

MID SUSSEX DISTRICT COUNCIL

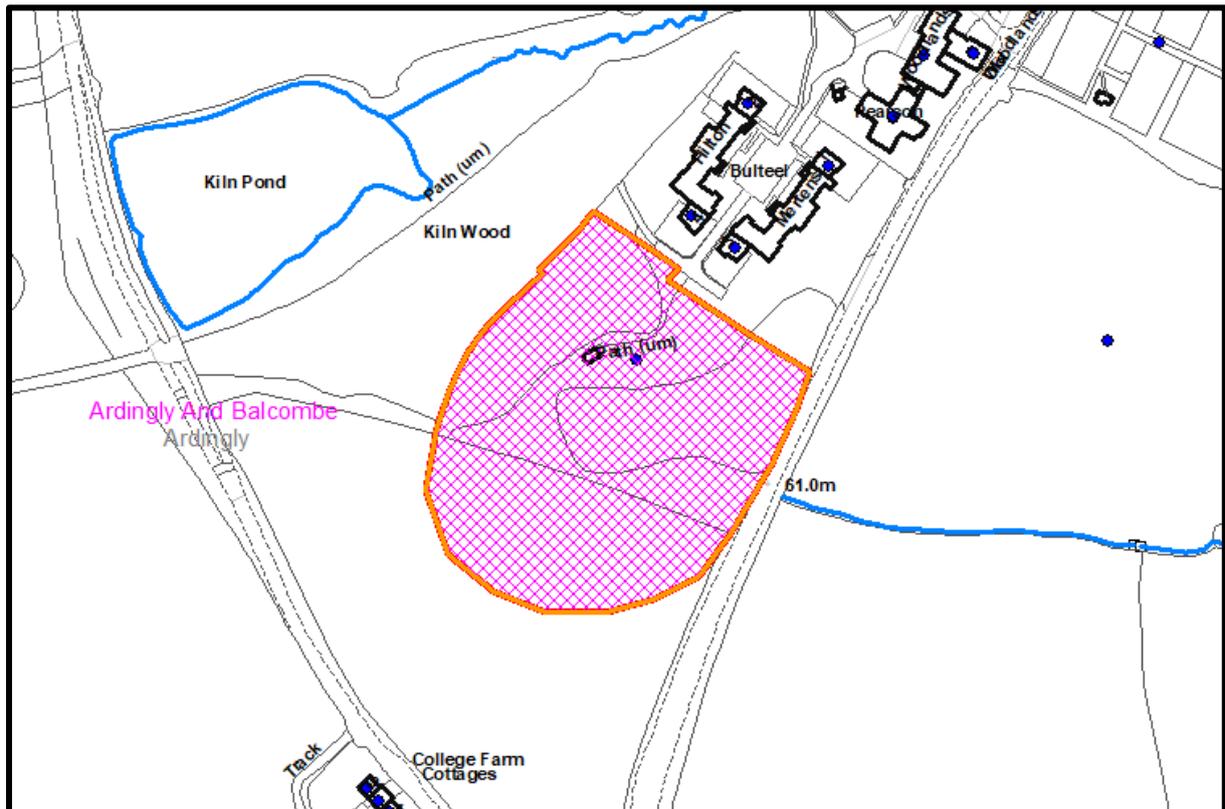
District Wide Committee

16 JUL 2020

RECOMMENDED FOR REFUSAL

Ardingly

DM/19/5212



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**ARDINGLY COLLEGE COLLEGE ROAD ARDINGLY WEST SUSSEX
CONSTRUCTION OF A NEW 193 SPACE CAR PARK AND NEW
VEHICULAR ACCESS FROM COLLEGE ROAD TO SERVE ARDINGLY
COLLEGE, ALONG WITH ASSOCIATED LANDSCAPING.
MR NEVILLE BARKER**

POLICY: Ancient Woodland / Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSSC) /

ODPM CODE: Minor Other

8 WEEK DATE: 30th May 2020

WARD MEMBERS: Cllr Gary Marsh / Cllr Andrew MacNaughton /

CASE OFFICER: Joseph Swift

PURPOSE OF REPORT

To consider the recommendation of the Divisional Leader, Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is sought for the construction of a 193 space car park and vehicular access to College Road. The car park would serve Ardingly College which lies in countryside within the High Weald AONB. It is currently a greenfield and wooded area to the south of the school.

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

National planning policy states that planning should be genuinely plan led. The application site lies within the countryside and therefore policy DP12 of the DP is the proper starting point for assessing the application. To comply with policy DP12 the proposal must maintain or enhance the quality of the rural and landscape character of the District and either be necessary for agricultural purposes or be supported by a specific policy reference elsewhere in the plan, a Development Plan Document or a Neighbourhood Plan.

The proposal is not for the purposes of agriculture and is not supported by a specific policy elsewhere within the Development Plan. As such the principal of development is contrary to the Development Plan.

Within the school grounds there are a number of grade 2 listed buildings. In this case, and as the report details under the impact on heritage assets assessment section, it is considered that less than substantial harm will occur to the designated heritage assets.

Case law has confirmed that 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.

In cases where less than substantial harm to a designated heritage asset has been identified, paragraph 196 of the NPPF is applicable. This states that less than substantial harm to the significance of a designated heritage asset should be

weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposal would remove 83 spaces and 20 temporary spaces from within the college campus in closer proximity to the Grade II Listed Building, reduce vehicle movements centrally through the college and in turn improve pedestrian health and safety with the college grounds. The proposal is to support the existing use and future growth of the College with provides economic benefits for rural economy.

The proposal would have a slight/moderate visual impact once the screening matures, however, it will be permanently altering the landscape with the introduction of the car park, access, lighting and man made rise in levels. Such a development would result in detriment to the character of the area and would not conserve or enhance the landscape and scenic beauty at this point of the High Weald AONB.

The proposal would promote a reliance on the private car to access the site. The proposal therefore conflicts with policy DP21 of the District Plan and the provisions of the NPPF which seeks to actively managing patterns of growth to make the fullest possible use of public transport.

There will be a neutral impact in respect of highway safety, impact on neighbouring amenities, drainage, trees, ecology and the impact on the Ashdown Forest.

Overall the planning balance is considered to fall in favour of refusing planning permission.

Recommendation

It is recommended that planning permission be refused for the reasons set out in Appendix A.

SUMMARY OF REPRESENTATIONS

41 letters of representation have been received in regards to this application. Of these third party representation letters 2 object to the proposal for the following reasons:

- Impact on AONB
- Proximity to Ancient Woodland
- Impact of lighting on wildlife
- Out of character/urbanising impact
- Archaeological interests
- Need
- Does not reduce traffic just moving the problem down the road
- Encourage more car movements not less

- Urbanising impact
- Biodiversity impacts

While 38 support the application for the following reasons:

- Child safety
- Increase in vehicles
- Lack of parking
- Minimal impact on surrounding landscape/environment
- Congestion
- Additional benefits for community for more accessible outreach programs
- Attempts to limit cars is unsuccessful
- Electric charging points
- Pollution of cars waiting
- Complies with Mid Sussex District Plan
- Complies with Mid Sussex Sustainable Energy Study
- Bus Service not adequate
- Highway safety of existing arrangement
- Car sharing not always possible/practicable

1 Third party letter of representation made comments neither objecting or supporting the applications:

- Does nothing to reduce car use
- Would not reduce congestion
- Investment better spent on improved school bus service
- Loss of green field in AONB

SUMMARY OF CONSULTEES (full comments in appendices)

Ardingly Parish Council:

Ardingly Parish Council has NO OBJECTION to the Car Park element of this application but has concerns and OBJECTS to the suggested highway provision included in this application. Ardingly Parish Council is concerned about the right turn out of the car park in the evening period, especially during the dark winter period.

MSDC Ecology Consultant:

If it is decided, having taken the above material considerations into account, to grant consent, I would recommend that the following condition for an Ecological Mitigation and Enhancement Plan

MSDC Tree Officer:

I do not object to the proposed development on arboricultural grounds providing a 5-year maintenance and management plan for both translocated and newly planted trees is submitted and agreed. This can be written as a condition if necessary.

MSDC Archaeological Consultant:

I do not recommend that it is necessary for the archaeological work to be undertaken in advance of any planning permission; but would recommend that securing the archaeological work as a condition of any planning permission is acceptable and proportionate response.

High Weald AONB Unit:

Objects to the proposal

Landscaping Consultant:

Recommended for approval in principle subject to the imposition of conditions.

WSSC Highways

No Objections

WSSC Lead Local Flood Authority:

No Objections

Drainage Officer:

No Objections subject to conditions

MSDC Conservation Officer:

I would consider that the proposal is likely to cause less than substantial harm to these heritage assets, such that the criteria set out in paragraph 196 of that document would apply.

INTRODUCTION

The application seeks planning permission for the Construction of a new 193 space car park and new vehicular access from College Road to serve Ardingly College, along with associated landscaping.

RELEVANT PLANNING HISTORY

The wider campus had been subject to a number of planning and listed building application. The application site itself has only had one previous permission:

14/01785/FUL: Erection of timber framed observatory with retractable roof and associated hardstanding for use in association with the College. PERMISSION.

With the boarding houses and housemasters accommodation to the north eastern part of the site being approved in 2001 under application 00/02214/FUL.

SITE AND SURROUNDINGS

The application site is part of Ardingly College campus, a private school located outside the built-up area of Ardingly village. The main campus of the school is located off the north western side of College Road and comprises of a number of buildings of varying designs, forms and scales. The main school building is a Grade II listed 'H' shaped building and is constructed in red brick in a gothic style with chapel, tower and carriage archway. The majority of the other buildings are positioned behind this building away from the highway. The campus also includes Grade II listed farmhouse and farm buildings, these buildings are located to the eastern side of the campus.

The application site is located to the south of the main school building, with 'Hilton' and 'Merterns' boarding houses to the north east of the site, College Road runs along the south eastern side of the site, with an area of Ancient Woodland to the north western side and an open field leading to an access road of access road and College Farm Cottages to the south west.

The application site is designated within the Mid Sussex District Plan as being within the Countryside and within the High Weald Area of Outstanding Natural Beauty.

APPLICATION DETAILS

Full planning permission is sought for the construction of a new 193 space car park and new vehicular access from College Road.

The new access off College Road will provide a 6 metre bellmouth, the access will require the removal of part of the hedge to provide the access and sightlines. The access will lead into the car park that will provide 178 bays for car parking, 15 minibus parking bays providing a total of a 193 car parking spaces. It has been shown that 6 bays will be electric charging bays, with the cable laid to a further 18 bays to allow them to be converted to electric vehicle charging bays in the future. The parking bays are to be constructed of a permeable surface, while the circulation areas are to be impermeable surfacing. A stepped access and a sloped pedestrian access is to be provided to the north eastern part of the site into the College. 19 lighting columns are proposed, evenly spaced out within the car park each measuring some 6 metres in height.

The proposed car park would measure a maximum of approximately 93 metres in depth, by a maximum of approximately 76 metres in width. A landscaping scheme has been submitted as part of the application, which sets out the land is to be raised at the south western side of the car park, with the car park itself cut into the landscape. The existing planting is to be translocated to provide a planting area along the south western side of the car park and a 6 metre strip along the south western side of the field with Reservoir Road. The proposal also shows some

translocation planting and new native tree and shrub planting along the eastern side of the site with College Road.

The supporting documentation sets out that the proposal will result in the removal of 83 spaces and 20 temporary spaces from within the central campus. These, however, are existing hard surfaced areas which would remain should permission be granted for the new car park.

The supporting documentation has set out that the proposal is required to meet parking demand and future proof for further expansions. It will also reduce vehicle movements centrally through the existing campus, reducing health and safety risk to pedestrians, enhance the setting of the main listed block and a peak times reduce congestion that back up on to College Road.

The application is before committee as it has been called in by Cllr Marsh and Cllr MacNaughton for the following reasons:

'I wish to call to committee the above application for a new car park within Ardingly College. I have spoken to Cllr Macnaughton my fellow ward Cllr. We are of the opinion that it should come to committee, should you are likely to refuse it. We are of the opinion that it won't have a substantial impact on the AONB as it will not be able to be seen other than the entrance off College Road. Which is why the committee should have the final word.'

Regarding the impact of the listed building. There have been numerous buildings allowed and have been or in the process within the near area of said listed building. Namely the huge upper 6th accommodation block.

We also feel the economic advantages weigh out any minor negatives.

Therefore we would like the planning committee to make the final decision.'

LIST OF POLICIES

DISTRICT PLAN (adopted March 2018)

DP1 - Sustainable Economic Development
DP12 - Protection and Enhancement of Countryside
DP16 - High Weald Area of Outstanding Natural Beauty
DP21 - Transport
DP26 - Character and Design
DP34 - Listed Buildings and Other Heritage Assets
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Water Management

ARDINGLY NEIGHBOURHOOD PLAN (made March 2015)

ARD2 - A spatial Plan for the Parish

ARD8 - Biodiversity
ARD 9 - Heritage Assets
ARD 18 - Ardingly College

NATIONAL POLICY

The National Planning Policy Framework (NPPF)

Other Planning Guidance

High Weald AONB Management Plan 2019-2024

Planning (Listed Buildings and Conservation Areas) Act 1990

ASSESSMENT

In determining the application it is considered that the main issues for consideration are;

- Principle
- Design and Visual Impact
- Highway and Accessibility
- Sustainability
- Drainage
- Ecology
- Impact on the setting of the Listed Building
- Impact on the amenities of neighbouring properties
- Impact on trees
- Impact on Ashdown Forest SAC

Principle of Development

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

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

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

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

Section 38(6) of the 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."

Using this as the starting point, the development plan in Mid Sussex consists of the Mid Sussex District Plan (2018), together with the Ardingly Neighbourhood Plan.

Policy DP12 of the District Plan seeks to protect the character of the countryside. 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.'

Policy DP14 of the District Plan relates to sustainable rural development and the rural economy and states:

'Provided it is not in conflict with Policy DP12: Protection and Enhancement of Countryside and DP13: Preventing Coalescence:

- *new small-scale economic development, including tourism-related development, within the countryside (defined as the area outside of built up area boundaries as per the Policies Map) will be permitted provided:*
- *it supports sustainable growth and the vitality of the rural economy; and*
- *where possible, utilises previously developed sites.'*

Policy ARD 18 of the Ardingly Neighbourhood Plan supports development proposals within the central built core of the campus of Ardingly College so long as they:

- Conserve or enhance the listed buildings and their setting;

- Recognise any impact they may have on the AONB and are landscaped appropriately; and
- Enhance the College's position as a school and major local employer.

Policy DP1 of the Mid Sussex District Plan is supportive of existing businesses and allows them room to expand, including the conversion of existing buildings and small-scale expansions.

The location of the proposed car park is only partly within the defined central built core as defined within the Ardingly Neighbourhood Plan. The site is currently an undeveloped field with an observatory. The scale of the proposed car park is not considered to represent a small scale expansion and it is not for the purpose of agriculture or forestry. Therefore, The proposal is contrary to Policies DP1, DP12 and DP14 of the Mid Sussex District Plan and Policy ARD18 of the Ardingly Neighbourhood Plan.

The principle of a large car park in the countryside and AONB does not accord with the Development Plan.

The detailed impacts of the development are considered below.

Design and Visual Impact

The site falls within the countryside and the High Weald Area of Outstanding Natural Beauty (AONB).

It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area.

There is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural, built and historic environment. This is reflected in DP12 of the District Plan. The aim of protecting the character of an area is also found in the NPPF at para 170 which requires the protection and enhancement of valued landscapes as well as the recognition of the intrinsic character and beauty of the countryside.

As confirmed above, the site is located within the High Weald Area of Outstanding Natural Beauty. The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to 'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'.

Policy DP16 of the District Plan relates to the High Weald AONB and requires proposals to '*conserve or enhance natural beauty*'.

Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances

natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- *the identified landscape features or components of natural beauty and to their setting;*
- *the traditional interaction of people with nature, and appropriate land management;*
- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- *the conservation of wildlife and cultural heritage.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.

Paragraph 172 of the NPPF is also relevant. This states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'*

In addition, Policy DP26 of the District Plan relates to character and design considerations and 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.'*

While at local level Policy ARD2 in part states:

'Development Proposals located outside the built-up area boundary will be required to demonstrate how they conserve the AONB. In this regard, proposals should seek to address the provisions of the High Weald AONB Management Plan.

The applicants own landscape appraisal submitted as part of the application has found that the importance of the landscape effect would be slight/moderate adverse (at completion) but limited in extent and capable of mitigation over time by the continued establishment of the translocated plantations. It also sets out that the effects of the car park would be limited and contained to a short part of College Road at the frontage, from a section of Reservoir Road between Kiln Wood and including College Farm Cottages. In addition it has agreed that the upper part of the 6m lighting columns would have a slight adverse impact, which would be screened over time owing to maturing planting.

The Council's Landscape Consultant has agreed with this assessment and has raised no objections to the proposal subject to the following conditions:

- a) Creation of permanent landscaped areas to replace areas where parking will no longer be required within the campus.
- b) That all plants which die in the first 5 years of establishment are replaced.

- c) A long term management plan to ensure the successful establishment and care of the landscaped areas.

These comments are based on the existing 83 parking spaces at the North Quad and a further 20 temporary parking spaces being removed and landscaped within the main campus of Ardingly College. However, no details of the removal or landscaping of these areas have been provided.

The High Weald AONB Unit have come to a different conclusion stating in part:

'In summary, the High Weald AONB Unit objects to this proposal on the following grounds:

- It conflicts with High Weald AONB Management Plan objectives G2 and G3 because the significant alterations to the landform and disruption to soils will damage the biodiversity and carbon storage function of those soils and disrupt the natural landform of the High Weald; and*
- It constitutes major development under NPPF paragraph 172 and an alternative way of meeting the need for car parking exists which would have a reduced impact on the natural beauty of the AONB.'*

The applicants own landscape appraisal accepts that there would be a slight/moderate effect to the character of the landscape. The proposal is seeking to cut the car park into the landscape and use the excess soil to create a rise in level, together with additional translocation of planting to screen the proposal. This will in effect create man made features within the landscape, which being designated as the AONB had the highest status of protection.

The fact that the proposal will be well screened with limited public viewpoints does not mean that any development proposal is necessarily acceptable. It will be introducing a large area of hardstanding for parking within a previously undeveloped field albeit with an observatory, together with 19, 6 metre column lights.

Although not considered as a major development, this is not small scale and would permanently alter a verdant area of the countryside. As such the construction of a 193 space car park, new access of College Road together with the associated lighting is not considered appropriate within a rural setting and will unduly urbanise the site and adversely affect the character of the surrounding area. As a result the proposal's visual impact conflicts with policies DP12, DP16 and DP26 of the Mid Sussex District Plan, Policy ARD2 of the Neighbourhood Plan, the High Weald Area of Outstanding Natural Beauty Management Plan and the NPPF requirements.

Highways and Accessibility

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 impact.

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.

Paragraph 108 of the NPPF is relevant in respect of transport matters and states that:

'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; and*
- c) *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.'*

In addition, para 109 states:

'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.'

The proposal is seeking to provide a new car park with 193 spaces and a new access of College Road. The views of WSCC highways are reported above and have been involved in pre-application discussions. WSCC Highways have raised no objections to this proposal subject to conditions on access and the travel plan. Officers have no reasons to disagree with WSCC Highways comments on highway safety matters and it is considered that the site would not result in any severe or unacceptable safety or capacity impacts.

Consequently the application is deemed to comply with highway safety elements of policy DP21 of the District Plan and the requirements of the NPPF. Sustainable travel is considered below.

Sustainability

Policy DP21 of the District Plan relates to transport and requires schemes to be:

'sustainably located to minimise the need for travel' and take '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'. In addition it requires where 'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'

Paragraph 108 of the NPPF in part states:

'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;'*

While Paragraph 148 of the NPPF goes on to state:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help

to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

The proposal is seeking to provide 6 electric vehicle charging points with the potential to provide a further 18 electric vehicle charging points in the future. These are welcome and as part of the application a travel plan has been submitted to support the proposal. A travel plan should seek to promote sustainable transport measures, however, the proposal is seeking to remove 83 permanent parking spaces and 20 temporary parking spaces and replacing them with a new car park providing 193 spaces. This would provide an increase in 90 car parking spaces.

Although WSCC Highways have accepted the Travel Plan, as a mitigation measure, this is a matter of planning judgement. It is not considered that the formation of a car parking providing a total of 193 spaces will reduce travel to the site by car, as encouraged by national and local planning policies outlined above. Instead it is considered that it will only seek to encourage it further.

Furthermore, the measure to reduce private car travel within the travel plan includes: raise awareness of public transport facilities, benefits of car sharing, minibus offer and cycle parking are all measure that can be implemented now before the car park is constructed. As once built the car park will be permanent and as stated is likely to encourage travel to the site by private car.

Consequently, the proposal would promote a reliance on the private car to access the site. The proposal therefore conflicts with policy DP21 of the District Plan and the provisions of the NPPF which seeks to actively managing patterns of growth to make the fullest possible use of public transport.

Drainage

Policy DP41 of the District Plan relates to flood risk and drainage seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. It requires:

'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.'

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk.

Both the Council's Drainage Officer and WSCC - Lead Flood Authority have raised no objections to the proposal subject to conditions. Full details of these comments are det out within the appendix.

The proposal is thereby considered to comply with policy DP41 of the District Plan.

Ecology

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the District Plan relates to Biodiversity and seeks proposals to protect and enhance biodiversity. A similar ethos is found within Policy ARD 8 of the Ardingly Neighbourhood Plan.

Para's 174 - 177 of the NPPF relate to habitats and biodiversity. Para 175 states *'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists'*. In addition it considers that *'development whose primary objective is to conserve or enhance biodiversity should be supported'*.

An area of Ancient Woodland is located to the north western part of the application site. The plans submitted show that the proposed development would be outside of the 15 metre buffer zone. The Council's Ecology consultant has provided comments on the proposal and from these comments it highlights 3 key areas of consideration (loss of plantation woodland, dormice and bats). The Ecology Consultant has set out that when granting consent MSDC should be satisfied that there is an overriding public interest reason in favour of development and no satisfactory alternative. In the absence of these tests being met, planning consent should be refused.

As such it is considered that the proposal would not result in significant harm to biodiversity and thereby complies with policy DP38 of the District Plan and para 175a of the NPPF.

Impact on the setting of the Listed Building

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

"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."

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."*

*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."*

Policy DP34 of the District Plan is relevant and 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.'*

At local level Policy ARD9 of the Neighbourhood Plan states:

'The Neighbourhood Plan requires development proposals affecting a listed building or conservation area or their setting to conserve or enhance the special quality and distinctive character of Ardingly.'

Paras 193 - 196 of the NPPF states:

'193. 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.

194. 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 exceptional⁶³.*

195. 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.*

196. 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.'

The full comments of the Conservation Officer are set out within the appendix which considers the proposal would result in less than substantial harm to the setting of the surrounding Listed Buildings. Case law has confirmed that 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.

In cases where less than substantial harm to a designated heritage asset has been identified, paragraph 196 of the NPPF is applicable. This states that where a proposed development 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 securing its optimum viable use.

In this case what the decision maker needs to weigh up whether or not the identified less than substantial harm outweighs any public benefits brought about by the development. This balancing exercise is carried out in the final section of the report.

Impact on the amenities of neighbouring properties

DP26 states:

"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);"

Owing to the rural character of the site it is not considered that the proposal would cause a significant detrimental impact upon neighbouring amenities.

Impact on Trees

Mid Sussex District Plan policy DP37 states:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'

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

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

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

- *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.'

The Council's Tree Officer has been consulted on this application and subject to a condition requiring a 5-year maintenance plan and management plan for both the newly planted trees and translocated trees they have raised no objections to the proposal. Consequently, the proposal is deemed to comply with the above mentioned policy.

Ashdown Forest

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).

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

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

Recreational disturbance

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.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the 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.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional 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.

The potential effects of the proposed development are incorporated into the overall results of the transport model (Mid Sussex Transport Study (Updated Transport Analysis)), 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 screening report

The screening 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.

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

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

OTHER MATTERS

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not material planning considerations.

PLANNING BALANCE AND CONCLUSION

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

National planning policy states that planning should be genuinely plan led. The application site lies within the countryside and therefore policy DP12 of the DP is the proper starting point for assessing the application. To comply with policy DP12 the proposal must maintain or enhance the quality of the rural and landscape character of the District and either be necessary for agricultural purposes or be supported by a specific policy reference elsewhere in the plan, a Development Plan Document or a Neighbourhood Plan.

The proposal is not for the purpose of agriculture and is not supported by a specific policy elsewhere within the Development Plan. As such the principal of development is contrary to the Development Plan.

In this case, and as the report details under the impact on heritage assets assessment section, it is considered that less than substantial harm will occur to the designated heritage assets.

Case law has confirmed that 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.

In cases where less than substantial harm to a designated heritage asset has been identified, paragraph 196 of the NPPF is applicable. This states that where a proposed development 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 securing its optimum viable use.

The proposal would remove 83 spaces and 20 temporary spaces from within the college campus in closer proximity to the Grade II Listed Building, reduce vehicle movements centrally through the college and in turn improve pedestrian health and safety with the college grounds. The proposal is to support the existing use and future growth of the College with provides economic benefits for rural economy.

The proposal would have a slight/moderate visual impact of the proposal once the screening matures, however, it will be permanently altering the landscape with the introduction of the car park, access, lighting and man made rise in levels. Such a development would result in detriment to the character of the area and would not conserve or enhance the landscape and scenic beauty at this point of the High Weald AONB.

The proposal would promote a reliance on the private car to access the site. The proposal therefore conflicts with policy DP21 of the District Plan and the provisions of the NPPF which seeks to actively managing patterns of growth to make the fullest possible use of public transport.

There will be a neutral impact in respect of highway safety, impact on neighbouring amenities, drainage, trees, Ecology and the impact on the Ashdown Forest.

Overall the planning balance is considered to fall in favour of refusing planning permission.

APPENDIX A – Reasons for Refusal

1. The location of the proposed car park is only partly within the defined central built core as defined within the Ardingly Neighbourhood Plan. The site is currently an undeveloped field albeit the observatory. The scale of the proposed car park is not considered to represent a small scale expansion and it is not for the purpose of agriculture or forestry. Therefore, The proposal is contrary to Policies DP1, DP12 and DP14 of the Mid Sussex District Plan and Policy ARD18 of the Ardingly Neighbourhood Plan.
2. Although not considered as a major development, this is not small scale and permanently alter a verdant area of the countryside. As such the construction of a 193 space car park, new access of College Road together with the associated lighting is not considered appropriate within a rural setting and will unduly urbanise the site and adversely affect the character of the surrounding area. As a result the proposal's visual impact conflicts with policies DP12, DP16 and DP26 of the Mid Sussex District Plan, Policy ARD2 of the Neighbourhood Plan, the High Weald Area of Outstanding Natural Beauty Management Plan and the NPPF requirements.
3. The formation of a car park in this location will constitute less than substantial harm to the setting of the designated heritage assets. The application therefore conflicts with Policy DP34 of the Mid Sussex District Plan 2014-2031. It is not considered that the public benefit of this outweighs the less than substantial harm to the heritage asset that has been identified so, in accordance with para 196 of the NPPF, planning permission should be refused.
4. The proposal would promote a reliance on the private car to access the site. The proposal therefore conflicts with policy DP21 of the District Plan and the provisions of the NPPF which seeks to actively managing patterns of growth to make the fullest possible use of public transport.

APPENDIX B – CONSULTATIONS

Conservation Officer - Emily Wade

Ardingly Parish Council:

Ardingly Parish Council has NO OBJECTION to the Car Park element of this application but has concerns and OBJECTS to the suggested highway provision included in this application. Ardingly Parish Council is concerned about the right turn out of the car park in the evening period, especially during the dark winter period. The new access is situated where southbound drivers passing the existing second access see the 50mph speed limit and start

to accelerate to 50mph at the point where vehicles are trying to execute the right turn movement from the car park. Ardingly Parish Council feels this is a potentially serious accident hazard.

Ardingly Parish Council suggests that the car park access point be moved south of the car park and that the 30mph restriction be moved to commence on the access road to the reservoir. Ardingly Parish Council also feels that the moving of the access further to the south, where College Road starts to widen could provide the opportunity opportunity could be provided, with use of the public highway verge, to incorporate a short right turning pocket.

MSDC Ecology Consultant comments 08/06/2020:

Further to the responses by the applicant's ecologist, Greenlink Ecology Ltd, I can offer the following additional advice.

Further information is required on hedgerow impact

As the hedgerow has now been surveyed and assessed as species poor, it is not an absolute constraint to development and its partial loss may, in principle, be compensated for by replacement planting and still accord with Policy 175 of the NPPF, so long as MSDC are satisfied that no alternative options are available that would avoid this impact.

Loss of plantation woodland

The only additional comment I have is that I don't think it is appropriate to refer to transplanting trees from the plantation as translocation, as this implies the whole habitat is simply being moved rather than the individual trees and shrubs. In practice this is virtually impossible as habitats comprise a whole range of organisms, which may be left behind, fail to survive the move or disruption and change in conditions. Therefore, in my opinion, it is more appropriate to consider that the existing plantation will be lost and compensated for by a new plantation using trees and shrubs from the existing one. That said, as this is a relatively young plantation, it will not have developed a full assemblage of woodland species so such losses are likely to be relatively low compared to mature woodland and be early pioneer species that will be more able to colonise the replacement plantation. However, I would reiterate that because there will be a short-term loss of habitat availability, MSDC needs to be satisfied, having taken into account all other material considerations, that the loss of habitat cannot first be avoided in accordance with the sequence of options in para a), 175 of the NPPF (eg. alternative locations or less reliance on car transport).

Dormice

As it is proposed to take a precautionary approach and mitigate / compensate for potential dormouse presence in the SE plantation, I am satisfied that the proposals are capable of satisfying Natural England licencing tests for avoiding significant impacts on dormouse populations. However, as previously stated, there are always risks with mitigation / compensation not achieving the intended result and therefore it is appropriate that, for a licence to be granted, there also has to be an overriding public interest including those of a social or economic nature, and no satisfactory alternative. In this regard, Natural England are likely to look to the planning decision and therefore, MSDC should also be satisfied that there is an overriding public interest reason in favour of development and no satisfactory alternative before granting consent.

Bats

I have no additional comments to add to this issue as I have previously indicated that, subject to a precautionary approach, with suitable conditions, planning policy requirements can be met. If MSDC decide to grant consent, then an appropriate lighting mitigation will be required, which may be integrated with other mitigation measures into a single document.

General

If it is decided, have taken the above material considerations into account, to grant consent, I would recommend that the following condition is imposed:

No development shall commence until an Ecological Mitigation and Enhancement Plan has been submitted to, and approved in writing by, the local planning authority.

The approved details shall be implemented in full unless otherwise approved in writing by the local planning authority and evidence of this submitted to the local planning authority prior to use of the car park.

Reason: To prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP37 and DP38 of the Mid Sussex District Plan and 175 of the NPPF.

Note: evidence of implementation may take the form of a completed checklist, signed by the project ecologist.

Ecology Consultants Comments 08/03/2020:

Further information is required on hedgerow impact

The hedgerow along College Road appears to have been missed by applicant's ecologists as it is not mentioned or shown in the Engain ecological appraisal report (ref eg19865 002) dated February and the Ecological Impact Assessment only covers follow up fauna surveys so does not cover habitats. As there will be a breach in the hedgerow for access, it is important that the relative value of the hedgerow is known. In particular, it needs to be determined if this a relatively species poor hedge likely dating from the Enclosure Acts or more recent period or if it is a species rich hedge that may be ancient and effectively irreplaceable and therefore a significant constraint to development .

Loss of plantation woodland

The loss of the woodland plantation is undesirable, as it is now maturing and clearly providing wildlife benefits. Whilst this habitat cannot be considered irreplaceable, its loss needs to be considered in relation to para a) of 175 of the NPPF, which states "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. I note from historic aerial imagery that it is less than twenty years old and created on former arable land. In principle, therefore, it is feasible to compensate for its loss with new planting or by transplanting trees from the areas that will be lost, though there will inevitably a short-medium term loss of habitat whilst the plants re-establish and fauna and other organisms colonise the new areas. Although there will be a fairly isolated small retained patch to the north east of the proposed access that will have diminished value as a result of this fragmentation and isolation, I note that there will be a slight net increase in total woodland area. However, given the short term loss of habitat availability, MSDC needs to be satisfied, having taken into account all other material considerations, that the loss of habitat cannot first be avoided in accordance with the sequence of options in para a), 175 of the NPPF (eg. alternative locations or less reliance on car transport).

Protected / Notable Species

Dormice

I don't agree with the conclusions in the Ecological Impact Assessment report that dormice presence can be ruled out from the SE plantation. As the report sets out, there is an accepted level of survey effort required to determine whether the species is present or, likely to be absent. Whilst this level of effort has been met for the site as a whole, it does not appear to have been met for the SE plantation on its own and therefore it should not be inferred that the species won't be using this area when there isn't enough sampling effort to provide a significant result. Whilst it has often been assumed in the past that gaps in canopy cover presents a barrier to dormice movement, and there may well be a reluctance for them to cross such gaps and increased risk of mortality from them doing so (ie. from predation), there is evidence that they can cross quite considerable gaps in search of new habitat so it is not safe to assume that dormice will not have crossed the open ground on this site, especially dispersing juveniles. Therefore, the total loss of plantation woodland should be taken into account in considering impacts on this species and in preparing any scheme of mitigation. That said, in the longer term, the replacement woodland planting should compensate for the habitat loss, albeit with short term pressure on extant population.

Before determining the planning application, MSDC must have regard to whether a licence is likely to be granted by Natural England for the loss of dormouse habitat, which they can grant for reasons of imperative overriding public interest including those of a social or economic nature, if they are satisfied that there is no satisfactory alternative and that there will be no detriment to the population at a favourable conservation status. It should be feasible, with the proposed compensatory woodland establishment and appropriate mitigation measures, for Natural England to be satisfied that significant impacts on the conservation status of the species can be prevented at the district and wider scale. However, there is always a risk of failure with mitigation and compensation measures, which means that avoidance of impacts should always be the preferred option and NE still have to be satisfied of the overriding public interest and lack of satisfactory alternatives. In this regard, they are likely to look to the planning decision and therefore, MSDC should also be satisfied that there is an overriding public interest reason in favour of development and no satisfactory alternative. In the absence of these tests being met, planning consent should be refused.

Bats

Whilst there has been some bat survey work undertaken, it is limited and falls short of current best practice recommendations. Bat Conservation Trust guidelines are that effort should depend on the potential of the habitat and gives guidelines based on habitat value, categorised as either low, moderate or high potential. In my view, this site would have to be classified as being of moderate suitability, which includes "habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water." For moderate suitability habitat, current best practice guidance is for a monthly transect from April to October and for two static detectors to be deployed each month for five consecutive nights. For this project only three transects were undertaken between late May and August and only two static deployments were undertaken with one in June and one in July. Given this limitation and lack of sampling in spring and late summer / early autumn, I think the conclusions that the habitats within the site are do "not appear to be of particular value to the local bat population" are not supported by robust data. Furthermore, the report refers to abundant foraging activity associated with the nearby Kiln Pond and suggests these bats are likely to be exploiting a seasonally abundant food source, but does not consider that activity patterns may be different at other times of year, with potentially greater use of the

site. For these reasons, I would urge caution against underestimating the impact on bats from loss of habitat or from lighting. The saving grace here is that the loss of woodland habitat will be compensated for, and whilst there may be short term pressure on local bat populations from reduced foraging opportunities, this young woodland habitat would be of relatively low value for rarer Annex II species associated with mature woodland and so I would not expect it to lead to a significant impact on the conservation status of local bat populations. The lighting plan goes some way to reducing impacts on the adjacent woodland planting, but the predicted lux levels around the edges of the car park are still relatively high for bats. The retained plantation between the edge of the ancient woodland and the car park will certainly help prevent light penetration to the ancient woodland, but the lighting report mentions the option for different timer settings. It is assumed that the main need for lighting would be in the winter months when there is limited bat activity but further details of a timing strategy and bat monitoring (against a more robust baseline dataset) will be required as part of a mitigation plan. With this proviso, I am of the view that in respect of bats, the proposal can be compatible with the requirements of NPPF policy 175 and DP38, subject to MSDC being of the view that the impacts cannot be avoided altogether by alternative options.

MSDC Tree Officer Comments:

Following on from the letter from Greenlink Ecology Ltd dated 16 April 2020, I have the following response:

I note the point that the majority of the trees being removed are to be translocated and agree that the success of the translocation can be managed by a standard condition attached to planning permission with a management plan/maintenance regime developed and if any are to fail within 5 years they should be replaced with new planting.

I accept the comment regarding the improved connectivity of the hedgerow with the translocated trees but would leave judgement of this with Mike Bird.

I confirm the TPP shows the protective fencing for the retained trees within G1 & G2. Consequently, I do not object to the proposed development on arboricultural grounds providing a 5-year maintenance and management plan for both translocated and newly planted trees is submitted and agreed. This can be written as a condition if necessary.

Comments - 3/2/20:

1. There are two groups of category C trees that are to be removed to facilitate the development which should not normally act as a constraint for a development. However, in this case I object due to the sheer number of trees that are to be removed.
2. The report details that the trees are to be moved to another area of the site. Inevitably there will be a number of trees that fail to re-establish in a new location. If this was to take place extreme care and continued maintenance would be of utmost importance. I would expect further details on how this is to be executed within the method statement should permission be granted.
3. Removal of the section of mature hedge along College Lane will be a significant loss of habitat and will dissect the wildlife corridor along the boundary of the site.
4. There does not appear to be any protection measures for the root protection areas of the remaining trees within groups G1 and G2.

Due to the sheer loss of young trees that have many years of life remaining, and the enormous loss of wildlife habitat, I do not feel able to support this application on arboricultural grounds.

High Weald AONB Unit:

Thank you for your consultation on the above application.

In summary, the High Weald AONB Unit objects to this proposal on the following grounds:

- It conflicts with High Weald AONB Management Plan objectives G2 and G3 because the significant alterations to the landform and disruption to soils will damage the biodiversity and carbon storage function of those soils and disrupt the natural landform of the High Weald; and

- It constitutes major development under NPPF paragraph 172 and an alternative way of meeting the need for car parking exists which would have a reduced impact on the natural beauty of the AONB.

Legal and Policy Background

It is the responsibility of the Local Planning Authority to decide whether the application meets legislative and policy requirements in respect of AONBs. Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs' in making decisions that affect the designated area.

The National Planning Policy Framework paragraph 172 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited. In the event that the decision-maker concludes that development is 'major' in terms of its impact on the AONB, paragraph 172 of the NPPF states that planning permission should be refused for major developments in these designated areas except in exceptional circumstances. Footnote 55 says: "For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined".

The High Weald AONB Management Plan has been adopted by all the relevant local authorities with land in the AONB as their policy for the management of the area and for the carrying out of their functions in relation to it, and is a material consideration for planning applications. The Management Plan defines the natural beauty of the AONB in its Statement of Significance and identifies the key landscape components of the High Weald. It then sets objectives for these components and identifies actions that could conserve and enhance the AONB. These should be used as a 'checklist' against which to assess the impact of proposals on AONB purposes. A template is provided in the Legislation and Planning Advice Note.

The Proposal

The proposal is for a new 193 space car park and new vehicular access from College Road to serve Ardingly College, along with associated landscaping. The proposed site is currently well vegetated with young trees, bounded by mature hedgerows and adjacent to Ancient Woodland. As such it provides an important habitat which the Ecological Report at paragraph 6.3 acknowledges "may provide opportunities for a number of protected species".

The Ecological Report does not acknowledge the important role the site plays in connecting the habitats in the adjacent Ancient Woodland to the hedgerows along the road and thence to other Ancient Woodlands in the area. This connectivity of habitats would be lost or at least reduced if the development was carried out.

It is proposed to 'relocate' the young trees currently on the site as part of the landscaping proposals, a process which carries risks to the trees themselves and will involve a large amount of soil removal around the roots. In addition, the Planning Statement says: "As part of the construction work, the car park will be installed to be almost completely level to or below the existing elevation of College Road, with the majority of the site undergoing groundwork in order to lower it and bring it down to such a level".

These disruptions to the landform and soils of the site are put forward as 'benefits' to the landscape impact of the proposal. This takes no account of the disruption to the biodiversity of the soil itself or the harm caused to the natural landform of the High Weald. Objective G2 is "To protect and enhance soils, sandstone outcrops, and other important landform and geological features of the AONB" and Objective G3 is "To help secure climatic conditions and rates of change which support continued conservation and enhancement of the High Weald's valued landscapes and habitats". These proposals conflict with both these objectives because the significant alterations to the landform and disruption to soils will damage the biodiversity and carbon storage function of those soils and disrupt the natural landform of the High Weald.

The purpose of AONB designation is to conserve and enhance its natural beauty and the objectives of the Management Plan set out how this can be achieved. Due to the above conflict with Management Plan objectives, the proposed development should be treated as 'major' in the terms of NPPF paragraph 172 because it could have a significant adverse impact on the purposes for which the area has been designated. It is therefore subject to the tests set out in paragraph 172, including that an assessment is made as to whether the need can be met in some other way.

The Planning Statement includes an assessment of alternative locations for the car park. However, the assessment matrix does not consider the impact on biodiversity at all or the impact of any necessary earth movements. I have visited the sites and consider that the merits of site 4 have been under-valued in the assessment. This is a site currently occupied by a temporary compound and car parking, and therefore probably has limited biodiversity value. It is accessed via an existing road which services the Pre-prep school and Ardingly reservoir, so there is no need to create a new access with its resultant loss of hedgerow. The site is currently being used for car parking so presumably could be used permanently for such parking without the need for changing the landform or disrupting soils. There is significant potential for landscape and biodiversity enhancements, which would help address the concerns raised about views from the High Weald Landscape Trail. It appears well connected to the main school via paths already marked out for school use. It is recommended that this option is explored in more detail and tested against the objectives of the Management Plan.

The above comments are advisory and are the professional views of the AONB Unit's Planning Advisor on the potential impacts on the High Weald landscape. They are not necessarily the views of the High Weald AONB Joint Advisory Committee.

MSDC Landscape Consultant

With reference to your letter asking for comments on the above application, having reviewed the documents I have the following comments with regard to the potential landscape and visual impacts.

This advice is provided to the Local Planning Authority by the County Landscape Architect in line with the Service Level Agreement and is not a statutory consultation response.

1) Summary Recommendation

Recommend for approval in principle subject to the imposition of conditions

The proposal could comply with NPPF Section 15 policies for conserving and enhancing the natural environment.

This is with particular reference to Paragraph 170 which requires planning policies and decisions to contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

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;

The proposals could comply with paragraph 172:

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

2) Reason for Recommendation

2.1 The NPPF Section 15 provides policies for conserving and enhancing the natural environment. Paragraph 170 states that:

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

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

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;

2.2 Further to the above paragraph 172 requires that:

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given

great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

2.3 The NPPF Section 12, Paragraph 130 requires that:

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents'.

2.4 If permitted the proposed development would need to incorporate suitable landscape mitigation measures to ensure that it would meet the requirements of the NPPF. This would include appropriate design details for external hard works and planting.

2.5 The application is supported by a Landscape Appraisal (Huskisson Brown Associates Nov. 2019) and this provides an accurate assessment of the baseline landscape and visual context for the site and the surrounding area. The appraisal concludes that the development and associated mitigation would have a slight to moderate adverse impact on local landscape character and a slight adverse impact on local views. These impacts would reduce over time as the proposed mitigation planting becomes established.

2.6 The landscape appraisal is considered to be an accurate assessment of the likely impacts with appropriate mitigation. Planning policy requires that new development in valued landscapes both protect and enhance the receiving landscape. The landscape enhancement opportunities associated with the development are limited. The new car park would provide an opportunity to consolidate some of the parking which is scattered around the school site and notably in proximity to the listed buildings. If the local planning authority is minded to approve the development it is recommended that the applicant is required to provide an expanded landscape masterplan. This would need to identify opportunities for environmental enhancement to those areas of the school site where parking would be permanently removed. It is recommended that these areas are landscaped to prevent future use for parking and create new green infrastructure within the school site.

2.7 The landscape mitigation plan relies to a large extent on translocation of the existing trees and shrubs. It is recommended that the applicant is required to replace any plants which die over a 5 year period to ensure successful establishment of the proposed planting.

2.8 If the planning authority is minded to permit the development it is recommended that the following are required by condition:

- a) Creation of permanent landscaped areas to replace areas where parking will no longer be required within the campus.
- b) That all plants which die in the first 5 years of establishment are replaced.

- c) A long term management plan to ensure the successful establishment and care of the landscaped areas.

2.9 It is recommended that the application can be supported subject to consideration of the detailed enhancement and mitigation measures outlined above.

WSCC Highways

The Local Highways Authority (LHA) has been consulted for pre-application advice in regard to the proposed parking enhancement at Ardingly College, College Road, Ardingly. The LHA undertook a site meeting with representatives from the college on the 25th February 2019. At this time the proposals were for 250 additional spaces. The proposals are supported by way of a Transport Statement (TS) which supports the transport aspects of the application.

The Proposals

The proposed scheme is to provide a new car park of 193 spaces and associated landscaping, within Ardingly College grounds. Breaking this down the mix would include the following:

- 178 standard spaces of 2.5metres x 5metres;
- 15 minibus spaces of 2.5metres x 7 metres and an access area to each side of 1.2 metres;
- 6 electric charging bays with infrastructure for another 18.

The new car park would be to the south of the existing main entrance and some existing onsite residential accommodation. It is intended for the new car park to be used primarily for staff parking as well as the minibus fleet. This will free up space for pupils arriving by vehicle at the beginning and end of the school day. The application is accessed from College Road which at the proposed point of access is subject to a 30 mph speed limit implemented in 2013. The speed limit changes in close proximity of the access to a 50 mph limit.

Any additional extensions to the school would be subject to a further planning application. It should be noted the LHA have only considered the additional parking the proposals put forward.

Comments

At the time of our site meeting the specifics of required information were discussed and some additional areas of information were requested by the LHA from assessment of the TN and our site meeting. The following comments would be provided based on the information submitted with the TS:

Stage 1 Road Safety Audit (RSA)-The LHA requested an RSA at the time of the pre-application discussions. An RSA has been completed in accordance with GG/119 parameters. The RSA does not raise any concerns with the proposed access arrangements.

The pruning of the existing hedgerow can take place within land under the applicants control or Highway Boundary. The LHA would advised that a speed survey should be re-commissioned as part our pre application ddiscussions. The survey was undertaken in March 2019. The previous TN relied on LHA data from 2013 around the time the speed

limit was reduced from a 40 mph limit to a 30 mph limit. Given that nearly 6 years has passed since this survey was undertaken, it was advised that a fresh Speed Survey is undertaken. The recorded 85th percentile speed was recorded as 39mph northbound and 42mph southbound at Site 4, and 46mph northbound and 46mph southbound at Site 5 in March 2019.

Therefore, using the speed of 46mph a required figure of 130m visibility is required. These have been demonstrated on the site access plan with a set back 2.4m from the give way line. The LHA are satisfied with the proposed visibility splays.

The access will be 6 metres in width with kerb radius of 6 metres. Within the TS swept path diagrams have been shown which demonstrate that the largest vehicle (a minibus) can turn into the access. It is understood that all other deliveries will utilise the college's existing site access.

In terms of parking layout parking spaces have been designed in accordance with designed standards. On site it was agreed to re-site all disabled parking bays to the main car park of the college for ease of access. The LHA accept this approach. The access works will be subject to a full S278 Agreement with the LHA's Implementation Team

Finally the application provides a good opportunity to ensure the College's Travel Plan is updated, this has been provided within the appendices and can be approved via condition.

Conclusion

The LHA acknowledge the benefits of the application for additional parking at the college. The proposals are not considered to result in a 'Severe' residual impact on the highway network and would not be contrary to Paragraph 109 of the National Planning Policy Framework (NPPF). Any approval of planning permission would be subject to the following conditions:

Access (Access to be provided prior to first occupation)

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled 'Car Park Plan and numbered 10208/200 P4.

Reason: In the interests of road safety.

Travel Plan (to be approved)

No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document.

The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

INFORMATIVE

Works within the Highway - Implementation Team

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

WSSC - Lead Local Flood Authority

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

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, recommendations and advice.

Flood Risk Summary

Current surface water flood risk based on 30year and 100year events	Low risk
<p>Comments:</p> <p>Current surface water mapping shows that the proposed site is at low risk from surface water flooding.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.</p> <p>Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</p>	

Modelled groundwater flood hazard classification	Moderate risk
<p>Comments:</p> <p>The area of the proposed development is shown to be at moderate risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.</p> <p>Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p>	

Ordinary Watercourses nearby?	Yes
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Comments:

Current Ordnance Survey mapping shows an ordinary watercourse in close proximity to the site.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Records of any historic flooding within the site?	No
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Comments:

We do not have any records of historic surface flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Future development - Sustainable Drainage Systems (SuDS)

The Flood Risk Assessment for this application proposes that sustainable drainage techniques (permeable paving) would be used to control the surface water from this development.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

The maintenance and management of the SUDs system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

MSDC Drainage Officer:

No objection subject to conditions

FLOOD RISK

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is largely not within an area identified as having possible surface water (pluvial) flood risk. A very small area on site is shown to have a very low surface water flood risk.

There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

SURFACE WATER DRAINAGE

It is proposed that the development will manage surface water drainage using permeable surfaces and land grading to channel water to the areas of permeable surfaces.

FOUL WATER DRAINAGE

It is proposed that the development will not require foul water drainage due to the nature of the development.

SUGGESTED CONDITIONS

C18E - DRIVEWAYS

The development hereby permitted shall not commence unless and until details of the proposed surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The car park shall not be brought into use until all the approved drainage works have been carried out 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 pond 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 8M OF DRAIN, WATERCOURSE OR POND

No part of any concrete foundations and no construction activities shall be within 8 metres of any drain, watercourse or pond.

Reason: In the interests of protecting the natural environment.

FURTHER ADVICE

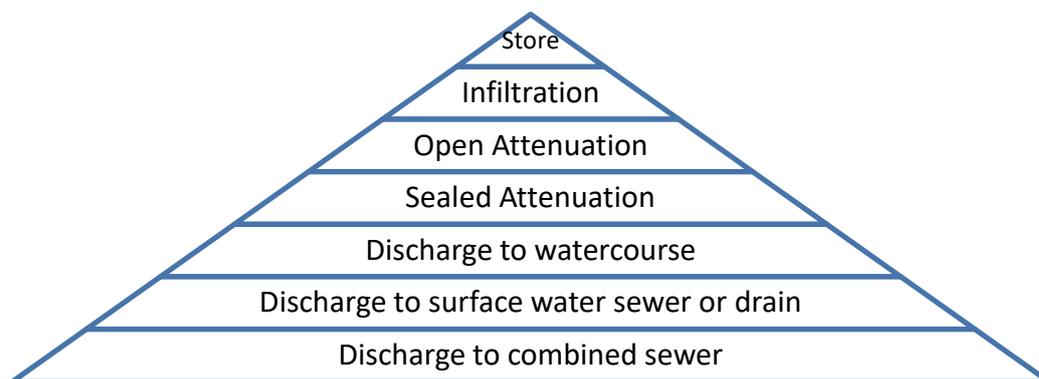
Surface Water Drainage

This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

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 proposed development drainage will need to:

- Follow the hierarchy of surface water disposal, as set out below.



- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing Greenfield rates and follow natural drainage routes as far as possible.
- Calculate Greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Foul Water Drainage

This proposed development will need to fully consider how it will manage foul water drainage. The preference will always be to connect to a public foul sewer. However, where a foul sewer is not available then the use of a package treatment plant or septic tank should be investigated.

The use of non-mains foul drainage should consider the Environment Agency's General Binding Rules. We would advise applicants that 'General Binding Rules 2020' came into force as of 1st January 2020.

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the 2020 Binding Rules will need to be replaced or upgraded. As such any foul drainage system which proposed to utilise a septic tank will need to comply with the new 2020 rules. Guidance into the General Binding Rules can be found on the government website (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>)

Flood Risk and Drainage Information for Planning Applications

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the [Practice Guidance for the English non-statutory SuDS Standards](#). Additional information may be required under specific site conditions or development proposals.

PRE-APP	OUTLINE	FULL	RESERVED	DISCHARGE	DOCUMENT SUBMITTED
✓	✓	✓			Flood Risk Assessment / Statement (checklist)
✓	✓	✓			Drainage Strategy / Statement & sketch layout plan (checklist)
	✓				Preliminary layout drawings
	✓				Preliminary "Outline" hydraulic calculations
	✓				Preliminary landscape proposals
	✓				Ground investigation report (for infiltration)
	✓	✓			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)
		✓		✓	Maintenance program and on-going maintenance responsibilities
		✓	✓		Detailed development layout
		✓	✓	✓	Detailed flood and drainage design drawings
		✓	✓	✓	Full Structural, hydraulic & ground investigations
		✓	✓	✓	Geotechnical factual and interpretive reports, including infiltration results
		✓	✓	✓	Detailing landscaping details
		✓	✓	✓	Discharge agreements (temporary and permanent)
		✓	✓	✓	Development Management & Construction Phasing Plan

Useful Links

[Planning Practice Guidance](#) – Flood Risk and Coastal Change

[Flood Risk Assessment for Planning Applications](#)

[Sustainable drainage systems technical standards](#)

[Water.People.Places](#).- A guide for master planning sustainable drainage into developments

Further guidance is available on the Susdrain website at <http://www.susdrain.org/resources/>

Information Requirements

The following provides a guideline into the specific information required based on the type of development, location and type of surface water drainage management proposed. Multiple lists may be relevant to a single application.

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
<p>Located in Flood Zone 2 or 3. Located in Flood Zone 1 and greater than 1 hectare in area. Located in an area where a significant flood risk has been identified.</p>	<p>Flood Risk Assessment which identified what the flood risks are and how they will change in the future. Also whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.</p>
<p>Multiple plot development</p>	<p>A maintenance and management plan will need to be submitted that shows how all drainage infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.</p>
<p>Public sewer under or adjacent to site</p>	<p>Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development. Building any structure over or within close proximity to such sewers will require prior permission from the sewerage undertaker. Evidence of approvals to build over or within close proximity to such sewers will need to be submitted.</p>

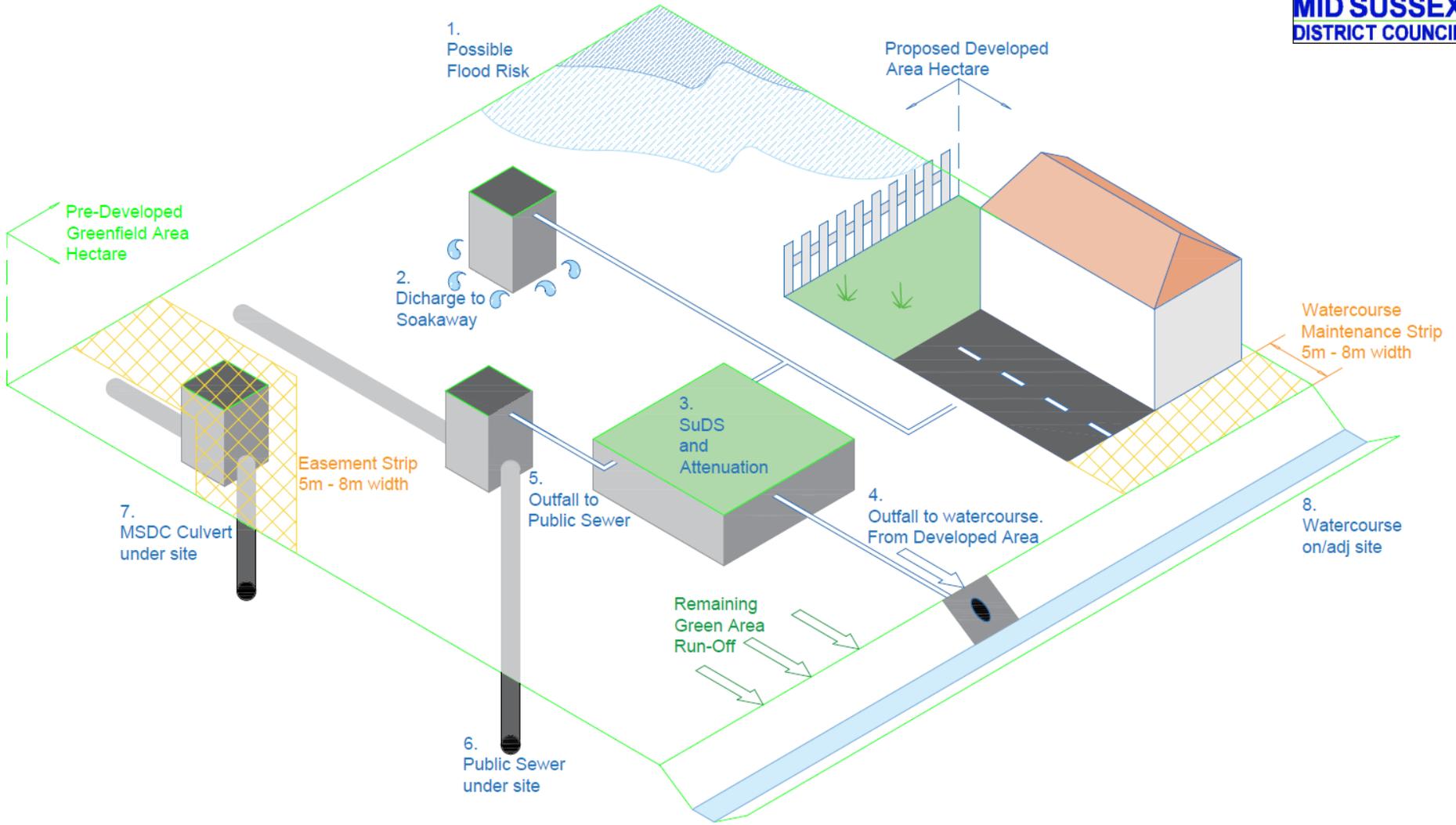
DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
MSDC culvert under or adjacent to site	<p>Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Building any structure over or within close proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an “easement” strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p>
Watercourse on or adjacent to site	<p>A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.</p>

Information Requirements – Surface Water Drainage

<p>PROPOSED SURFACE WATER DRAINAGE METHOD</p>	<p>INFORMATION REQUIRED</p>
<p>Infiltration e.g. Soakaways</p>	<p>Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have extra capacity for climate change. Climate change allowances for residential development is 40% and for commercial development is 30%.</p> <p>It will also need to be demonstrated that the proposed soakaway will have a half drain time of 24 hours or less.</p>
<p>Outfall to watercourse</p>	<p>You cannot discharge surface water unrestricted to a watercourse.</p> <p>Any proposed run-off to a watercourse will need to be restricted in accordance with the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf).</p> <p>Discharge rates should be restricted to the Greenfield 1 in 1 year runoff rate for the positively drained area for all events up to and including the 1 in 100 year rainfall event with climate change.</p> <p>If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. Guidance into the OWC application process can be found on West Sussex County Council's website at https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/</p> <p>OWC applications can also be discussed and made with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p>

<p style="text-align: center;">PROPOSED SURFACE WATER DRAINAGE METHOD</p>	<p style="text-align: center;">INFORMATION REQUIRED</p>
<p>Outfall to public sewer</p>	<p>You cannot discharge surface water unrestricted to a sewer. Discharge of surface water into a foul sewer system is not usually acceptable.</p> <p>Any proposed run-off to a sewer will need to be restricted in accordance with the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf).</p> <p>Discharge rates should be restricted to the Greenfield 1 in 1 year runoff rate for the positively drained area for all events up to and including the 1 in 100 year rainfall event with climate change.</p> <p>Both the connection point and discharge rate must be agreed with the relevant owner or responsible body including sewerage undertakers.</p> <p>Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted. It will be expected that any controlled discharge of surface water will need to be restricted so that the cumulative total run-off rates, from the developed area and remaining greenfield area, is not an increase above the pre-developed greenfield rates.</p>

<p style="text-align: center;">PROPOSED SURFACE WATER DRAINAGE METHOD</p>	<p style="text-align: center;">INFORMATION REQUIRED</p>
<p>SuDS and attenuation</p>	<p>Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.</p> <p>Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken.</p> <p>Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf). You cannot discharge surface water unrestricted to a watercourse or sewer.</p> <p>A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted.</p> <p>A clear timetable for the schedule of maintenance can help to demonstrate this.</p>



MSDC Archaeological Consultant:

Comments 13/02/2020:

Recommend Archaeological Condition:

The Heritage Conservation Team, Surrey County Council provides advice to Mid Sussex District Council in accordance with the Mid Sussex District Plan and the National Planning Policy Framework. The district council is located within the County Council of West Sussex.

The National Planning Policy Framework (Revised 2018 - Section 16) places the conservation of archaeological interest as a material consideration in the planning process. Paragraph 189 of the NPPF says that: '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.' This information should be supplied to inform the planning decision.

As per my comments of 13/01/2020, I am pleased to receive a full Archaeological Desk Based Assessment for this site. As per my specific comments/questions:

The results of a search of the relevant Historic Environment Record should be undertaken for a 1km radius of the application site. This will enable an assessment of archaeological potential for previously unknown remains dating to all periods. In the absence of this information being presented, I have undertaken a brief search of the database, which amongst other records seems to suggest a number of Mesolithic flint scatters recorded in the immediate vicinity, which could be of some significance. Further information on the nature of these finds may suggest whether similar such deposits may take the form of disturbed surface scatters or sub-surface preserved horizons.

The relevant Historic Environment Record search has been undertaken, and on this basis the Assessment concludes there is a "low-negligible potential for the prehistoric, medieval, and post medieval periods," and a "negligible potential for Romano-British and Anglo-Saxon Remains". Based on the background evidence I would not be so dismissive of the archaeological potential. A number of mesolithic records were indeed identified in the immediate vicinity, comprising flint scatters as well as chance finds. This level of mesolithic background activity is unusual and significant in the south east. While the significance of such features is listed in the Assessment as "low local significance" due to the early date, any such flint scatters may be of considerable local or regional importance. For further information on the potential of these, I would recommend referring to the Historic England guidance on "sites of Early Human Activity".

Furthermore I would highlight the potential for Medieval remains of an industrial nature; sites identified nearby include a forge, mill and furnace, as well as place name evidence adjacent to the site, so site is clearly located within a known landscape of industrial working. Again, while such remains may be of "low local significance" as identified in the report, should such remains be present they may equally have considerable regional interest regarding the development of industry.

Given that (aside from the archaeological evaluation undertaken to the east of the site) very few archaeological investigations have been conducted in the vicinity, the unknown potential should also be acknowledged. Appendix 1 acknowledges that "low evidential value of archaeological deposits may be affected by the current lack of research within the area, but this does not preclude remains of higher value to be discovered".

Whilst it is true to say that "no archaeological investigations have been undertaken in the development area" (para 4.6.1), the adjacent land parcel was archaeologically evaluated prior to the development of the boarding houses (around 2002). The results of this previous investigative work should be obtained and presented to inform the archaeological potential of the current application site.

The results of the earlier programme of archaeological work are described within the Assessment. This comprised field walking, which recovered finds including flints, and industrial waste, suggesting the site lays in the vicinity of earlier activity. However the results of previous trial trench evaluation were inconclusive with only undated linear cut features revealed. On this basis, I would continue to acknowledge an unknown potential with enhanced probability for prehistoric flint scatters and medieval industrial sites in particular.

The Heritage Statement states "[cut features are] unlikely due to the previous cut-and-fill and therefore buildup of the Site during the development of Mertens and Hilton House." The extent of previous impact here is unclear, as I have been unable to ascertain if the former land surface may have been protected beneath 'levelled-up' made ground. Since the current proposals will involve ground reduction of up to 3m, the former cut and fill landscaping details should be obtained and presented, so it can be ascertained whether a former intact land surface may be encountered.

The Assessment suggests that previous impact to the site will have occurred in the form of tree planting (para 5.3.2) however the potential cut and fill regrading work described elsewhere within the planning submission has not been addressed. Without further information, I can only assume that buried land surfaces may well survive intact under made ground under part or all of the site.

Due to the unknown archaeological potential, and the current unclear extent of previous ground impact, without further/additional information to demonstrate the sub surface profile and extent of former impacts, it must be assumed that the proposed groundworks, may destroy previously unknown but surviving heritage assets.

Given this, in line with Local Planning Policy DP34 and the National Planning Policy Framework, (para 189) I do not agree with the conclusion of the Desk Based Assessment that no further mitigation work is appropriate, and recommend that (unless further information is forthcoming) given the size of the site and the unknown extent of prior impact, further archaeological work (evaluation) should be conducted in relation to this proposed development. The evaluation would likely involve the excavation of a number of trial trenches across the site, and would aim to establish rapidly whether any archaeological assets are present (including information regarding their nature/ extent/ date/ significance) and subsequently enable suitable mitigation measures to be developed if necessary.

Given that there is nothing to suggest that remains will be present of a quality to necessitate preservation in situ, I do not recommend that it is necessary for the archaeological work to be undertaken in advance of any planning permission; but would recommend that securing the archaeological work as a condition of any planning permission is an acceptable and proportionate response. To ensure the required archaeological work is secured satisfactorily, the following condition is appropriate and I would recommend that it be attached to any planning permission that may be granted:

"No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority."

Comments 13/01/2020:

Recommendation: Further Information Required

The Heritage Conservation Team, Surrey County Council provides advice to Mid Sussex District Council in accordance with the Mid Sussex District Plan and the National Planning Policy Framework. The district council is located within the County Council of West Sussex.

The National Planning Policy Framework (Revised 2018 - Section 16) places the conservation of archaeological interest as a material consideration in the planning process. Paragraph 189 of the NPPF says that: '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.' This information should be supplied to inform the planning decision.

The application site is relatively large, and as such should be considered to have potential for previously unidentified below ground archaeological heritage assets to be present. I have reviewed the Heritage Statement produced in support of this application by Savills, which states alongside the wider heritage scope, this aims to provide a "brief overview" on potential effects of the proposed development on below ground heritage and archaeology (para 1.2.1) in accordance with the requirements of the National Planning Policy Framework (NPPF) and standards specified by the Chartered Institute for Archaeologists (para 3.1.2). Whilst this is useful in that it provides some site background, and does not identify any designated below ground Heritage Assets located on the site itself; unfortunately some key sources seem to have been omitted, most notably the results of a Historic Environment Record search, as required by the NPPF (para 189) which would have enabled a comprehensive assessment for the likelihood of unknown below ground heritage assets being present. At present, as well as being non-compliant with the requirements of National and Local policy, the Heritage Statement raises the following archaeological questions/concerns which need to be addressed, before I am in a position to make an informed recommendation:

- The results of a search of the relevant Historic Environment Record should be undertaken for a 1km radius of the application site. This will enable an assessment of archaeological potential for previously unknown remains dating to all periods. In the absence of this information being presented, I have undertaken a brief search of the database, which amongst other records seems to suggest a number of Mesolithic flint scatters recorded in the immediate vicinity, which could be of some significance. Further information on the nature of these finds may suggest whether similar such deposits may take the form of disturbed surface scatters or sub-surface preserved horizons.
- Whilst it is true to say that "no archaeological investigations have been undertaken in the development area" (para 4.6.1), the adjacent land parcel was archaeologically evaluated prior to the development of the boarding houses (around 2002). The results of this previous investigative work should be obtained and presented to inform the archaeological potential of the current application site.
- The Heritage Statement states "[cut features are] unlikely due to the previous cut-and-fill and therefore build-up of the Site during the development of Mertens and Hilton House." The extent of previous impact here is unclear, as I have been unable to ascertain if the former land surface may have been protected beneath 'levelled-up' made ground. Since the current proposals will involve ground reduction of up to 3m,

the former cut and fill landscaping details should be obtained and presented, so it can be ascertained whether a former intact land

In order to address these issues, and identify whether there are any further archaeological considerations, I recommend a full Archaeological Desk Based Assessment be produced and submitted in support of this application. The Assessment should aim to identify and assess the significance of any archaeological Heritage Assets that may be affected; encompass discussion on the impact of previous groundworks across the site; provide appropriately detailed information on the nature of groundworks involved in the proposed development, and what their potential impact on surviving archaeological horizons is likely to be. Once the Assessment has been produced, this will enable decisions to be made on what further archaeological work is necessary.

Subsequent phases of archaeological work usually comprise site evaluation, and then any necessary mitigation measures. Evaluation usually comprises a programme of trial trenching, and it may be necessary to require the applicants to submit the results of an evaluation in advance of determination of any planning permission. The mitigation measures usually involve more detailed excavation of any archaeological Heritage Assets present to advance understanding of their significance before their loss, but in the event of Assets of exceptional significance being present, preservation in situ is the preferred option.

The Assessment, or possibly this and a report on an evaluation, will need to be submitted both before I am in a position to provide informed comments on the application, and before determination of any planning permission. Without such information, I am not in a position to comment on the archaeological implications of the proposal. If such information is not forthcoming before determination, I would recommend that the application be refused on the grounds of insufficient supporting information having been received.

Notwithstanding these comments, if the planning authority deems that a strategy of preservation by record is sufficient to mitigate the loss of the archaeological Assets that may be present, and that the archaeological work can be undertaken after any decision on permission, the necessary archaeological work will need to be secured by the addition of the standard archaeological condition to any planning permission granted. The appropriate condition is:

"No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority."

MSDC Conservation Officer Comments:

Comments on the above application. Please read these in conjunction with my comments on the pre-application enquiry on this same proposal, repeated below.

The application site is part of Ardingly College, the campus of which is located in a rural position to the south of Ardingly village. The campus includes a number of listed buildings- the main school building itself, which is a large H shaped building with two principle build phases of 1864-92 and 1926-7, and including a Gothic style chapel with tower, the former College Farm, located a short distance to the west of the main building and now the Preparatory School (the farm comprises a number of Grade II listed buildings dating from 1878-81 including the former farmhouse, stables, and farm buildings ranged around a courtyard), and 1-3 College Farm Cottages, Grade II listed cottages dating from 1878-9 and located to the south side of the track leading from College Road to College Farm (known as Reservoir Road). These buildings, with the more modern campus buildings ranged principally to the west and south east of the main school building, form a dispersed grouping

in a rural setting. The listed buildings have a common character despite having different architects due to their similar period of construction, style and materials. They have a group as well as an individual value for this reason and because of their shared history as constituent parts of the College and/or College Farm.

The listed buildings would be considered to have historical evidential and illustrative value as constituent parts of an exceptional example of a late 19th century purpose built school campus and home farm. They also possess aesthetic value stemming from their architectural quality. All of these qualities are enhanced by their group value, and by their rural setting. This setting contributes to an understanding of the deliberate creation of the isolated, standalone college campus, as well as the functioning of the former college farm with its associated farmlands, and provides an attractive background to the whole. The application site, although affected by landscaping works associated with the construction of the accommodation blocks to the north, retains an open and rural character which contributes to the rural setting of the College.

The current proposal is for the construction of a new 193 space car parking area to the south of the main school block, adjacent to the modern accommodation blocks known as Mertens and Bulteel, planning permission for which was granted in 2001. A new access point is proposed onto College Road approximately 200m south of the existing entrance, with the hedgerow removed a short distance to the north and a significantly longer distance to the south for traffic sightline, the total length affected by this and the entrance itself being c.50m. The site of the proposed new car park is an area of grass and woodland shaw planting, which at least partly was introduced as a result of a screening condition on the planning approval in relation to the accommodation blocks. The proposal allows for a new/relocated woodland shaw along the southern edge of the site.

The proposal would have a fundamental impact on the character of the site, notwithstanding the replanted/replaced shaw to the southern edge, with the existing established planting and grassland within the site lost to hardstanding.

Although there would be screening along the southern edge of the site, and measures are proposed to reduce light spill, it is likely that the car park with associated vehicles and vehicle movements, lighting and other infrastructure, will have an impact on the character of the existing rural views from the footpath along Reservoir Road to the south, including the currently largely rural views looking north from Grade II listed College Farm Cottages. In these views the current appreciation of the college chapel tower rising as a prominent landmark in isolation above a surrounding rural and wooded landscape, largely (from this viewpoint) devoid of other development, would also be affected. The rurality of the approach to the listed buildings at the former College Farm along this footpath and Reservoir Road would also be impacted, although to a lesser degree given the separation between the site and these buildings, and the existing modern campus buildings adjacent to the former farmstead.

In addition to these impacts, the proposed new vehicle entrance onto College Lane will have an impact on the rural character of this part of the approach to the main college campus, including the listed main school building. The existing unbroken hedge creates a sense of rurality and relative isolation, which gives way to a sense of arrival as you approach the college's main entrance. The listed school and other campus buildings are thus appreciated in their historically rural setting. This aspect of the manner in which the special interest of the school is currently appreciated would be to an extent compromised by the new entrance breaking through the hedge and giving views of an extensive car parking area within the setting of and approach to the College. The extent of hedgerow to be removed to the south of the vehicle entrance would exacerbate this effect, as the currently consistent line of the hedgerow would be substantially compromised.

For these reasons, I consider that the proposal will cause a level of harm to all of the above mentioned listed buildings through harm to their settings. I would consider that the greatest impact will be on College Farm Cottages, both in terms of the broader setting within which they are appreciated from the adjacent PROW and of views from the Cottages themselves and their immediate settings, and on the main school building, in terms of the impact on characteristic views of the College tower from the PROW to the south of the site and from College Road, and on the character of the approach to the College along College Road. In both cases would assess the harm to be less than substantial in terms of the NPPF, at the low-moderate level of that scale.

I would also consider that there will be a degree of harm to the group of listed buildings at College Farm in terms of impact on the character of the approach to them along Reservoir Road and the PROW which follows the line of this road. Given the degree of separation between the site and the Farm I would assess this harm to be less than substantial and at the lower end of that scale.

In my opinion the level of this harm is such that would not be compensated for by the removal of car parking from the area in front of the main school building.

In summary, I consider that the proposal would be harmful to the setting of the listed buildings forming part of Ardingly College, including (to a greater or lesser extent) the school building itself, College Farm Cottages, and the former farm buildings of the college farmstead. This would fail to meet the requirements of District Plan Policy DP34. In terms of the NPPF, I would consider that the proposal is likely to cause less than substantial harm to these heritage assets, such that the criteria set out in paragraph 196 of that document would apply. the degree of less than substantial harm which I consider to apply is set out above.