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# Land East of Cuckfield Road, Ansty

Planning Refs: DM/23/2866 & DM/23/2867

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Response to Representations made by Consultees



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## 1. Introduction

- 1.1. The report is a response to representations made to planning applications DM/23/2866 and DM/23/2867; relating respectively to Land East of Cuckfield Road, Ansty, West Sussex and proposals for a new Parkland Reserve on land north of Ansty south of Staplefield Road, Cuckfield. The response is produced by Savills on behalf of Fairfax Acquisitions Limited (Fairfax). This report primarily responds to the objections by Cuckfield Parish Council and Ansty and Staplehurst Parish Council. This response also considers the objections raised by Balcombe Parish Council and Haywards Town Council, and respond to other relevant comments from statutory consultees.
- 1.2. Cuckfield Parish Council (CPC) originally responded on 4th December 2023, and provided a more detailed response jointly with Ansty and Staplehurst Parish Council (ASPC) on 12<sup>th</sup> January 2024. Balcombe Parish Council (BPC) provided its response on 21<sup>st</sup> January 2024 and the Haywards Heath Town Council (HHTC) response was sent on 19<sup>th</sup> December 2023.
- 1.3. This response considers both the garden community and parkland reserve applications together, albeit the objections largely focus on the garden communities, as does this response.
- 1.4. The planning application descriptions are as follows:
1. *DM/23/2866 - Outline planning application (All matters reserved except for access) for the redevelopment of land to the east of Ansty to create a new Garden Community, comprising of the erection of up to 1,450 homes (including 30% affordable housing), up to 90 residential care units (C2 class), a primary school, a SEND school, health hub, sports facilities including all weather hockey pitches and tennis centre, allotments, retail, community and employment uses together with ancillary and associated development including new and enhanced pedestrian/cycle routes, open spaces, and landscaping (planning application ref: DM/23/2866).*
  2. *DM/23/2867 - Change of use of farmland and woodland to parkland reserve to include public access and instigation of long-term management and rewilding regime, including establishment of pedestrian and cycle tracks, with new pedestrian and cycle access points off Cuckfield Road to the south and Staplefield Road to the north. Proposals to include the addition of two wooden viewing platforms and two hides. Sports pitches at Beech Farm Field to remain in sports use (planning application ref: DM/23/2867).*
- 1.5. Savills have sought to respond on the key themes set out within the CPC and ASPC response, and have referred to additional matters included within the BPC and HHTC responses where relevant. This response also addresses other consultee comments on subjects including ecology, drainage and sports facilities.

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- 1.6. Ultimately we appreciate that there is a careful planning balance to be made. As such, this report is not intended as a response purely for the sake of making a response. However, certain points which have been misconstrued or misunderstood need clarifying. In order to aid an exercise of judgement, this report aims to respond succinctly, and as objectively as possible. It should be noted that this report is not exhaustive, as the planning application documentation provides the necessary justification, and we reserve the right to comment further.
- 1.7. Notably, Fairfax will continue to engage with key consultees to address any matters on which they seek further clarification, and has responded separately to MSDC planning officers on matters raised via email.
- 1.8. In order to address some of the comments received, a number of documents or pieces of further information are provided. Some of these documents have previously been submitted to MSDC, however for ease all documents referred to in this report are submitted alongside it, and are as follows:

Document	Prepared by	Reference
Affordable Housing Statement	Tetlow King	Ref M24/0108-01.RPT, July 2024
Transport Addendum	Ardent Consulting Engineers	Ref 2207280-R28A, November 2024
Response to Sport England Comments	Prepared by Consult QRD	11 March 2024
Response to Place Services' Landscape Advice & Cuckfield Parish Council's Consultee response	Fabrik	16 May 2024
Response to Conservation Officer Feedback	Turleys,	May 2024
Design Code	Fabrik and Create Streets	December 2023
Biodiversity Impact Calculation for Ansty Garden Community	Ecology Co-op	25 October 2023
Shadow Habitats Regulations Assessment	Ecology Co-op	12 December 2023

## 2. Planning Policy Context

- 2.1. An opening remark in Section 2 of the CPC & ASPC objection, it is stated that the proposals “...*would be contrary to the principles of the planning system where it has first been subject to the necessary scrutiny and appraisal associated with a local plan allocation*”. This site has been considered as part of the emerging District Plan consultation process and was even subject to a draft allocation in earlier iterations of this emerging plan. Fairfax has submitted detailed justifications to consultations on this emerging plan and to the current EiP process following submission of the plan for examination. In a similar vein to the other three strategic sites the Ansty site continues to be assessed relatively positively in the Sustainability Appraisal accompanying this plan. It remains Fairfax’s position that this site needs to be allocated in this emerging District Plan to enable the plan to be found sound and so responding positively to the required housing need across the plan period.
- 2.2. Notwithstanding this position it remains clear in planning policy that the development of a site is not wholly dependent upon the site being subject to a site allocation. As Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out, all decisions must be determined in accordance with the plan unless material considerations indicate otherwise.
- 2.3. The Written Ministerial Statement published on 30<sup>th</sup> July 2024 is a further material consideration. This along with the publication of the draft NPPF highlights the Government’s drive to deliver 1.5 million homes in their first term. The revised NPPF is due to be published by the end of the year and will remove the 4-year Housing Land Supply position brought in by the previous Government at the end of 2023. Notably the Government are seeking to strengthen the presumption in favour of sustainable development, confirming their commitment to ensuring planning permission is granted on suitable sustainable sites.
- 2.4. At the current time MSDC’s adopted District Plan is more than five years old, this means that should MSDC not be able to meet the required tests on housing delivery or supply, the tilted balance in favour of sustainable development would be engaged. However, MSDC currently state that they have a five-year housing land supply in place and the most recently published Housing Delivery Test scores show that MSDC have exceeded the requisite housing delivery over the last three available reporting years. However we note that this position is shortly to be robustly tested at the Public Inquiry associated with appeal Ref. APP/D3830/W/24/3350075.
- 2.5. The most recent Housing Delivery Test scores were published in December 2023, covering the period up to the end of the 2021/2022 financial year. This is a notable lag that does not accurately reflect the current picture experienced or reflect the housing delivery required when measured against the Standard Methodology. The housing trajectory figure published in the Regulation 19 District Plan identifies the forthcoming trajectory will include sites that are allocated but do not yet have permission. The delivery of these sites is therefore likely to slip, with further delays inevitable to the emerging District Plan following the challenging Stage 1 Hearing Sessions. MSDC are consequently most likely to shortly be presented with a position where they are unable to demonstrate either the supply or delivery of housing, or a lack of both.

### 3. Principle of Development

- 3.1. The location of the site is adjacent to an existing settlement identified in the adopted District Plan. As identified in the NPPF paragraph 7. *“The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs”*. More pertinently the NPPF identifies that development should pursue sustainable patterns of development, and in paragraph 38 that *“Decision-makers at every level should seek to approve applications for sustainable development where possible”*.
- 3.2. The site is in a sustainable location. It is adjacent to an existing identified settlement and therefore would deliver development in a sustainable pattern, as set out in the NPPF. The delivery of homes, commercial space, education facilities, and sports facilities meets identified present needs in a sustainable manner and helps deliver appropriately managed growth, contributing positively towards a very significant housing need in the two housing market areas which overlap this location.
- 3.3. As identified in the CPC & ASPC response in Section 4, the NPPF identifies that a high priority should be given to creating communities that have a purpose and self-sustaining nature. The proposals deliver a comprehensively planned mixed use development as outlined above, and it is simply erroneous to refer to the proposals as ‘dormitory accommodation’. The implication of such a statement (and the further statement that Ansty does not have any infrastructure) is that Ansty is currently a dormitory settlement that is car dependant. It is therefore logical to deduce that the mixed-use proposals would reduce the dependence on the car and minimise the need to travel for the existing residents, notably with the on-site provision of a primary school. The site location immediately adjacent to the existing identified settlement of Ansty and the detailed enhancements to the existing pedestrian and cycle network set out will ensure that the proposals contribute to the delivery of net zero, and improve the current opportunities for the existing residents of Ansty to utilise sustainable transport methods.
- 3.4. It is also incorrect to state that there is no-placemaking relationship to the existing settlement, and that the local community have not been involved with the schemes design or evolution. As set out in the Statement of Community Involvement, public consultation events were held in person and virtually, with comments received and reviewed prior to an application being submitted. In terms of connectivity, there is no direct vehicular linkage, but that again lies at the heart of the approach to minimising the requirement to use the private car, and provide more favourable routes for those walking and cycling. The detailed approach as to how the place making of the scheme has evolved can be seen in the Design & Access Statement, and the Design Code.

## 4. Transport and Accessibility

- 4.1. Given the extent of technical work conducted, it is manifestly incorrect to state that the site is car dependant by design or wholly unsustainable. Such a statement overlooks the abundance of work conducted, the mixed-use proposals that include commercial and community facilities, the enhancements to sustainable transport methods and routes (which will also benefit the existing community), and the benefits that will be brought to existing residents. This site is unequivocally in a location that can be made sustainable as part of its masterplan, and deliver enhanced sustainability to new and existing residents of Ansty.
- 4.2. The CPC & ASPC objection states that *'there are no pre-existing transport hubs that can be grown or exploited to the benefit of either new or existing residents'*, and that new residents would be required to commute for work or onward travel. Notwithstanding the inaccuracy in this statement, it also implies that existing residents are forced to commute to work. This therefore amplifies the need for the proposals to deliver the transport hubs and enhanced networks that are clearly embodied in the masterplan, which can benefit both new and existing residents.
- 4.3. A high-level model of trip generation was utilised when the site was first assessed as part of the District Plan promotion process. This has been detailed within the technical documents provided as part of the application package. To summarise, the site was discounted during the earlier stages of District plan process purely on the basis that it would result in an impact on the road network, with three junctions specifically cited as severely impacted. However more detailed analysis and utilisation of both the Systra model and more detailed junction modelling has established that the impacts would not be severe. It is therefore incorrect to describe further detailed technical work that has been published as a 'conjuring trick' when the evidence has been set out in detail by technical experts and is at a far greater level of detail than that considered for the District Plan formulation process.
- 4.4. Further to the evidence already submitted as part of the application package, additional technical highways work has been undertaken to support the approach taken and demonstrate in further detail how the evidence demonstrates the sites suitability. This includes work to address the comments made by the Public Rights of Way Officer regarding the upgrades to the Public Rights of Way network, and the appropriateness of upgrading sections to Bridleway when there is no onward route or connection. The precise upgrades have therefore been revised and found to be appropriate.
- 4.5. Further to this, meetings have been held with the West Sussex Highways Team, and as a result of this greater detail has been provided regarding elements such as the improvements to the sustainable transport connections to Burgess Hill, and setting out appropriate justification for signalised crossing. Further meetings have also been held with National Highways and Active Travel England.

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- 4.6. Given the detailed technical nature of the data being discussed, the transport consultant on the project is dealing with these points directly with the three relevant consultees – West Sussex County Council Highways, National Highways, and Active Travel England. Further technical detail from Ardent Consulting Engineers therefore accompanies this statement, which addresses concerns and clarifies technical points that have been agreed.

## 5. Landscape Setting

5.1. The comments received from MSDC's Visual Landscape Consultant (Place Services) are addressed in detail in the Fabrik response to Place Services Landscape Advice (*Fabrik response to Place Services' Landscape Advice and Cuckfield Parish Council's Consultee Response 16<sup>th</sup> May 2024*). To summarise:

### Coalescence

- The proposals will not result in the coalescence of settlements. The spatial arrangements of the proposed development have retained an open aspect to the A272 through the retention of open fields of a minimum 60m in width and the positioning of the school playing fields in closest proximity to the existing village. Whilst development would reduce the physical gap between Ansty and Cuckfield, the open fields, topography and vegetation retained within the site and within the intervening landscape to the north of the A272 and south of Cuckfield maintains the separate identities of the settlement.
- The northern part of the Site within Cuckfield Parish is identified in the Cuckfield Landscape Character Assessment (HAD, 2012) as Character Area 22: *Highbridge to Copyhold Slopes*. The Landscape Analysis states that this character area is “*Not part of immediate southern setting to Cuckfield, but contributes to wider rural context.*” and has “*No significant strategic separation function other than as part of wider separation between Cuckfield and low-density dwellings to the southeast.*” The low-density dwellings are considered to be those on Copyhold Lane to the east of the Site.
- Character Area 23: *Cuckfield Southern Slopes Farmland* occupies the open land to the south of Cuckfield and north of the A272 and northern site boundary. The landscape analysis identifies that this Character Area also “*forms no significant strategic separation function other than preventing coalescence between Cuckfield and low-density dwellings to the southeast*”.
- It is considered that the Proposed Development could deliver a sustainable growth strategy for Ansty whilst maintaining an identity that is both physically and perceptually separate to that of Cuckfield, thus avoiding any perception of coalescence.

### External Views

- The Key External Views identified within the CNP and Cuckfield Views Assessment (Viewpoint 10 from the Church and Viewpoint 11 from South Street East) are referenced in Section 2.0 of the LVIA and are included within the baseline photographic survey as Viewpoints 15/16 (Church) and 14 (South Street East).
- The field survey for the LVIA established that there were limited views of the site from these locations due to intervening vegetation.
- Viewpoint 14 is from the B2036 and views south are limited by the boundary vegetation along the road corridor. There are glimpsed views across the landscape from the field entrance at Viewpoint 14 but this is not a publicly accessible view and therefore the main experience of transient receptors is whilst travelling south along the view corridor. An additional VVM has been produced from this location to demonstrate how the proposed development would be viewed for those receptors. Viewpoints 15 and 16 demonstrate that the boundary vegetation along the church yard and intervening vegetation/built form limit views of the site from the church yard. There are views to the South Downs, but the site is not considered to make a significant contribution to the character of this view.

- Additional VVMs have been prepared and are included in the package of additional information to demonstrate that the proposed development will not have significant adverse effects on these identified viewpoints. Given this, it is considered that the proposed development is not in conflict with Policy CNP5 through impacts to these views.
- 5.2. Further to the comments received from Place Services, Cuckfield Parish Council instructed Louise Hooper Landscape Architect (LHLA) to prepare a report on landscape impact to provide an alternative to the LVIA submitted. This report is titled “*A Summary of Landscape and Visual Impacts*”. The notice on page 2 of the report states: “*This report was prepared by Louise Hooper Landscape Architect (LHLA) solely for use by the client, Cuckfield Parish Council to oppose proposed residential development at Ansty*”. Cuckfield Parish Council have submitted this report as their consultee response.
- 5.3. This consultee response does not provide a critique or challenge to the submitted ES Volume 3: Landscape and Visual Impact Assessment November 2023, or ES Volume 3: Addendum to Landscape and Visual Impact Assessment December 2023. Instead LHLA provide an alternative LVIA that is stated to be with the intent to oppose residential development, and not as an independent assessment.
- 5.4. The conclusions of the LHLA LVIA state “*The proposals would damage, degrade and destroy large swathes of valued and sensitive landscape including ancient woodland, ghyll stream and historic field boundaries*”. The proposed development retains all ancient woodland, ghyll streams, and whilst there are some minor losses of field boundaries, these are retained as part of the proposed development wherever possible. The conclusion references out-of-date national planning policy, and states that “*new development resulting in the loss or deterioration of irreplaceable habitats such as Ancient Woodland or Ancient/Veteran Trees should be refused*” without identifying that there is no loss or deterioration of these features/habitats as set out in the submitted Arboricultural Impact Assessment, Landscape and Visual Impact Assessment and Ecological Assessments.
- 5.5. The assessment of effects on the South Downs National Park are also considered to be incorrect and effects on the High Weald National Landscape and Cuckfield Conservation Area are elevated in comparison to the LVIA submitted with the planning application. Full consideration has not been given to the landscape mitigation measures and enhancements proposed as part of the proposed development and these therefore have not informed the assessment of effects.
- 5.6. A full and thorough response to the landscape points addressed in the Place Services comments, and the comments raised in the LHLA response, can be found in the Fabrik response.
- 5.7. It is also identified in the Balcombe Parish Council response that the presence of development close to the AONB (now called National Landscape) is a concern. The response also identifies that the AONB boundary is arbitrary. Given that the boundary was drawn in 1983 on large scale maps, it could be argued that in instances where the boundary runs in areas of no defined boundary (such as across the middle of the cricket pitch and a number of fields to the north of Ansty village) that the boundary is both arbitrary and incorrect, and given the boundary positioning it was drawn to exclude a greater area of land in the immediate vicinity of Ansty.

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- 5.8. Notwithstanding this, it is acknowledged that the closest boundary to the site is the A272, a firmly defined boundary that has not changed since the original boundaries were drawn. There will always be a need to define a boundary somewhere, as can be seen when the original boundary was drawn right up to the edge of Cuckfield. The proximity to the AONB boundary of the site results in a development layout being proposed with a far greater buffer between built form and the AONB boundary than currently experienced with Cuckfield village. There is simply no overarching reason why appropriately designed and laid out residential development should not be located close to the AONB boundary.

## 6. Community Infrastructure

- 6.1. The CPC & ASPC objection sets out that the Parish wish to have confirmation that the proposals for a new primary school and new SEND school are supported by the local education authority. Fairfax has engaged in discussions with WSCC Education from an early stage, with the first meetings held in Spring 2022. Through these discussions, WSCC have identified a specific need for a 2FE primary school and a general requirement for a SEND school in the area. The early stages of discussion considered the provision of a secondary school, but it was concluded that this was not necessary given the proximity of existing Secondary schools. Further discussions have been held over the ensuing time period, including most recently an on-site meeting in May 2024 to help guide and inform the proposals. The proposals are therefore in line with what the local education authority has requested.
- 6.2. With regards the medical facility, as set out in the Health Impact Assessment there is an identified need for a health care space, and there is no GP in Ansty. Having contacted the ICB in September 2023, the ICB have confirmed that there is a need for more and improved health care stock, and that a healthcare space would be welcomed in Ansty, given the absence of any GP.
- 6.3. In these discussions funding was not addressed and is not specifically covered, but it is important to note that the inclusion of a health care space has been made as a result of contact with the ICB and their in-principle support for such a space. The outline application therefore includes 520sqm, which could accommodate 4 GP consultation rooms, training space, staff amenities, admin, IT, diagnostic and treatment space for allied health care and/or social prescribing within the community. This flexible facility could also potentially deliver a medical provision such as a dentist or physiotherapist alongside or instead of a GP.
- 6.4. The CPC & ASPC letter also states (incorrectly) that the infrastructure proposals have little credibility and are unlikely to be delivered. It goes on to identify that if that were to be the case then residents would be completely dependent upon reaching Haywards Heath and Burgess Hill for these services, and in doing so would be completely dependent on the car.
- 6.5. Notwithstanding the sustainable transport enhancements delivered by the proposals that would minimise the need for private car use, along with the provision of a suitable transport hubs and bus route through the development, the statement implies that existing residents are already required to undertake such journeys in their own vehicle as there is no alternative available, and this position would be accentuated. This argument completely overlooks how the delivery of the infrastructure will benefit both the new residents and the existing residents, who would no longer be so car dependant.

## 7. Design

- 7.1. As the application is made in outline, with all matters reserved except for access, there has not been a formal response received or made public by the MSDC Urban Design Officer. However, it has been noted that comments on design and appearance have been made both in the public comments, and alluded to in consultee comments. It should therefore be clarified that, as identified in the Planning Statement, the design and appearance of the proposals are subject to a Design Code, which has been prepared by Fabrik (in conjunction with *Create Streets*) as part of the application package.
- 7.2. A number of the queries raised regarding design, appearance, character, treatment of open spaces, and overall application of Green Infrastructure are addressed through the details provided and the approaches set out in the Design Code.

## 8. Affordable Housing

- 8.1. It is identified in the CPC & ASPC response that the proposals are unnecessary and not required to meet housing requirements. The response does not acknowledge the provision of 435 affordable homes (30% of the site, in line with adopted and emerging policy), and the documented need for such homes in a market where homes are becoming increasingly unaffordable.
- 8.2. Tetlow King has prepared an Affordable Housing Statement that confirms that through a comparative analysis of recorded affordable housing completions (net of Right to Buy) over the nine-year period between 2014/15 and 2022/23, there was a quantifiable shortfall in the delivery of affordable homes. The shortfall totalled - 2,394 affordable homes (1,872 additions to affordable housing stock against a need of 4,266) set out in Scenario D of the 2014 Affordable Housing Needs Update (AHNU).
- 8.3. Furthermore, through an analysis against the identified need figure of 925 homes within the 2021 SHMA, there was a shortfall of some -932 dwellings across the first two years of the 2021 SHMA period, equivalent to an average annual shortfall -466 affordable dwellings.
- 8.4. Further issues identified in the report include:
- On 31 March 2023 there were 2,020 households waiting for housing on the Housing Register.
  - Between 1 April 2022 and 31 March 2023, within Ansty and Staplefield Parish, only one affordable property was advertised for let, a 1-bedroom dwelling which received 34 bids. Within Cuckfield Parish, three 1-bed properties were advertised which received an average of 34 bids, six 2-bed properties which received an average of 23 bids, and three 3-bed properties which received an average of 90 bids each. No 4+ bed affordable dwellings were advertised.
  - As of 24 March 2023, 986 households were seeking a shared ownership home in the Mid Sussex area.
  - DLUHC statutory homelessness data highlighted that on 31 March 2023 there were 68 households housed in temporary accommodation by the District. Of these 30 households (42%) were households with children. The council has a clear responsibility to house these households.
  - In the 12 months between 1 April 2022 and 31 March 2023, the Council accepted 179 households in need of homelessness prevention duty, and a further 217 households in need of a relief duty.
  - For 2022/23, average lower quartile rents in the Mid Sussex area (£925pcm) were 14% higher than that in the South East (£810pcm) and 48% higher than across England (£625pcm), which confirms that the entry level to the private rented sector is generally higher in the Mid Sussex area.
  - The ratio of lower quartile house prices to incomes in Mid Sussex now stands at 12.44, a 9% increase since the start of the District Plan period in 2014 when it stood at 11.38.
  - Further, the ratio of lower quartile house price to incomes in Mid Sussex stands above the South East average (10.69) and significantly above the national average (7.37). This reflects the generally high house prices in the area, where even a lower quartile priced property (typically considered to be the 'more affordable' segment of the housing market) is less affordable than at both a regional and national level.
  - The lower quartile house price across the Cuckfield Ward (now inactive) rose by 93% from £215,000 in 2006 to £415,000 in 2022.

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- In 2022 lower quartile house prices in the Ward (£415,000) were 35% higher than across Mid Sussex's area (£307,500), 57% higher than across the South East (£265,000) and 127% higher than the national figure (£182,500)
- 8.5. The affordable housing statement identifies that all of these factors combine to create an extremely challenging situation for anybody in need of affordable housing to rent or to buy in Cuckfield Ward as well as across the wider district.
- 8.6. Given the recognised shortfalls in affordable housing across the district, the delivery of affordable housing should be given significant weight in the planning balance. It is essential that MSDC seeks to ensure a greater number of affordable homes are delivered to meet the identified need and assist in addressing the increasing lack of affordability. Further details can be found in the accompanying Affordable Housing Statement (Report Ref. M24/0108-01.RPT) - produced by Tetlow King Planning.

## 9. Ecology & Biodiversity

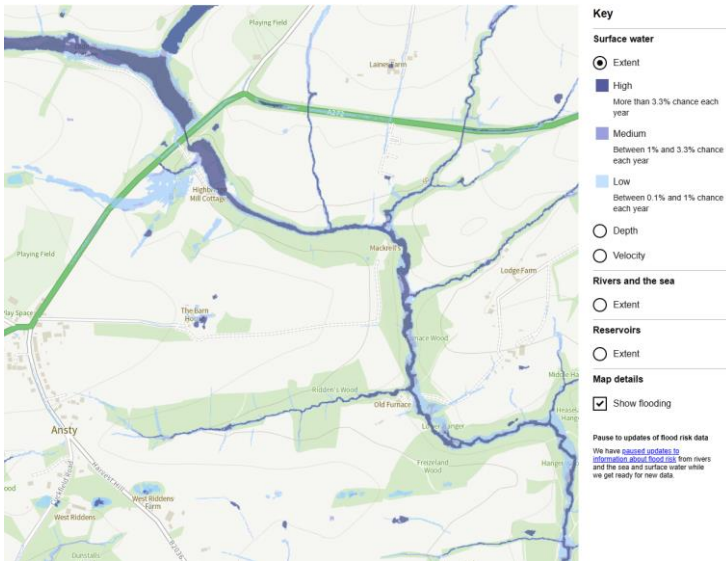
- 9.1. The Formal Ecology response provided by Place Services on behalf of MSDC identifies that further information is required to address the presence of the Hazel Dormouse on site. The submitted ecological reports confirm that survey work has identified that Hazel Dormouse are present in areas of woodland, scrub and trees, particularly on the northern boundary. Accordingly further information has been provided in the form of a Dormouse Mitigation Statement.
- 9.2. As identified in the NPPF paragraph 124(a) planning decisions should “*encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside*”;
- 9.3. The CPC & ASPC objection states that the consideration of Beechy Bottom as part of the Biodiversity Net Gain calculations has no relevance. This is incorrect. As set out in the Government guidance:
- There are 3 ways a developer can achieve BNG.*
- 1. They can create biodiversity on-site (within the red line boundary of a development site).*
  - 2. If developers cannot achieve all of their BNG on-site, they can deliver through a mixture of on-site and off-site. Developers can either make off-site biodiversity gains on their own land outside the development site, or buy off-site biodiversity units on the market.*
  - 3. If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This should be a last resort. The government will use the revenue to invest in habitat creation in England.*
- 9.4. Beechy Bottom falls under the ownership of the applicant, and therefore it is entirely appropriate to deliver off site biodiversity net gain in the manner proposed. Whilst the CPC & ASPC may not agree with this approach, it is set out by the Government as any entirely correct way to proceed.
- 9.5. The site is well outside of the normal 7km zone of influence from the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA), and in fact some 12.5km away. However, given the scale of the proposals it has been considered appropriate to still undertake a shadow Habitats Regulation Assessment (HRA) and this is submitted as part of this response pack.

- 9.6. The assessment has scoped in the possibility of impact through air pollution and public access/disturbance, whilst it has scoped out dust emissions (construction), water pollution - wastewater and drainage (construction and operation), disturbance – lighting, vibration, noise, site personnel/residents (construction operation), and habitat loss - functionally linked land (construction and operation).
- 9.7. In assessing both Air pollution (Nitrogen Deposition) and Recreational pressure, the assessment has determined that there are no likely significant effects either alone or in combination. Accordingly a Stage 2 Appropriate Assessment is not required.
- 9.8. Separate to the above but still relating to ecology matters, ES Vol 4 Appendix G4 states that it contains the Ansty Garden Community BNG Assessment (Biodiversity Impact Calculation), with ES Vol 4 Appendix G5 containing the Beechy Bottom Parkland Reserve BNG Assessment (Biodiversity Impact Calculation). However, it has been identified that in error, the Beechy Bottom Parkland Reserve Biodiversity Impact Calculation document appears in both Appendices. Accordingly, please find included with this submission the Ansty Garden Community BIC that should be located in Appendix G4 of the ES.



## 10. Drainage & Flooding

- 10.1. Updated drainage information has been prepared and submitted in order to address the comments received. This includes the requested further information regarding crossings over Copyhold Ghyll, and includes a diagram of Copyhold Ghyll setting out the extent of the minimum development elevation set against the maximum flood elevation (including an allowance for climate change), clearly demonstrating that development will not be at risk from fluvial flooding.
- 10.2. Further details are also set out detailing how the proposed bridges will be set higher than the peak flood elevation to ensure safety in times of flooding, and an outline drainage plan is also provided, that includes a full impact assessment of pump failure and demonstrates that all drainage features will be located outside of modelled flood extents.
- 10.3. It is noted that MSDC Drainage have identified that a sequential test should be applied to the site, given that there are areas with an elevated level of surface water flood risk. However more recent changes (23<sup>rd</sup> August 2024) to Government’s Standing Advice on the Preparing a flood risk assessment now note that this may not be needed if development can be laid out so that only elements such as public open space, biodiversity and amenity areas are located in areas at risk of any source of current or future flooding.
- 10.4. The extract below from the EA flood maps for planning, identifying the extent of surface water flood risk areas on site, set next to an extract of the illustrative masterplan clearly shows that no development is proposed within any of these identified areas. Notably the north west corner of the site where these areas are focussed is all designated as open space on the masterplan. Notwithstanding this, this outline application does not include details of the layout for determination, this is purely an illustrative masterplan, and this consideration of this matter can be addressed further at the Reserved Matters stage.



- 10.5. This approach is no different to that taken with the strategic site allocations in the emerging District Plan allocated under Policies DPSC1-3. The Level 2 Strategic Flood Risk Assessment (August 2024) notes, for example (Pages 5, 15 & 24), that at the planning application stage, *“...development should avoid flow paths, and a surface water drainage strategy should be provided which utilises Sustainable Drainage Systems to reduce rate of discharge to greenfield run off rates...The drainage strategy should address any isolated patches of surface water flooding on site.”*

Notwithstanding that no development is proposed in any of these areas; the proposed SuDS will address any surface water issues and accord with these requirements; and furthermore the areas identified as potentially being subject to fluvial flooding are contained within ancient woodland and will not be subject to development.

## 11. Sports Facilities

- 11.1. The development proposals have received a consultee response from Sport England. As acknowledged by Sport England, they are a statutory consultee for councils on any planning application that would affect or lead to a loss of a sports playing field. It is important to note that the proposals for Ansty Garden Community do not impact upon any existing playing fields and will not lead to the loss of any playing fields. The associated application that relates to Beechy Bottom Country Park does include enhancements to the existing Beech Farm Field playing fields, falling under application DM/23/2867 which is being considered in tandem with DM/23/2866. These improvements to the playing surfaces of the grass pitches and their drainage will ensure these playing fields are usable for a significantly greater amount of the winter period. On top of this a community use agreement is proposed for the play pitches to be provided with the primary school site within the application site.
- 11.2. Notwithstanding this position, the comments received from Sport England identify support from the LTA (Lawn Tennis Association) and England Netball, and a recommendation for enhancements to existing football facilities.
- 11.3. Consult QRD has prepared a response, submitted as part of this response, which addresses the position, appropriateness and suitability of Beech Farm Field for enhancements. As identified in the response, In support of this approach the Council's Community Facilities Project Officer (email dated 11th January 2024), considers that the off-site contribution on land under the applicants control at Beech Farm Field *"would enable the developer to comply with the quantity requirement for outdoor sport as outlined in Appendix A of the Development and Infrastructure SPD."*
- 11.4. Sport England's sole ground of objection identified is that there is, at this time, no financial contribution identified towards the provision of indoor sport. As identified in the Consult QRD response, these comments are from a non-statutory consultee and are a recommendation. They are not grounds enough to refuse the application. Notwithstanding this, contributions towards indoor sport provision would be secured through a S106 agreement, along with other relevant financial contributions.

## 12. Heritage

- 12.1. The response received from MSDC's Conservation Officer has been reviewed by Turleys. The comments from the Conservation Officer have largely tallied with the conclusions drawn in the Heritage Statement, and are in agreement that the proposals would change the character of the immediate site and surroundings.
- 12.2. Overall both assessments concluded that the level of harm incurred by all nationally listed heritage assets falls into the category of 'less than substantial'. However, the assessments diverge when considering the level of harm attributed to heritage assets as a result of the proposals. Accordingly Turleys has prepared a formal response that identifies each heritage asset, identifies the conclusions drawn in their heritage assessment and by the Conservation Officer, and provides further detail to support the conclusions drawn for each identified designated heritage assets.
- 12.3. In response to queries raised by other consultees, the Turley response has also made a clearer reference to the proposed impact of floodlighting on heritage assets. It has identified that the only way in which any floodlighting has the potential to impact upon any identified heritage asset's overall heritage significance is through a change in a part of their setting, which would be seasonal and only be in operation during certain times of the day. Therefore any potential impacts and changes in setting would be temporary and transient. The precise details of floodlighting can be appropriately addressed at the Reserved Matters stage, where, subject to the lighting meeting the appropriate industry standards that actively seek to limit light spill and resultant impact, suitable and appropriate lighting detail could be readily achieved.
- 12.4. The full details of the Heritage response can be found in the accompanying "*Response to Conservation Officer Comments*" document prepared by Turley's that accompanies this submission.

## 13. Conclusion

- 13.1. In conclusion, this response has been issued to provide clarification on points raised in consultee responses.
- 13.2. It is acknowledged that the proposal does not accord with the adopted Mid Sussex District Plan, and that Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires an application be determined in accordance with the Development Plan unless material considerations indicate otherwise. There is an urgent need for housing in the two main housing market areas covering the application site, and specifically a clear housing need in Mid Sussex, both for market and affordable housing. These are significant material considerations in the planning balance. Housing is manifestly unaffordable in Mid Sussex and the imminent shortage of housing supply in accordance with the Government's Standard Method figures needs to be addressed. This strategic site scores well through the council's own Sustainability Appraisal and is very well placed to deliver a sustainable solution which contributes significantly towards this increasingly urgent housing need.
- 13.3. It should also be noted that this response is not exhaustive, as the planning application documentation provides the necessary justification, and we reserve the right to comment further. Notably, Fairfax will continue to engage with key consultees to address any matters they seek further clarification on.

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