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MID SUSSEX DISTRICT PLAN REVIEW

Further Examination Hearings – November 2026

Hearing Statement – MM74: Land north of Willow Way and Talbot Mead, Cuckfield Road, Hurstpierpoint

Herring Brook: The Established Northern Boundary of Hurstpierpoint

Introduction

I acted as planning agent for the Herring Brook development of 38 dwellings at Chalkers Lane, Hurstpierpoint (12/02838/FUL), granted planning permission by Mid Sussex District Council on 19 December 2012.

My involvement provides direct knowledge of the planning principles underpinning that permission, particularly the deliberate establishment of Herring Brook and its adjoining wildlife corridor as the natural northern boundary of Hurstpierpoint.

This statement provides site-specific evidence relevant to the examination of MM74, including the planning history of that boundary, the ecological and flood-management functions of the corridor, and the adequacy of the evidence supporting the proposed allocation.

1. The established northern boundary

The 2012 development was designed specifically to respect and reinforce Herring Brook as the northern boundary of Hurstpierpoint, continuing the existing natural boundary behind Willow Way, west of Cuckfield Road.

The original *Design & Access Statement*, dated 1 August 2012, expressly identifies:

- **Paragraphs 1.8–1.11:** Herring Brook as the natural northern boundary of the village on both sides of Cuckfield Road.
- **Paragraph 3.4(c):** The creation of a wildlife corridor as a permanent buffer along that boundary.
- **Paragraph 3.4(d):** Proposed boundary protection, including a covenant restricting access and maintaining the boundary in perpetuity.
- **Paragraph 5.8:** The distinction between the protected wildlife corridor and public open space elsewhere within the development.

These were fundamental design principles, not incidental landscape features.

The Council's decision notice expressly includes the wildlife corridor within the description of development. **Condition 22** requires implementation of the Landscape Strategy (drawings 550/01A and 550/02), while **Condition 4** requires approved boundary treatments to remain in place in perpetuity unless otherwise agreed in writing by the Council.

Although the permission does not prevent future changes to the settlement boundary, it demonstrates that the existing boundary was deliberately designed, approved and protected.

2. MM74 and the proposed replacement boundary

MM74 proposes approximately 150 dwellings north of Herring Brook, extending development beyond the established brook, floodplain margin and mature woodland.

The existing boundary is a strong, natural and readily identifiable feature. Its proposed replacement would rely on field edges, drainage features and new landscape planting.

Significantly, **MM74 requirement 2 acknowledges the risk of perceived coalescence with Burgess Hill and DPSC1**, requiring a substantial landscape buffer. Requirement 3 provides for new woodland planting.

The Council is therefore proposing to abandon an established and mature boundary, while relying on new mitigation to recreate the separation that the existing boundary already provides.

The cumulative implications must also be considered alongside DPSC1 and MM60, both of which place additional pressure on the countryside separating Hurstpierpoint from neighbouring settlements.

What evidence demonstrates that the proposed replacement boundary would be as effective, permanent and defensible as Herring Brook, and why has the established boundary been considered insufficient?

3. Wildlife corridor, public access and flood risk

The 2012 scheme deliberately distinguished between public open space and the protected wildlife corridor along Herring Brook.

The *Design & Access Statement*, paragraph 3.4(d), envisaged restricted access to the corridor, while paragraph 5.8 identifies its biodiversity purpose.

However, **MM74 requirement 8 proposes a woodland/riverside walk along the watercourse corridor**.

Although the precise alignment is not specified, the relationship between that proposal and the established protected wildlife corridor requires clarification. Public recreational access into or through the corridor would conflict with its original ecological purpose unless supported by appropriate evidence and safeguards. Necessary ecological and watercourse maintenance access is a separate matter.

The brook also performs an important flood-management function. The 2012 permission required detailed drainage and flood-risk measures under **Condition 7**, while **Condition 24** restricted specified permitted development rights for brook-side properties because of flood-risk concerns.

These historic measures underline the sensitivity of the watercourse and adjoining land. Current flood-risk assessments must reflect updated climate-change allowances and demonstrate that development can proceed without increasing risk elsewhere.

4. Sustainability Appraisal and soundness

The Council's *Sustainability Appraisal of the Main Modifications* (DP16, pages 83–84) assesses MM74 as SHELAA site 1075, Option D.

It identifies negative effects relating to landscape and coalescence, flooding, water resources and transport. However, it records a neutral biodiversity assessment, notwithstanding the established Herring Brook wildlife corridor.

This raises an important evidential question: **how was the existing wildlife corridor, expressly incorporated into the 2012 permission, considered in reaching that biodiversity assessment, particularly given the proposed riverside walk?**

Although DP16 considers alternative sites around Hurstpierpoint, it does not identify or explain an alternative configuration retaining Herring Brook as the northern settlement boundary.

These matters raise questions under the soundness tests in **NPPF paragraph 35**, particularly whether MM74 has been demonstrated to be:

Justified: Has the Council adequately explained why the existing natural boundary should be abandoned, and why the proposed allocation represents the most appropriate strategy when considered against reasonable alternatives?

Effective: Can a newly planted landscape buffer provide the enduring settlement separation already achieved by Herring Brook and its mature woodland?

Consistent with national policy: Have the implications for countryside character, ecological networks, flood risk and settlement separation been adequately assessed and addressed?

5. The long-term consequences for Hurstpierpoint

Cuckfield Road is an important northern approach to Hurstpierpoint. Herring Brook and its mature woodland presently provide a clear and distinctive transition between open countryside and the village.

MM74 would move that boundary northwards, fundamentally changing the village approach and contributing to the cumulative urbanisation of the countryside separating Hurstpierpoint from Burgess Hill.

New planting may soften the visual impact, but it cannot restore the lost countryside or recreate the established character and permanence of the existing boundary.

This is therefore more than a question of accommodating approximately 150 additional dwellings. It is a strategic decision concerning the long-term extent, character and separate identity of Hurstpierpoint.

The central issue is whether the Council has demonstrated that breaching the established Herring Brook boundary is justified, and that the proposed landscape, ecological and flood-risk measures would provide an equally effective and enduring outcome.

The existing boundary was deliberately established and approved in 2012. The evidence supporting MM74 has yet to demonstrate convincingly why that boundary should now be abandoned.

Supporting evidence

HB1 – **Planning Decision Notice 12/02838/FUL**, 19 December 2012: description of development; Conditions 4, 7, 22 and 24.

HB2 – **Herring Brook Design & Access Statement**, 1 August 2012: paragraphs 1.8–1.11, 3.4(c)–(d), 5.8; Landscape Strategy drawing 550/02.

HB3 – **Herring Brook Planning Statement**,1 August 2012: paragraphs 2.2–2.3.

DP16 – Sustainability Appraisal of the Main Modifications, July 2026: pages 83–84, SHELAA site 1075, Option D.

DP2a – Schedule of Main Modifications: MM74, particularly requirements 2, 3, 8 and 9.