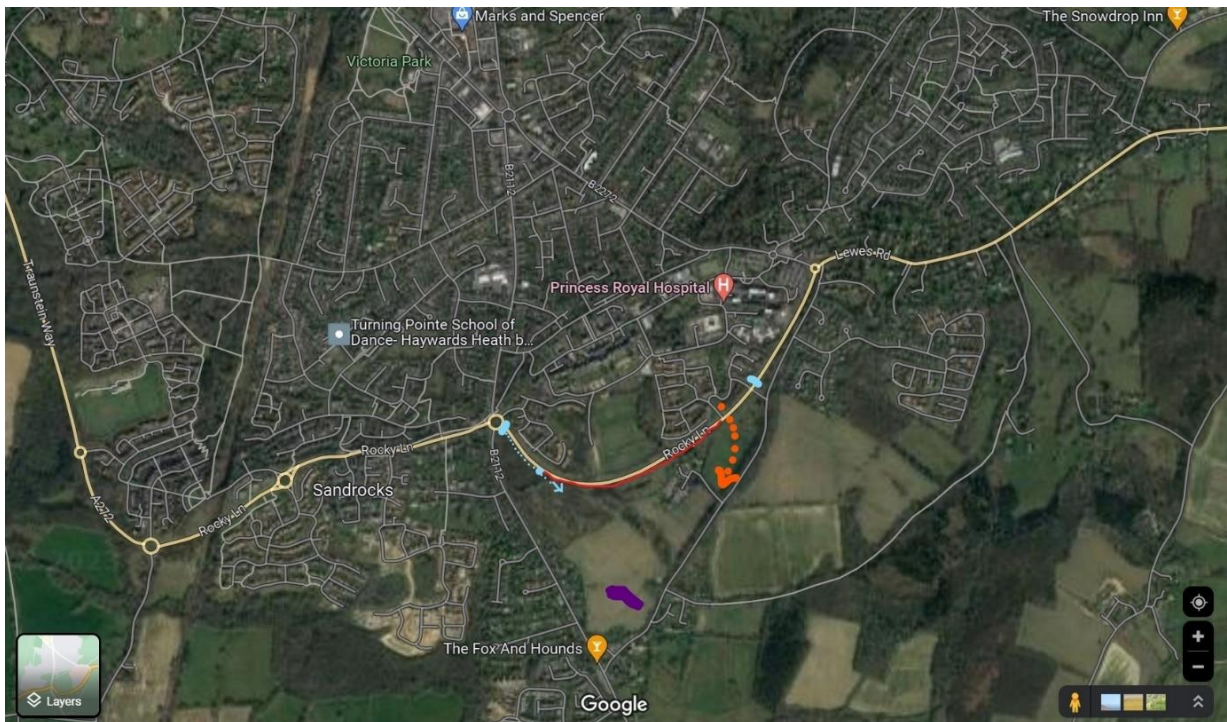
I have reviewed the provided details regarding the accesses' geometry plans.

Please see my comments below:

- INSERT D Access point: Access points are satisfactory.
- INSERT A, C, E, F: Access points are satisfactory.
- PROPOSED A272 ROCKY LANE, B2112 FOX HILL WIVELSFIELD ROAD ROUNDABOUT IMPROVEMENT is considered satisfactory.
- A272 ROCKY LANE / LEWES ROAD HAYWARDS HEALTH PROPOSED TOUCAN CROSSING is satisfactory.

- FOX HILL PROPOSED PEDESTRIAN CROSSING is considered satisfactory.
- INSERT B _ OLD FARM CLOSE/ HURSTWOOD LANE PROPOSED SIGNALISED JUNCTION:

The layout of the junction is satisfactory. Regrettably, the opportunity to enhance the link between the proposed developments and existing ones to the north of Robertson Drive was disregarded. At the moment, Rocky Lane creates an obvious barrier for pedestrians. The noise barrier/wall located along Rocky Lane (indicated in RED) creates a significant challenge for pedestrian connectivity in a larger context. The proposed crossings on Rocky Lane (coloured in BLUE) are quite distant from each other and do not align with the potential pedestrian routes (coloured in ORANGE) between the end of Robertson Drive and the new Primary School (coloured in PURPLE). It would be advantageous to construct a new crossing at the end of Robertson Drive, connecting it directly to 'Parcel 1'. This would prove beneficial for the present situation as well as any future developments in the northern region of Rocky Lane.



Haywards Heath Town Council

Comments made by the Town Councils Planning Committee date 2nd May 2023.

Members considered and measured the application against the requirements of Haywards Heath Neighbourhood Plan (HHNP) policy H1 in the first instance making the following comments.

- There was a considerable amount of data to read, digest and understand so a formal response was not going to be made in one meeting. This data included twelve environmental statements and numerous design and access statements amongst the paperwork submitted to support the application.

- It was noted that the application would not exactly meet the requirements of the HHNP. but the principle of development had been agreed through the document so it was a case of balancing the application benefits against any negatives.
- The work of the PWG identified issues of concern within the current application so to make comment and require/suggest ways to make the application more acceptable and then focus on list of benefits. The benefits of the application were of course the infrastructure provided (school, county park, allotments, cemetery and 375 houses with 115 affordable).
- The potential negatives centred around biodiversity, water neutrality, drainage, car parking, flooding air quality and a lack at the present time of traffic capacity of data.
- Green space/connectivity was also an area that needed to be reviewed as the cumulative space provided in the developable area was to be added to the total associated with HHTC land interest, and parking needed to be looked at - with the potential requirement for controlled parking zones to be in place before occupation. On this basis the comments made on the previous application were re-affirmed and agreed to be included in the new representation.
- The amount of open space being made available was still questioned as the original plans circa 2014 did not include the school (now housing) across Hurstwood Lane (10.9 acres coming to HHTC after 2.4 was lost). It was noted that even though the HHNP in 2016 was subsequently adopted with the school (late addition) the agreement for development on the land was sold on the basis of the increase of value/usage of the land, which was deemed to be open space even though the developable area was closed to the public. It was felt that this was still a burning issue with a number of individuals/organisations/agencies having an interest in the provision open space and other planning matters. Some of whom live in the vicinity or have a general interest in the open space provision provided. These individuals/organisations/agencies will make robust and frankly worthy comments on the loss of open space. It was also noted that one of the issues to review was the moving of the school from south of Greenhill Way to the bottom of Hurstwood Lane and the implication of traffic and the travel to school plan. So, the housing now being on the proposed school site will be a harder vista from those from Greenhill Way with two storey houses than a playing field with the school falling away down the hill. However, it was agreed that a school was badly needed and there wasn't another site available in the Town. It was confirmed that there had been no further loss of land from the original application due to the swap of housing
- It was noted that there would be no blocking off of access to the open space that HHTC will adopt and the open space within the main developable area was additional green space, which would act as a green corridor.
- Cycle path up to Fox Hill via the going behind the Grange to mitigate going on busier routes was welcomed with a designated crossing to link up established paths into the ancient woodland.
- Doctors' surgeries provision was raised. It was noted that HHTC could not push for a doctor's surgery as the NHS has made their representation and the number of houses was deemed not be a strategic site. This would be the same for dentists, doctors and other provision. So HHTC could only raise concerns on the lack of infrastructure in an ever-growing Town.

6.3 Other matters raised/actions.

- The Town Clerk was asked where the traffic data was that the Deputy Clerk had asked for from MSDC. It was noted that this data will be forensically assessed to push for additional highway infrastructure. This was coupled with concerns about the police response.
- Applicant data analysed and confirmed by councillors. See Highways & Transport report for detailed comments below with the school.

6.4 Haywards Heath Neighbourhood Plan

Policy E3 - A site is allocated off Hurstwood Lane to provide new allotments; **Noted and agreed that the application meets the HHNP policy.**

Policy E4 - A site is allocated off Hurstwood Lane to provide for a new cemetery; **Noted and agreed that the application meets the HHNP policy.**

Policy H1 - Land at Hurst Farm, Hurstwood Lane - Land is allocated either side of Hurstwood Lane for a mixed-use development for approximately 350 additional homes, the retention of existing employment on the site, the provision of a new school, together with informal open space to include a burial ground and allotments (11.5ha) Noted and agreed that the application meets the HHNP policy. Presumption of development was made by the adoption of the HHNP. Open space at 11.5 again during the inspection and was presented during the adoption of the HHNP.

Policy E6 - New major development will be required to promote Green Infrastructure opportunities within the site and establish and / or enhance links between this and existing Green Infrastructure in the immediate vicinity of the site; **Noted and agreed that it meets HHNP policy. Detail to be reviewed during consideration of the Environmental reports.**

Policy E7 - New development proposals will be required to incorporate Sustainable Drainage Systems, where practical, as part of the design of new housing and commercial development and indicate how such schemes will be managed and maintained; **From the data provided it was agreed that application met the HHNP policy.**

Policy E8 - New major development proposals, defined as 10 or more dwellings, 1000 m2 floorspace or more, or application sites over 1 hectare, will be required to be designed to support making the town more sustainable; **This matter could not be agreed and would be picked up under the detailed reserve matters application on the housing design.**

Policy E11 Major Development proposals sited on the edge of Haywards Heath or in a visually prominent location will be required to be supported by an assessment of the views to and from the proposed development.

HHTC have reviewed the views and have concerns regarding the height of the houses in the parcel of land to be developed across Hurstwood Lane, south of Greenhill Way.

Policy E13 - Proposals for new residential development should provide good quality private outdoor space which is appropriate to the development propose; **This matter could not be agreed and would be picked up under the detailed reserve matters application on the housing design.**

Policy B1 - Planning permission for new retail development will be granted within the town centre provided it can be demonstrated that it is in accordance with policies E9, and E10; **N/A**

Policy T1 - Planning applications for new major development proposals will be required to provide good pedestrian and cycle connections with safe crossing points to the existing pedestrian and cycle network linking to the town centre and local services; **Noted and agreed that the application meets the HHNP policy.**

Policy T2 - Planning applications for new major development proposals will be required to contribute towards the funding of cycle routes to Haywards Heath Railway Station and the town centre; **N/A**

Policy L3 - Land is allocated as open space to provide a landscape setting to the proposed Allotments and Cemetery **Noted and agreed that the application meets the HHNP policy.**

- Anscombe Wood cycle/walking connectivity was discussed and established routes were confirmed and discussed along with the thought that further works
- The matter that the construction of an underpass Lack of Under Pass a worry
- Road spurs and broadband into Country Park
- Members were content with point 7.9.3.
 - *The indicative masterplan includes a high-quality scheme of landscaping enhancements, new open space and allotments. This is reflective of the Applicant's aspirations to ensure that the development is sustainable and providing a healthy environment for the site's future residents. Across the site, avenues of green space are providing that support a range of amenity greenspace, natural greenspace and play space. Allotments are located west of the site. The residential dwellings will provide passive surveillance to these areas. The integration of different scales and types of functioning landscape supports a high-quality transition across the site and the provision of sustainable transport links.*
- 7.6.9
 - During public consultation ahead of the application, there have been concerns raised about the impact of the school on this junction and the suggestion that it should be signalised. The application team have explored this option but concluded that it would not be the best solution as it would require significant alterations to the junction including removal of the corner green space and trees. However, this reconfiguration is required to avoid the junction being located on the private driveway that sits on the corner of the junction and the access to the Fox & Hounds carpark. WSCC have argued that the junction capacity benefits for the AM peak would also be offset by increased delays outside the peak period when the traffic signals would remain in operation but not be required. WE do not accept difficulty as valid excuse for non-delivery of a professionally configured traffic light system.
 - Housing Mix 30% affordable agreed as policy –However, we do not see the value to the community for the provision of one-bedroom houses.

7.14.1. Policy DP41 of the Mid Sussex District Plan seeks to promote development that makes the best use of resources and increases the sustainability of communities within Mid Sussex. This policy further sets out that "Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate". Supported by Members.

7.14.6 Overall, the drainage strategy for the site demonstrates how it could accord with the NPPF and MSDC and LDC policy requirements. This ensures that surface water on the site will need to a flood risk, accounting for the 1 in 100-year flood event plus climate change allowance. Supported by Members.

The Town Council has no issue with the **Air Quality** assessments and is satisfied with the information provided within the application. The Town Council also welcomes the comments of the Environment Protection Officer and supports the requirement laid out in the representation.

Air Quality: Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to the value calculated in, sections 10.6.34 to 10.6.38 of the submitted WSP Air Quality chapter of the Environmental Statement (Ref 70081355, dated July 2022). All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details. Informative – In order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the

Council's Air Quality Officer. Reason: to preserve the amenity of local residents regarding air quality and emissions.

Noise – no comment

Bio-Diversity – The Town Council requires a blanket TPO on the trees along Hurstwood Lane, and wishes to ensure that the Ancient Woodland is protected within the application area. This supports the legislative requirement for a minimum 10% net biodiversity net gain

Water Supply - The Town Council is satisfied that there is sufficient provision of water to enable supply to the development

Grey Water/Flooding - Mention was made of pumping stations (existing and proposed) and the concerns regarding the condition of the Victorian Sewers that will see a substantial increase in required capacity due to the increase in housing. Concern was also raised how storm water will be handled as there is no soak away proposed, due to the clay in the ground. This has led to the Town Council requiring sight of how this water will be dispersed so to understand and ensure that there is protection given to desired provision of the Town Council's Allotments and Cemetery.

Green Space - The Town Council promoted and it was accepted at the inspection of the Neighbourhood Plan that opening up and development of community facilities on the open space across Hurstwood Lane would improve the quality of the green space, which mitigated the green land being developed upon. We note the housing parcel across Hurstwood Lane is no bigger than the land allocated for the school at the time of adoption of the HHNP. To this end, the Town Council is comfortable with the land allocated for Allotments, Cemetery, Country Park alongside the Ancient Woodland. To complement the aspirations of the Town Council, we are pleased see to the swathe of green space within central developable parcel of land, which will provide for a wild wildlife corridor coming from the Country Park. This must be protected from development.

Climate Change - Street Lighting – green location of the site and the resulting wildlife it is required that lighting be a maximum of 3000K (kelvins) so to minimise the impact on the wildlife, as required in the MSDC 2023 Section 18 District Plan version.

Waste Management – it is required that the solution for rubbish collection for all houses located across Hurstwood Lane, of which some (15 total) fall within the Lewes District, is collected by one service provider not two as happening along Greenhill Way and the houses outside of the Haywards Heath jurisdictional boundary. This arrangement is not satisfactory as it is not good for the environmental footprint of the development in the long term. MSDC and LDC must cooperate professionally to protect our environment.

Storage and recycling - All such facilities should not be visible from the public footpath and should be provided within the curtilage of the property. Communal recycling area should be considered at the detailed Reserved Matters application level.

Utilities – Gas, electric and broadband should all be placed in a single utilities trench so that installation and maintenance is simplified, and that the provision, including water, should be brought up to the boundary of the Country Park, Allotments and Cemetery so that community facilities have access to each service and have the ability to use Superfast Broadband services across the entire site.

6.5 Haywards Heath Town Council Statutory Comments/Conditions

The Hurst Farm site is specifically identified in Policy H1 of the Haywards Heath Neighbourhood Plan (HHNP), adopted in December 2016 as a developable site. The new school is supported under policy H1 and specifically the provision of a Cemetery under

policy E4, provision of allotments under policy E5. The Country Park is stated in the HHNP, sitting across the Town/District and County border in the Parish of Wivelsfield.

Having duly considered the application at an extra-ordinary meeting of its Planning Committee dated 2nd May 2023, the Town Council **supports in principle the outline planning application, for development of 375 new homes.** Under the Localism Act, the HHNP confirms this is what the community needs in this location. Members of the Town Council's Planning Committee have scrutinised the outline application, highlighting concerns which must be addressed to validate the application.

Concerns are listed as material planning considerations, which in some instances should have Conditions attached to make the application acceptable in Planning Terms, which include, but are not limited to:

- The Town Council notes **375 homes** are proposed in the application versus approximately supported 350 in the HHNP.
- Condition 1: Adoption of a **detailed Masterplan** by the applicant is required. This must include the design and the style of the housing/flats.
- **Condition 2:** The Town Council requires a Construction Management Plan, to include wheel washing, use of tonneau covers for earth moving vehicles, onsite parking for site/construction workers, and ancillary road cleaning. This CMP must include a Tree Management Plan*.
- **Condition 3:** Working hours of works and stacking of construction deliveries, restrictions are required to protect neighbouring residential amenity – 08:00 to 18:00 Monday-Friday, 09:00 to 13:00 Saturday. No work permitted Sundays or Public Holidays: Objective to protect residential amenity.
- **Condition 3:** The Town Council requires that the Town's **green spaces and roads** are protected **See Highways & Transport Section.**
- **Condition 4:** Electric car charging points provided for all dwelling on the site, plus allowance for any future proofing required, to deliver the Environmental protection requirements of the HHNP and MSDP.

- **Hurstwood Lane Closure. See Highways & Transport Section Conditions.**
- **Traffic Lights Fox Hill: See Highways & Transport Section Conditions.**
- **Pedestrian access, pathways, crossings to and through the site to enable access. Condition =** All cycle pathways must be designated as Public Rights of Access/Way. This provides the pedestrian access/connectivity needed to meet existing and future access needs to the Town. If this is not possible then additional fund must be provided to meet these accessibility needs. These must be DDA compliant, including the Anscombe Wood cycle/pathway.

- **Condition 5:** Affordable Housing Mid Sussex District Plan policy DP31 requires 30% affordable housing is placed on the site. Affordable housing provision must include a housing mix and be varied in location (maximum 10-unit concentration) supported by pepper-pot delivery and integration of the affordable housing with open market housing.

- **Condition:** Adoption of roads - **See Highways & Transport Section**
- **Parking See Highways & Transport Section**

- **Bin collections: Condition 6 :**The Town Council requires that all euro bins/commercial bins that offer the opportunity for ASB/Statutory noise issues, are protected by a **CONDITION** that there are no collections before 07:00 This will be a Reserved Matters Issue. The Environmental Protection team have routinely required similar conditions on other developments in Mid Sussex.

- **Tree management plan** * to ensure protection of existing trees from destruction along with a long-term management plan for conservation/protection/replacement for trees and along with confirmation of funding arrangements.

- **Green spaces, buffer zones and ancient woodland Condition 7** that 15m buffer zones must be upheld in line with Mid Sussex District Plan policy DP36. The Town Council requires that all grass verge and road damage/restoration costs are the responsibility of the developers at their expense

- The Town Council welcomes the site design, **protecting the existing listed buildings** on the developable land and requires that Hurst House and barns are protected from the development of housing, as required in the extant Neighbourhood Plan. **Condition 8**
The Town Council requires developer consultation for the design of site, houses and apartment buildings, before final discussions with Mid Sussex District Council, as the relevant planning authority. This is a pre-reserved matters requirement, detailed in the NPPF - National Planning Policy Framework, requiring Parish/Town Council involvement under localism legislation.

- **Any Pollution, Light, Air, Water, flood risk**, topography, springs, waste/drainage issues must adhere to SUD and EA requirements.

- **Play spaces - Conditions** requiring delivery under must be under the guidance of Supplementary Planning Documents in the Reserved Matters Application.

- **Landscaping - Conditions** requiring delivery must be under the guidance of Supplementary Planning Documents in the Reserved Matters Application.

6.6 Section 106 Requirements

If the Planning Application is approved, the Town Council require ownership for the land designated for the County Park, Allotments and Cemetery by a clear and unconditional transfer of Land to the Town Council.

Development of these Community facilities is to replace the loss of the green space being developed for housing within the Planning Application.

The Inspector raised serious concerns during inspection of the HHNP over the potential loss of green space but allowed this to be balanced by the re-provision of land, which increases the quality of land usage for the residents of the Town.

Currently the Town Council has no information on land transfer requirements nor the implications of the proximity of the School and the associated access arrangements and car parking.

It is also required that conditional clauses are put in the S106 agreement and subsequently any sale agreement that the land is protected for the community if the purchasing developer goes in liquidation as the Town Council does not wish for land to be sold on by the receiver.

Before determination of this application, the Town Council must agree details of the land transfer.

Condition 8: For the absence of doubt, without the outright provision of the Country Park, Burial Ground and Allotment Land Provision to Haywards Heath Town Council, covered by a clear and unambiguous S106 agreement confirming this commitment, the Council Strongly object.

This forms the backbone of a longstanding commitment from MSDC in favour of HHTC, further confirmed in the Neighbourhood Plan which was subsequently affirmed when the current District Plan was made by Mid Sussex District Council.

6.7 Highways and Transport – see report below.

Application DM/22/2272 Land at Hurst Farm 375 Homes Haywards Heath Town Council - Highways and Transport Report

In this document, HHTC reviews the applicant's data for the observed peak hour traffic for Hurstwood Lane and the B2112 Fox Hill.

We fully accept the raw data supplied by the applicant, Homes England in their submission. Our interpretation of the Key Raw Data however focusses upon the substantial number and Excess Speed of vehicles using the highway at this location.

WSCC analysis focusses largely upon 85% average speeds, whilst considered statistically relevant, this does not address the severe risk to pedestrians at this vulnerable location. They will likely argue that Average Speeds are close enough to the Limit to be professionally acceptable.

Official Dept for Transport Data confirms the average breach of speed limit in Great Britain 30 MPH is 50% during peak hours. **However * Fox Hill Speed averages are 74% over the limit.**

This means **our residents have a *52% greater chance of death or permanent disability if involved with a motor vehicle in Fox Hill than almost anywhere else when a 30 MPH limit applies, based upon the applicant's and official DFT data.**

Traffic Data

Applicant data confirms existing predevelopment traffic Peak Flows (07:00 to 10:00 and 15:00 to 19:00 daily M-F) in up/down Hurstwood Lane in March 2020 as 786 and 1084 totalling >1870 Peak hour, with 4000 daily Traffic movements = >300 VMPH.

The closure of Hurstwood Lane will force this traffic to route via the relief road A272 towards Fox Hill and Wivelsfield Road/Rocky Lane Roundabouts before heading South on the B2112. There is no other viable route. This Adds >300 VMPH to existing peak flows of >970 PH on B2112/Foxhill using same applicant data set, totals over 1270 peak VMPH.

This equates to an extra 30% peak loading.

Table 1 below = Applicant data for periods >7 days normal use in May 2016 and March 2020

		HAYWARDS HEATH, B2112 FOXHILL S. OF FOX & HOUNDS											Site Number 00003443 Site FB2112001L03			
		Homes England/WSP Speed Report (Speed Limit 30 Mph) for FOX HILL														
		Total Volume	<26Mph		26-<31	31-<36	36-<41	41-<46	46-<51	51-<56	56-<61	61-<66	66-<71	71-<76	76-<81	=>81
May-16	11037	451	2375	3976	2641	1122	340	95	26	7	4	0	0	0	0	
Mar-20	10711	373	2471	4347	2291	864	264	72	18	8	2	1	0	0		
		21748	>90% COS		90%	10% COS	<2% COS/Chance of Survival									

Table 2 below

Total Flows				Grid Ref 533763,121828					
Within limit	90% COS	<10% COS	ZERO COS	Totals	In excess > Speed Limit	ACPO Points/Ban			
2826	3976	2641	1594	May-16	11037	8211	74.4%	4235	38.4%
2844	4347	2291	1229	Mar-20	10711	7867	73.4%	3520	32.9%
5670	8323	4932	2823		21748	16078	74%	7755	36%
26%	38%	23%	13%						

Table 2 shows Daily average totals and percentages of vehicles:-

- ~30 MPH Speed Limit = 26% 2835 Daily = 90% Chance of Survival
- 31-36 MPH = 38% 4,161 Daily **Injury is severe**
- Above 36 MPH 36% 3877 Daily **Pedestrian injuries at these speeds would likely prove fatal**

This threat to Pedestrians and other vulnerable road users will be further exacerbated by the additional School traffic during the critical peak periods, and by routine traffic flows emanating to/from the southern side of the Hurst Farm residential development during the critical School Drop/Collection hours.

Combining these movements and adding in the impact of ~400 Peak VMPH traffic from the new school, provides a huge cumulative impact at this bullseye location. **This is likely to be over 1800 VMPH during the vulnerable school drop off hours.** This represents an 85% Peak increase at a location where excessive speed is a known issue on the B2112, an overstretched network route, already operating over capacity.

Combining this road network stress with the known/documented speeding issues are critically relevant in Mid Sussex, specifically at the Fox Hill location. **This is a material Planning Consideration.**

Councillors should note that Pedestrians and other vulnerable road users are now legally our most important Highway users, especially in terms of vulnerability and must, by default be given appropriate priority by all other users.

Potential advice provided to MSDC Planning Committee members

This is open advice provided by experienced Councillors at MSDC/HHTC to assist committee members when considering determination of this application:

The Planning Committee Chair and Senior officers will likely advise committee members that a Highway's Officer reports should be given considerable weight and cannot easily be challenged by Councillors. The Head of Legal Services can confirm that Officers provide professional advice and guidance, however ultimately Councillors make decisions, based upon the evidence presented by the applicant, material planning considerations such as Neighbourhood and District Plans, the NPPF and relevant Legislation such as the Town and Country Planning Act 1990. Moreover, MSDC must legally consider all evidence provided by statutory consultees before making a decision, which includes this submission.

Previously, MSDC Planning Officers have helpfully confirmed that Councillors should balance expert advice when considering planning applications but should not be necessarily persuaded by that guidance if sufficient facts or alternative data is presented which fundamentally challenge or contradict that advice. Moreover, the Chartered Institution of Highways and Transport confirm that Highways experts are fallible. This is explained later. You will also likely be advised that conditioning an approval could lead to an appeal, which can sometimes be correct, but not always. Conditions can be challenged easily without appeal using the following Section 73 process (outlined below)

SECTION 73 Applications

Critically, if a Condition is attached to an application to make it acceptable in Planning Terms, then potentially it can be removed after Planning approval via a successful Section 73 application.

This is a simple process, and an appeal would not be required.

The applicant, Homes England have routinely used Section 73 Applications to change or amend conditions attached to extant Planning Permissions. E.G., 21/3279 Approved in December 2022 and 23/0747 which is under consideration. They have used the same process to engage with other LPA's.

If the application is approved with Traffic Lights Conditioned, the applicant could make a commercial decision whether the protection given by Traffic Lights provided sufficient and protection value for our community, or alternatively decide that this infrastructure contributions is simply too expensive.

THE CHARTERED INSTITUTION OF HIGHWAYS & TRANSPORTATION has published advice detailing their professional concerns relating to changes in road networks. www.ciht.org.uk/media/8069/road_safety_auditing.pdf

Page 4 "The purpose of a road safety audit is to review a scheme's ongoing design, ensuring, wherever possible, any potential hazards are eliminated or minimised before construction begins. It follows the principle that "prevention is better than cure" and "that it's far easier (and cheaper) to change design elements on a page than to make alterations to a new piece of highway."

Page 5 "Audits are required, even when professional highway designers are expected to use the latest design standards. This is because each scheme is a unique design and, generally, a balance between operational efficiency, cost, environmental factors and the priorities of the

client. (Not the community) Even when full compliance with the latest standards is achieved:
• **highway designers may lack the skills to spot potential safety hazards, especially the knowledge of human-vehicle-road interaction"**

Page 6 states "Road safety audits check that a scheme meets the safety needs of all road users – drivers, pedestrians and cyclists. **Special attention is given to whether the needs of vulnerable road users are being met, as experience indicates that highway designs focus largely on motor vehicles. In this case, vulnerable would mean anyone not in control of a vehicle, such as pedestrians, passengers waiting for transport, and roadside vendors.** However, that may also include motorcyclists and bicycle users. The audit process ensures the scheme design takes account of all road users but also factors in other considerations, such as the local climate and weather, **road user indiscipline, difficulties of law enforcement and whether the proportion of vulnerable road users is higher than average"**

Neither the applicant, nor the WSCC Highways have provided any evidence or indeed reassurance that the CIHT professional advice has been understood or considered in their collective responses, specifically those related to primary road users at this specific location.

6.8 Conclusion

This report analyses and consolidates the extensive traffic data supplied by the applicant, Homes England's consultants WSP. It closely mirrors previous data verified by WSCC Highways Officers on 2016, and sample testing by HHTC indicates that these traffic volumes are close to these daily averages at peak times.

Irrespective of other Planning issues which Haywards Heath Town Council Planning committee have considered, the traffic volumes and speeds on the B2112 at the junction of Fox Hill and Hurstwood Lane are simply too high, and the risk to our community will be further exacerbated by increased use of the B2112 and the additional routine flows generated the development of this site.

Councillors should decide this application based on the facts. Critically, the data provided by the applicant proves overwhelmingly that Highway safety is severely compromised by the absence of traffic lights at this junction. This is a material planning consideration, and notwithstanding any other concerns, and for the avoidance of doubt, the Town Council cannot support approval without a clear Planning condition requiring installation of Traffic Lights to control traffic at this Key Road Junction. This is necessary to make the application for 375 homes acceptable in Planning Terms.

Without this Condition 9 to provide essential Highways Infrastructure Contributions to fund Traffic Lights at the Hurstwood Lane/B2112 Fox Hill Junction, Haywards Heath Town Council Object to this application in the strongest possible terms.

Lastly whilst we have concerns that the use of a Section 73 application could undermine this process, we believe it provides a genuine and well used safeguard for MSDC, when determining this application. As detailed above, as it provides a clear, legally sound planning process to remove the threat of a Planning Appeal for this specific reason by the applicant.

SOURCES

** Source 2013 WSCC Public Website Highways Data **Source 2016 and 2020 data submitted by Homes England/WSP to support Planning Application DM 22/2272

THE CHARTERED INSTITUTION OF HIGHWAYS & TRANSPORTATION

www.ciht.org.uk/media/8069/road_safety_auditing.pdf

Additional Highways & Transport Section comments

- **Traffic Management Plan** must be agreed with West Sussex County Council. The use of Section 106 monies is crucial to ensure that monies are not used on unsustainable bus services that will leave the site isolated in future years.
- **Sustainable Transport and Parking** was deferred until the meeting on the 14th with highways responses. However- understanding that the plans are indicative there was concern regarding the provision of buses due to there being a lack of turning circles.
- **Hurstwood Lane Closure. Condition 10** The Town Council has concerns for residents' road safety, and requires before construction commences, that Hurstwood Lane is closed permanently to public through traffic before construction commences. This will require West Sussex County Council cooperation and delivery via a TRO.
- **Safe Green Space**, the Town Council welcomes the comments of the applicant that surveillance of the main green space will be managed as part of the layout of the site. This is in line with the requirement with the detailed design in the Masterplan.
- **Condition 11:** The Town Council requires **roads are adopted** and/or an estate management plan, with a management company appointed, before first unit occupation. We accept that minor spur roads will be privately maintained by residents
- **Parking** the HHNP requires sustainable delivery/enforcement of off-street parking. Following informal officer advice, which supports a new Controlled Parking Zone on the site. The specific objective is to prevent antisocial parking from nearby residential districts and commuters. The opportunity to deliver a fully integrated scheme, before first occupation will allow a streamlined implementation process, together with the associated cost saving this will approach deliver. This coordinated approach is especially required to protect from parking around the open parkland space, and thus allow natural surveillance, together with a free flow for pedestrian and vehicle traffic in this arterial bus-route location. The roads elsewhere in the development which should remain free from car parking.
- **Traffic Lights Fox Hill Condition 11: Acknowledging the considerable road safety issues** - The Town Council require a **condition** requiring the developer to provide an additional set of traffic lights placed at the South-eastern tip of the site, at the junction with Hurstwood Lane and B2112 Fox Hill. This will allow traffic to move systematically and provide a safe crossing for residents using the school, community facilities and accessing services from the south of the site and vice versa for commuting, entertainment and leisure. This is critical, because Hurstwood Lane as a commuter rat-run will be blocked, therefore increasing traffic movements down through Fox Hill. Traffic lights will reduce speed and provide much needed traffic calming in the Fox Hill area to protect pedestrians and other vulnerable road users from severe harm. See main reports above.
- **Protecting Biodiversity Condition 12 - Street Lighting** – green location of the site and the resulting wildlife it is required that lighting be a maximum of 3000K (kelvins) so to minimise the impact on the wildlife, as required in the MSDC 2023 Section 18 District Plan version.

Wivelsfield Parish Council

At its meeting of 6th March, Wivelsfield Parish Council resolved to submit a neutral response to the above application, but nevertheless wished to express continued concern about the likely traffic implications, including:

- The risks of additional traffic coming out onto the B2112, Fox Hill, creating an accident blackspot
- The cumulative effect of this development, plus the development of 96 homes off the B2112, Ditchling Road, Wivelsfield, recently approved at appeal, causing additional pressure on the local road network
- The additional traffic volumes that are likely to be pushed down Slugwash Lane, Wivelsfield, as a result of Hurstwood Lane being shut as a through route.