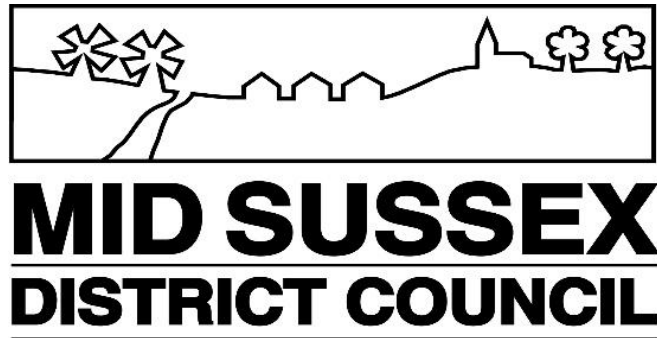




**INFRASTRUCTURE STATEMENT - WRITTEN
JUSTIFICATION BY MID SUSSEX DISTRICT COUNCIL**

Planning Inspectorate Ref:

6005786

Local Authority Ref:

DM/25/0445

AP/26/0023

Appeal by:

Miller Homes Ltd

Appeal Site:

Land At Colwell Farm, Lewes Road, Haywards Heath, West Sussex

Proposal:

Outline application with all matters reserved except for access, for up to 80 dwellings with associated landscaping, open space, infrastructure and vehicular and pedestrian accesses.

1.0 Background

- 1.1 The Planning Act 2008 defines what is meant by the word 'infrastructure'. Section 216 of this Act provides a list of infrastructure, but it is clear that this list is not exhaustive. That fact is demonstrated by the use of the word 'includes' prior to the list being set out. The glossary to the Mid Sussex District Plan 2014-2031 defines infrastructure as follows: *'Includes roads and other transport facilities; flood defences; schools and other educational facilities; medical facilities; sporting and recreational facilities; and open spaces'*. A copy of the table on page 120 of the District Plan providing examples of what is meant by Infrastructure is attached as appendix 1.
- 1.2 The development plan for this part of Mid Sussex is the Mid Sussex District Plan 2014-2031, the Site Allocations Development Plan Document (SADPD), and the Haywards Heath Neighbourhood Plan. Policy DP20 in the District Plan refers to infrastructure provision. The District Council adopted a supplementary planning document (SPD) entitled Development Infrastructure and Contributions in July 2018. This SPD was updated in October 2019. The SPD sets out the basis for calculating infrastructure contributions and the thresholds that will be applied for requiring infrastructure contributions.
- 1.2 Build costs have risen substantially since the "Development Infrastructure and Contributions" SPD was adopted in July 2018. It is critical that new development mitigates its impact on residents and communities. The Council has therefore now revoked the SPD and relies on more up-to-date evidence on infrastructure costs (by using Position Statement 2: Infrastructure, which has been approved by the Council as a material consideration) with a mechanism to charge higher levels of contributions to help alleviate that pressure.
- 1.3 However, as the application was submitted prior to the 23rd July 2025, (application received on the 19th February 2025) the Council determined the application on the basis of the Development Infrastructure and Contributions 2018 SPD.
- 1.4 For this application there was a requirement for infrastructure contributions relating to the following District Council Services:
- Formal Sport - formula based
 - Community Buildings - formula based

- Local Community Infrastructure - formula based

2.0 Relevant Development Plan Policies

- 2.1 District Plan Policy DP20 sets out the need for necessary infrastructure to either exist or be provided to support proposed residential development. It provides for Legal Undertakings and/or Agreements to be required in appropriate circumstances and for provision of necessary infrastructure to be secured by means of financial contributions. A copy of this policy has been sent to the Inspectorate with the appeal questionnaire.
- 2.2 District Plan Policy DP24 outlines that on site provision of new leisure and cultural facilities, including the provision of play areas and equipment will be required for all new residential developments where appropriate in scale and impact. Planning obligations and/or planning conditions will be used to secure such facilities. For proposals such as the appeal scheme, provision can be made for such facilities off site. A copy of policy DP24 is attached as appendix 2.
- 2.3 A copy of the Development Infrastructure and Contributions SPD is attached as appendix 3.

3.0 District Council Contributions

3.1 Level of Contributions

- 3.2 The amount of the contribution is based on a per head rate derived from the formulae laid down in appendix 2 (Leisure and Recreation Facilities) and appendix 3 (Community Buildings and Local Community Infrastructure) of the Mid Sussex District Council's Development and Infrastructure SPD.

- 3.3 The contributions are calculated by working out the type of dwelling and estimated number of new residents multiplied by the cost of providing new facilities as detailed in the SPD.

3.4 How the Contributions will be used

- a) Formal sport

The Formal sport contribution will be used towards formal sport facilities at Hanbury Stadium and / or Tim Farmer Recreation Ground and / or Victoria Park.

b) Community buildings

The Community buildings contribution will be used towards improvements to community buildings in Franklands Village, Barn Cottage Recreation Ground, Ashenground Community Centre and / or the Woodside.

c) Local community infrastructure

The Local community infrastructure will be used towards the provision of a new Cemetery for Haywards Heath located off Hurstwood Lane and/or cycle routes to Haywards Heath Railway Station and the Town Centre.

d) NHS Sussex

The contribution would be used towards the infrastructure needs of NHS GP service site(s) of The Vale, The Brow or new/other NHS facility which are in the catchment of the GP practices.

e) Police

The contribution towards the Police would be used for the future purchase of infrastructure to serve the proposed development.

- £1,953.47 towards the cost of one additional dedicated officer in the Lindfield, Ardingly and High Weald NPT to deliver policing to the site and surrounding area to be based at Haywards Heath Police Station.
- £629.20 as the full cost of one additional support staff to be based at Haywards Heath Police Station.
- £6,501.04 towards premises at Haywards Heath Police Station for accommodating a minimum of 0.4 additional officers/staff (which are required to police this development).
- £2,835.20 as payment towards one additional vehicle in the Lindfield, Ardingly and High Weald NPT to deliver policing to the site and surrounding area. Additional secured contributions in the Lindfield, Ardingly and High Weald NPT would be put towards the replacement of this vehicle after 4 years at a cost of £17,000 per vehicle.
- £7,000 for the cost of a fixed ANPR camera at the Birch Hotel roundabout.

3.5 Satisfying statutory requirements

Formal Sport, Community Buildings and Local Community Infrastructure

3.6 This methodology satisfies the three statutory tests in the Community Infrastructure Levy Regulations (SI 2010/948), and endorsed in Paragraph 58 in the NPPF in the following ways:

- a) *Necessary to make the development acceptable in planning terms* – the current leisure and community facilities cannot cope with extra demand from an increasing population and will require enhancement. In addition, a new cemetery for Haywards Heath and/or the provision of cycle routes to the railway station and town centre are requirements to support the increasing population within the town and provide improvements.
- b) *Directly related to the development* – the facilities are within reasonable distance thresholds of the development site and will serve the new residents. The SPD (section 3.59, page 27) states that *‘Contributions will only be sought for the provision of new or improved facilities that are within a reasonable distance of the proposed development and therefore accessible to future residents’*. The SPD states on page 51 in relation to off-site provision of outdoor formal sport that *‘For LEAPs and NEAPs, as a guide, these distances will normally be 400m and 1,000m respectively when measured in a straight line to the nearest part of the application site. However the District Council will account for the location of the site and existing provision in the locality to assess whether distances in excess of these guidelines form a reasonable basis for seeking contributions. For formal sport (i.e. playing fields, courts and greens), where participants are prepared to travel some distance, the facilities may be located anywhere in Mid Sussex, within reason.’*

Hanbury Stadium is 1.04km (as the crow flies) from the site; the Tim Farmer Recreation Ground is some 2.9km (as the crow flies) and Victoria Park is some 2.06km (as the crow flies) from the site. As such all of these formal sport facilities that have been referred to are within a reasonable distance of the site as defined in the SPD. The Local Planning Authority would want to retain the flexibility to be able to spend the formal sport contribution at any of these sites as appropriate at the time of the appeal scheme coming forward. All of these alternative projects have been specifically

identified by the District Council's Community Facilities Project Officer as being necessary as a result of the proposed development.

In relation to community buildings, Franklands Village, Barn Cottage Recreation Ground, Ashenground Community Centre and / or the Woodside has been identified. Franklands Village is some 718 metres from the site; Barn Cottage Recreation Ground some 1.18 km; Ashenground Community Centre some 2.24km; and Woodside some 2.9km from the site. Again, these facilities are both within an appropriate distance to the site as defined in the SPD. The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created and has been specifically identified by the District Council's Community Facilities Project Officer as being necessary as a result of the proposed development.

In relation to the local community infrastructure contribution, the proposed cemetery off Hurstwood Lane is some 1.09km from the site. The town centre some 1.75km from the site and Haywards Heath Station some 2.35km from the site as the crow flies. These are therefore within an appropriate distance of the site as defined in the SPD. It is considered that the cycle routes would benefit residents of the development providing cycle links into the town and to the station to encourage alternative means of travel. In addition, a new cemetery is required as the existing cemetery is almost full and so contributions are sought for this community facility.

Given the fact that all of the facilities identified are within a suitable distance of the application site, they are all facilities that are likely to be used by future residents of the development. As such there is a direct relationship between the contributions sought and the development.

- c) *Fairly and reasonably related in scale and kind to the development* – as demonstrated above in the formula-based approach ensures that contributions are commensurate to the actual impact of the development and increased demand and need for local facilities that the proposals will generate.

4.0 Non-District Council Infrastructure

- 4.1 In addition to infrastructure that is provided by the District Council, there is a requirement under the District Councils Development and Infrastructure Contributions

SPD for developments to contribute to infrastructure that is provided by external bodies. In the case of this application the external body is West Sussex County Council. The statement from the County Council justifying their infrastructure requests is set out in appendix 8.

- 4.2 There is also a requirement within the District Councils Development and Infrastructure Contributions SPD for developments of 50 or more dwellings to provide contributions for healthcare and emergency services. In this case contributions are required by NHS Sussex and Sussex Police. These are detailed above in para 3.4 d) and e). However, full details and justification of these contributions are set out in appendix 6 (NHS Sussex) and appendix 7 (Sussex Police) and should be considered in conjunction with the Councils compliance statement.

5.0 Affordable housing

- 5.1 Policy DP31 in the DP seeks to deliver 30% affordable housing on sites providing 11 residential units or more. The policy requires a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix. The policy also makes it clear that all affordable housing should be integrated with market housing and meet national technical standards for housing including optional requirements set out in policy DP27 of the District Plan.
- 5.2 Policy DP31 is supported by an SPD entitled Affordable Housing, which was adopted in July 2018. Paragraph 2.10 of this SPD makes it clear that in calculating the number of affordable units to be provided, the number of units will be rounded up if it is not a whole number. The Council's approach to viability is set out in the SPD entitled Development Viability. A copy of both SPDs is attached as appendices 4 and 5.
- 5.3 The Council's Housing Officer has identified that the proposal would need to provide 24 affordable housing units. There should be a tenure mix on the site of 25% being for First Homes and 75% for affordable or social rent.
- 5.4 The provision of affordable housing within Mid Sussex is a corporate priority for the District Council. The supporting text to policy DP31 in the District Plan explains that *'the Mid Sussex Housing and Economic Development Needs Assessment (HEDNA), drawing upon the Northern West Sussex Affordable Housing Needs Update Report*

(2014), provides the underlying justification for requiring the provision of affordable housing on residential development through affordable housing policies. The Update Report indicates that 44.2% of newly forming households in Mid Sussex cannot afford to rent or buy on the open market.' It is this backdrop which means that it is important that applications for residential development do provide the required level of affordable housing.

- 5.5 Subject to the completion of a satisfactory planning obligation to secure the on-site affordable housing, the scheme would comply with policy DP31 of the District Plan because it would be providing an overall policy compliant level of affordable housing.

6.0 Other matters

- 6.1 BNG is a national requirement which is applicable for this application. Whilst the proposal is to provide both on and off-site BNG, due to the scale of the development being significant there is a requirement for a contribution to be paid towards the Council's costs of monitoring compliance with the Habitat Management and Monitoring Plan (HMMP) and Monitoring Reports.

- 6.2 The relevant fee is based on the scale of the development. As the development is classed as major plus being for 50-149 dwellings (proposal for up to 80 dwellings), there is a monitoring fee of £13,000 towards monitoring compliance of the HMMP and Monitoring Reports.

7.0 Conclusion

- 7.1 The LPA contends that the infrastructure contributions and obligations set out are in full accordance with the requirements of policy DP20 in the District Plan, the National Planning Policy Framework (2019) and sections 122 and 123 of the Community Infrastructure Levy Regulations 2010 and requests that the Inspector includes these requirements, should it be determined that the appeal is allowed and planning permission is granted.
- 7.2 The LPA also contends that the on-site affordable housing provision is required to make this element of the scheme acceptable in relation to policy DP31 of the District Plan.

- 7.3 The Inspector is requested that both the infrastructure contributions and affordable housing are secured should it be determined that the appeal is allowed, and planning permission is granted.

List of appendices

Appendix 1	Table from District Plan
Appendix 2	Policy DP24 from the District Plan
Appendix 3	Development Infrastructure and Contributions SPD
Appendix 4	Affordable Housing SPD
Appendix 5	Development Viability SPD
Appendix 6	NHS Sussex consultation letter setting out justification for contributions
Appendix 7	Sussex Police consultation letter setting out justification for contributions
Appendix 8	WSCC Infrastructure Justification Statement