

# High Weald Joint Advisory Committee

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High Weald  
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Landscape

[www.highweald.org](http://www.highweald.org)

*Working together to care for an Area of Outstanding Natural Beauty*

Mid-Sussex District Council

Emailed to [planningpolicy@midsussex.gov.uk](mailto:planningpolicy@midsussex.gov.uk)

15<sup>th</sup> March 2024

Dear Sirs

## Mid-Sussex District Plan 2021 – 2039 Regulation 19 Consultation

Thank you for your consultation on the draft Mid-Sussex Local Plan.

In general, we are pleased to see the protection of the High Weald Area of Outstanding Natural Beauty (AONB) set out in Chapter 6 as one of the core tenets of the District Plan Strategy.

Please see below our detailed comments relating to the strategic policies regarding the countryside and the High Weald AONB, dark skies, character and design, listed buildings and heritage assets, and proposed allocation policies DPSC2: Land at Crabbet Park and DPA4: Land off West Hoathly Road, East Grinstead.

**We would highlight that we have significant concerns with certain aspects of the proposed allocation policy DPSC2: Land at Crabbet Park in terms of potential adverse impacts on the setting of the High Weald AONB. These concerns are explained in more detail below.**

### Policy DPC3: New Homes in the Countryside

We are generally supportive of this policy, but request that point 16 be amended to delete the 'and/or' and replace with '**and**' (in order to avoid any misunderstanding that achieving only either would be acceptable in the High Weald AONB).

### Policy DPC4: High Weald Area of Outstanding Natural Beauty

We are very supportive of this policy, and welcome the great weight given in the Local Plan to conserving and enhancing the AONB. We also welcome the references in this policy to the AONB Management Plan, the High Weald AONB Housing Design Guide, and the High Weald Colour Study within in this policy. Overall, we consider this policy aligns well with paragraphs 182 and 183 of the NPPF.

### Policy DPN8: Light Impacts and Dark Skies

The inclusion of this policy is welcomed, however, we would wish to see the second paragraph explicitly refer to the High Weald AONB, to better reflect the supporting text to the policy in this regard. We also consider the last paragraph (*'Development proposals will need to take into account*

Anglesey  
Arnside and Silverdale  
Blackdown Hills  
Cannock Chase  
Chichester Harbour  
Chilterns  
Clwydian Range  
Cornwall  
Cotswolds  
Gower  
Cranbourne Chase and Dee Valley  
West Wiltshire Downs  
Dedham Vale  
Dorset  
East Devon  
Forest of Bowland  
Howardian Hills  
**High Weald**  
Isle of Wight  
Isles of Scilly  
Kent Downs  
Lincolnshire Wolds  
Llyn  
Malvern Hills  
Mendip Hills  
Nidderdale  
Norfolk Coast  
North Devon  
North Pennines  
North Wessex Downs  
Northumberland Coast  
Quantock Hills  
Shropshire Hills  
Solway Coast  
South Devon  
Suffolk Coast and Heaths  
Surrey Hills  
Tamar Valley  
Wye Valley

*the Institute of Lighting Professionals guidance and other relevant guidance.*’) might be more usefully re-phrased as an additional point (point 6) to the list earlier in this policy, i.e.

**6. That the proposals take into account the Institute of Lighting Professionals Guidance, in particular [GN01/21 The Reduction of Obtrusive Light](#) (particularly with regard to the classification of AONBs as Environmental Zone E1), [ILP GN08/23 Guidance Note 8: Bats and Artificial Lighting](#) and other relevant guidance, including the High Weald AONB Management Plan.**

#### DPB1: Character and Design

We support this policy, however, (and notwithstanding the reference to the High Weald AONB Housing Design Guide in policy DPC4) we would wish to see the first paragraph expanded to include the following text, for completeness – recommended additional text:

**“Proposals in, or affecting the setting of the High Weald AONB, should also follow the advice in the High Weald AONB Housing Design Guide.”**

#### DPB2: Listed Buildings and Other Heritage Assets

We are supportive of this policy. However, we would wish to see the text under ‘Other Heritage Assets’ recognise that these are not only buildings, but can also include other features such as historic public realm features (such as fingerpost signs, paving, railings and lighting). We would wish to see reference included here to the important role that the historic public realm plays in defining the rural landscape character of the rural areas particularly within the AONB - recommended text:

**“Proposals should conserve historic public realm features which cumulatively contribute to the rural landscape character particularly within the AONB”**

We would also wish to see the first paragraph (2<sup>nd</sup> sentence) of the supporting text expanded to include the bold text below:

**“The district also includes many other buildings, structures and features which, whilst not statutorily listed, are of architectural merit or of local historic interest, make a valuable contribution to the character of the area. The historic environment is also fundamental to the distinctive character, sense of place and natural beauty of AONBs”.**

#### Sustainable Communities Site Allocation DPSC2: Land at Crabbet Park

As this proposed site is adjacent to the AONB boundary, (which extends up to the line of Turners Hill Road, marking the southern boundary of the site), development on this site will inevitably affect the setting of the AONB. In this regard, we have a number of concerns with the proposed site allocation, its spatial extent as described in the diagrammatic plan on page 167 of the draft Local Plan, and the ‘Policy Requirements’ set out on page 169, in terms of adverse impacts on the setting of the AONB. We explain and describe these in more detail below.

In general, we consider that point 8 of the Policy Requirements *“Mitigation of impact of the development on the AONB which lies to the south of the site”* would be inconsistent with paragraph 182 of the NPPF, which sets out that development within the setting of AONBs should be sensitively located and designed to avoid or minimise adverse impacts on the designated area [my underlining], and would be insufficient to ensure the conservation and enhancement of the adjacent High Weald AONB. Instead, in order to comply with para 182 of the NPPF, we consider that more specific wording

is required in the Policy Requirements to explain how development, should be located and designed in order to avoid or minimise these adverse impacts.

The south-eastern portion of the proposed site allocation shares a number of characteristics of the High Weald AONB including a historic routeway mosaic fieldscape and ancient woodland;

#### *Historic Routeways*

- Firstly, the southern portion of the road known as ‘Old Hollow’, which bisects the site from south-west to north-east, is a historic routeway, one of the key character components of natural beauty in the High Weald identified in the AONB Management Plan. The southern 200m or so of the road in particular is a deeply sunken routeway, a locally-distinctive historic routeway type, displaying typical physical characteristics of earth banks edge with trees, and boundary bank plants including cryptogams. The AONB Management Plan contains two relevant objectives pertaining to historic routeways;
  - *R1 To maintain the historic pattern and features of routeways.* (Rationale: To maintain a routeway network that has a symbiotic relationship with settlement location, hinterlands and identity, and is a rare UK survival of an essentially Medieval landscape; and to protect the individual archaeological features of historic routeways) and
  - *R2: To enhance the ecological function of routeways.* (Rationale: To protect, and improve the condition of, the complex mix of small-scale habitats along routeways for wildlife, and maintain routeway boundaries as part of a highly interconnected habitat mosaic.)
- Further, it is noted that an area on the immediate western side of the southern section of Old Hollow is designated an Ancient Woodland (‘Hotel Wood’), though this is not reflected in the policy map on page 167 of the draft Local Plan (where the graphics indicate that this area is proposed as ‘developable land’)
- **In order to ensure that development of site DPSC2 does not adversely affect this site feature in the setting of the AONB, it is recommended that**
  - **The Policy Requirements include a specific reference to the historic landscape and ecological importance of Old Hollow, with regard to the setting of the AONB, and to the designated ancient woodland on the western side of the southern part of the lane.**
  - **The Policy Requirements explicitly set out that no access should be created off the southern portion of Old Hollow, in the sunken routeway. (it is noted that the ‘Crabbet Park Vision Document, while not forming part of the Local Plan, does include indicative diagrams that show proposed access crossing the southern section of Old Hollow, hence it is important that the Local Plan policy addresses this).**
  - **The Policy Map on page 167 excludes the area of ancient woodland on the western side of the southern portion of Old Hollow from the ‘developable land’ and instead highlights this as existing woodland in the key.**

#### *Mosaic Fieldscape*

- Secondly, the south-east section of the proposed site allocation, east of Old Hollow and the existing dwelling that lie to the east of it, (south of the yellow shaded school area on the policy map on page 167 of the draft Local Plan) is a fieldscape of small mosaic fields enclosed by a strong network of native and treed hedgerows and shaws. Again this is a typical feature of the High Weald AONB, and one of the key character components of natural beauty in the

High Weald identified in the AONB Management Plan. The AONB Management Plan contains two relevant objectives pertaining to field and heath in this regard;

- *FH2; To maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands* (Rationale: To maintain fields and field boundaries that form a part of the habitat mosaic of the High Weald; and to maintain this key component of what is a rare UK survival of an essentially Medieval landscape.) and
- *FH3: To enhance the ecological function of field and heath as part of the complex mosaic of High Weald habitats* (Rationale: To improve the condition, landscape permeability and connectivity of fields and heaths and their associated and interrelated habitats (such as hedges, woodlands, ditches, ponds and water systems) for wildlife.)
- The graphics on the policy map on page 167 of the draft Local Plan indicates that these fields are proposed as 'developable land', while the plan on page 168 includes these fields within the 'Proposed Built-Up Area Boundary'. We consider that filling in these fields with development would adversely affect the setting of the High Weald AONB, by changing the character of the setting from a predominantly undeveloped landscape of highly legible small mosaic fields enclosed by a strong network of native and treed hedgerows (including some being bound by designated Ancient Woodland), to a character of built development. While the southernmost of these fields, south of Compasses Wood and abutting Turners Hill Road and the AONB boundary, has the greatest visual association with the AONB, nevertheless avoiding or minimising adverse impacts on the designated area is not restricted to just visual impacts, but also encompasses impacts on the character as part of the natural beauty of the area.
- **In order to ensure that development of site DPSC2 does not adversely affect these fieldscape features in the setting of the AONB, we therefore recommend that the five fields south of the yellow shaded school areas on the policy map (i.e. three small fields to the south of Layhouse Wood, one field to the south of Compasses Wood, and one field bound by Compasses Wood to the west and Layhouse Wood to the east, all Ancient Woodlands) should not be allocated on the policy map on page 167 as 'developable land' but instead be maintained as green open space; i.e. retained within the site allocation as green infrastructure to support the wider development site, and relabelled in the policy map as 'open space'.** There would of course be the potential for these fields to contribute in a positive and meaningful way to the BNG provision of the development of the wider site.
- It is not clear whether the removal of these fields from the built development component of site allocation DPSC2 would necessarily impact on the quantum of housing the site is capable of delivering, since to some degree this will be a function of density and dwelling size on the remainder of the site. Nevertheless, it may be prudent to revise the Indicative Development Capacity to reflect the above, to ensure the allocation provides clear and achievable targets to inform subsequent planning applications at the site.

#### *Ancient Woodland*

- The proposed site allocation contains and is bound by a number of designated areas of Ancient Woodland, which have statutory protection. The AONB to the south of the proposed site allocation also contains a number of designated areas of Ancient Woodland in close proximity to the boundary, which will have a functional relationship with those within the proposed site allocation. Woodland is another of the key character components of natural beauty in the High

Weald identified in the AONB Management Plan, the area being characterised by the great extent highly interconnected and structurally varied mosaic of many small woods, ancient woods, gills, shaws, wooded routeways and outgrown hedges. The AONB Management Plan contains two relevant objectives pertaining to woodland in this regard;

- *W1 To maintain the existing extent of woodland and particularly ancient woodland.* (Rationale: To maintain irreplaceable habitats for biodiversity, to maintain a key component of the cultural landscape, and to maintain contribution to carbon storage) and
  - *W2 To enhance the ecological quality and functioning of woodland at a landscape scale.* Rationale: To increase the viability of the woodland habitat for wildlife, by identifying and extending the area of appropriately managed woodland (including restoring plantations on ancient woodland) to link and enhance isolated habitats and species populations, providing greater connectivity between woodlands and other important wildlife areas, and helping to facilitate species' response to climate change.
- **In this regard, in order to ensure that development of site DPSC2 does not adversely affect ancient woodland in the setting of the AONB, we recommend that the existing Ancient Woodland (Layhouse Wood) in the very south-eastern corner of the site should be omitted from the proposed site allocation area;** There appears to be no reason or justification to include this area of Ancient Woodland within the allocation, since it sits at the very periphery of the proposed site, and would not be suitable to provide any infrastructure role (green recreational space etc) for the development, since these would lead to indirect impacts to the Ancient Woodland contrary to Natural England's standing advice. We therefore do not consider it appropriate to include large areas of Ancient Woodland unnecessarily with development site allocations.
  - Similarly, we consider that the wording of point 9 of the policy requirements (*'Address any impacts associated with ancient woodland...'*) is insufficient to comply with para 186 of the NPPF regarding the protection of irreplaceable habitats, (and to comply with Natural England's standing advice for Ancient Woodlands), and should therefore be reworded accordingly, recommended wording:  
**"9. Avoid, by virtue of siting and layout of development, including the provision of appropriate buffer zones, any direct or indirect adverse impacts on the ancient woodland within and adjacent to the site..."**

#### *Landscape-led Design*

- With regard to design quality, and with reference to AONB Management Plan objectives S2: *To protect the historic pattern and character of settlement*, Objective S3: *To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design* and OQ4: *To protect and promote the perceptual qualities that people value* (which seeks to ensure that the special qualities people value, such as tranquillity, dark skies, sense of naturalness and clean air, are recognised and taken account of in AONB management) it is considered that point 8 of the Policy Requirements be reworded; recommended text:  
**"Have appropriate regard to the setting of the High Weald Area of Outstanding Natural Beauty (AONB), and demonstrate a landscape-led approach to design, layout and capacity, which seeks to avoid or minimise adverse impacts on the setting of the High Weald AONB,**

**including on the character components of the AONB Management Plan, and safeguards the dark skies of the AONB and key views to and from the AONB. This should be informed by a Landscape and Visual Impact Assessment and the High Weald Housing Design Guide.”**

It is considered that the above recommended amendments to Site Allocation DPSC2 would collectively help the policy comply with NPPF para 182 with regard to sensitively locating and designing development within the setting of AONBs to avoid or minimise adverse impacts on the designated area, and will help the policy provide sufficient clarity and detail on the protection of ancient woodland and the natural beauty of the High Weald AONB.

Lastly, we note that the proposed site allocation appears to be silent on the matter of the location of access into the site; this will be important in assessing the impacts on the setting of the adjacent AONB (and presumably in assessing other planning impacts, including highways). We note that the Crabbet Park Vision Document does show indicative access arrangements, however, our understanding is that that document does not form part of the Mid-Sussex draft Local Plan, and does not fall to be considered at this time. Therefore we would wish to see further information on the proposed site access(es) within the Local Plan policy itself, which we trust will take into account other comments made above, before we can comment specifically on that aspect of the proposed site allocation.

#### Site Allocation DPA4: Land off West Hoathly Road, East Grinstead

We are pleased to note that this policy references the need for development here to conserve and enhance the AONB. However, we are concerned that the proposed quantum of dwellings, 45, will be difficult to achieve in an appropriate landscape led design approach, bearing in mind the existing landscape features of the site such as heavily treed boundary hedgerows, the on-site mature trees, and the Ancient Woodland (Rockingshill Wood) on the south-eastern boundary of the site. These are all important characteristics of the High Weald AONB, recognised in point 2 of the proposed Policy Requirements, and which will need to be retained within an appropriate design and layout response. Though the policy describes the gross site area as 1.8 ha, it appears that once the trees, hedgerows and ancient woodland is accounted for, including buffer zones, the developable area will be in the region of just 1.0 ha. Whilst it is noted the proposed 45 is an ‘up to’ number, it is recommended that this number be revisited to reflect an appropriate density for the character of the location, to ensure it provides clear, realistic and achievable targets to inform subsequent planning applications on the site.

Additionally, we would wish to see point (1) expanded to include:

**“Development proposals should demonstrate a landscape-led approach to design, layout and capacity, informed by the High Weald Housing Design Guide.”**

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In addition to the above comments, we would also draw to your attention that Section 245 of the Levelling-Up and Regeneration Act 2023, which received royal assent on 26th October 2023, and came into effect on 26<sup>th</sup> December 2023, has introduced important changes to legislation around protected landscapes. In particular, with regard to Areas of Outstanding Natural Beauty, Section 245 (5) to (10) of the Act amends the Countryside and Rights of Way (CROW) Act in a number of ways.

Most significantly, 245 (6)(a) amends section 85 of the CROW Act regarding the general duties of public bodies etc by inserting the following text:

*“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh*

*authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.*” [my underlining]

This is considered to represent a strengthening of the previous section 85 duty, which set out that “*a relevant authority shall have regard to the purpose....*” [my underlining]

In order to be consistent with the forthcoming legislation, as a ‘relevant authority’, Mid-Sussex District Council will need to consider the Local Plan’s policies and allocations within the context of the amended section 85 duty. to ‘seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty’.

Lastly, from November 22<sup>nd</sup> 2023, all AONBs are to be known as National Landscapes to reflect the importance of these protected landscapes (AONBs) alongside the UK’s National Parks. The High Weald National Landscape is the new name for this protected landscape. The High Weald National Landscape remains designated as an Area of Outstanding Natural Beauty and is referred to as such in policy, legislation and guidance. The statutory purpose “to conserve and enhance the natural beauty of the designated landscape” remains unchanged. To be consistent with the NPPF, we will still be referring to the AONB in planning consultation responses, and suggest that your Local Plan continues to use the legal term of AONB, though you may wish to include an explanation as to the two terms within the Local Plan – perhaps on page 34.

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

Yours sincerely,

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*Advising on an outstanding medieval landscape; connecting people, protecting beauty, restoring soils and nature.*

## Background Information about the High Weald National Landscape (AONB)



**N.B. From November 22<sup>nd</sup> 2023, all AONBs are to be known as National Landscapes to reflect the importance of these protected landscapes (AONBs) alongside the UK's National Parks. High Weald National Landscape is the new name for this protected landscape. The High Weald National Landscape remains designated an Area of Outstanding Natural Beauty and is referenced as such in all policy, legislation and guidance. To be consistent with the NPPF, we will still be referring to the AONB in planning consultation responses. The statutory purpose "to conserve and enhance the natural beauty of the designated landscape" remains unchanged and the High Weald AONB Management Plan remains valid.**

The High Weald was designated in 1983 as an Area of Outstanding Natural Beauty. It is an exceptionally beautiful medieval landscape covering 564 square miles across the counties of East and West Sussex, Kent and Surrey.

The High Weald National Landscape Joint Advisory Committee is a partnership established in 1989 of 15 local authorities, Defra, Natural England and organisations representing farming, woodland, access and community interests. The JAC is responsible for publishing and monitoring the statutory AONB Management Plan. The JAC is supported by a small, dedicated staff team, the High Weald AONB Unit, which provides advice on how to conserve and enhance the AONB. The advice provided by the AONB Unit assists public bodies and statutory undertakers to meet their duty as set out in Section 85 of the Countryside and Rights of Way Act 2000 **to seek to further the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect it.**

The High Weald AONB Unit is not a statutory body but an advisory one. It is not a local planning authority and the responsibility for determining planning applications remains with the 15 local authorities. The AONB Unit is not a statutory consultee on planning matters and it remains each local planning authority's decision whether or not they seek its advice on a particular planning application.

The scope of the advice in this letter is set by the statutory High Weald [AONB Management Plan](#), which has been adopted by all partner authorities, as 'their policy for the management of the area and for the carrying out of their functions in relation to it'.