



Supporting Planning
Statement
July 2020

Turners Hill Crematorium
and Natural Burial Site

JACKSON PLANNING

**This report has been read and approved for submission to Mid Sussex District Council by
Andrew Tabachnik QC of 39 Essex Chambers.**

Turners Hill Crematorium RH10 4PB

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Executive Summary

- I. The proposed scheme is an outline planning application for a single ‘chapel’ crematorium with abated cremator and natural burial site with associated access, car parking, landscaping and drainage. All matters are reserved save for access which is already partly established on the site.
- II. The site has been selected based primarily on the need for the facility but also the established permissions for natural burial with supporting reception, chapel and maintenance building. These are important ‘fall-back’ considerations that weigh heavily in support in the assessment of this proposal against all the material considerations. The proposed location meets the requirements of the 1902 Cremation Act. The site lies outside the Area of Outstanding Natural Beauty.
- III. The applicants have established the need for the proposal having commissioned a detailed need report that demonstrates that there is a compelling quantitative and qualitative need for a new crematorium, located at Turners Hill in Mid Sussex District
- IV. The current provision for cremations at Surrey and Sussex Crematorium, Woodvale Crematorium, Downs Crematorium and Kent and Sussex Crematorium all operate well above practical capacity. The projected deaths within a 30-minute drive time of the proposal justify sufficient demand for the facility. In addition to the quantitative need a qualitative need is also demonstrated.
- V. The outline design proposal has been developed in accordance with well-respected industry standards that follows established patterns. The indicative site plan shows that functions of the Crematorium are housed in buildings of a scale to respect the character of the site within the landscape.
- VI. The application is accompanied by a landscape and visual appraisal and a landscape masterplan for the site, this was used as the basis for testing potential impacts. The significance of effect on Overall Landscape Character has been judged to be a moderate adverse effect in the short term falling to a slight adverse effect in the medium to longer term.
- VII. The comprehensive mitigation planting proposed would ensure that the proposals would integrate effectively into their surroundings, responding to both the existing natural burial use and to the surrounding woodlands, and would not undermine the rural character of the surrounding countryside. From within the High Weald AONB there would be no views of the proposal in summer, and only glimpses from the field between Turners Hill Road and Paddockhurst Road in winter. Effects on the wider AONB are so minimal as to be considered negligible.
- VIII. The impacts on landscape character of this proposal have been compared to the fall-back position and found to be very similar. Both proposals would result in some short to mid-term adverse effects on both visual receptors and on landscape character, they would both have

negligible effects on the adjacent AONB, and in the long term these effects would be largely dissipated as the proposed planting matures.

- IX. The application is accompanied by a full Flood Risk Assessment. The site is located entirely within Zone I, where there is a low probability of flooding, the proposal includes sustainable urban drainage design principles for surface water management.
- X. A preliminary ecological appraisal has confirmed that the site is generally formed of common, widespread habitats of low ecological value. The site comprises c.7.2ha of non-agricultural and part developed land currently comprising hard-standing, grassland, scrub, and hedgerows. No protected species were recorded utilising the site, and measures are available for further protection of species. The proposal will ensure significant net biodiversity gain, calculated at an average of 30% with significant on-site planting and the formation of new habitats.
- XI. Planning Policy considerations of the Mid Sussex Local Plan Turners Hill Neighbourhood Plan have been considered and reviewed for their consistency with the NPPF. The guidance of paragraph NPPF84, which post-dates the Local Plan, have been considered when reviewing the consistency of the development plan framework. An assessment of the relative weight to be afforded to the development plan framework based on its consistency with the NPPF is made and concludes the proposal is entirely consistent with the development plan policies that are not 'out of date'.
- XII. The application is supported by a Transport Assessment and with the pre-application exchange it is confirmed that the development proposed does not have an unacceptable impact on the highway network. Safe access to the site can be provided and this is confirmed in the safety audit, adequate parking is available, and the site has sufficient turning for all types of vehicles likely to use the site.
- XIII. The application is supported by an air quality assessment; it considers both emissions from the use of an abated cremator on the site and those from additional journeys and their impact on the sensitive Ashdown Forest SAC/ SPA to determine if there is a significant effect. Emissions from the Crematorium will be controlled by an Environmental Permit. Regard must be had to paragraph 183 of the Framework, which requires local planning authorities to assume that where the control of processes or emissions themselves are subject to approval under pollution control regimes, that those regimes will operate effectively.
- XIV. The applicants have engaged in the pre-application process with the Local Planning Authority, the Highway Authority and Natural England. The applicants have addressed all concerns raised from the preliminary response by the Local Planning Authority. Given the limitations on large gatherings and social distancing requirements during the Covid-19 pandemic the applicants have been unable to carry out community involvement prior to submission of the application. The Parish Council have made it clear in the past that they will not engage in pre-application discussions with the applicant, so it has not been possible to pre-empt any response from the local community

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- XV. In summary, the development proposal as described and assessed in this statement has shown the demonstrable need, the established fallback position of current uses and previous consents, and that the significant benefits of the facility outweighs any residual harm to the protection of the countryside policy, which has limited weight in this determination, when considering the development plan and NPPF as a whole.
- XVI. Significant weight must be afforded to NPPF84 and policy DP25 of the MSDP that support the development of a community facility. No other harms are identified from the proposal that would fail compliance with any other key policy considerations, there are no significant impacts on the highway network, or on air quality, or on the Ashdown Forest SPA/SAC, or on the setting of the AONB or on amenity of adjacent residents or any other harms to any public interest.

I. Introduction

- I.1 This statement supports the outline Planning Application for a planning application for a new crematorium and natural burial facility to serve Mid Sussex, located at Turners Hill. This statement sets out all the planning considerations for this proposal. The proposal is made as an outline application with all matters reserved save for access.
- I.2 The proposed application is located within Mid Sussex District Council close to the village of Turners Hill.
- I.3 The proposed scheme is for a single 'chapel' crematorium with single abated cremator alongside the facility for natural burial on the site on a scale previously approved on this site. The 'chapel' is designed as a secular building to cater for those of any faith or those with no faith. The crematorium is proposed to be set within generous grounds with a garden of remembrance and a car park with overspill area in addition to a servicing area to serve functions associated with cremation and natural burial.
- I.4 The application has been subject to pre-application discussions with the local planning authority, and a formal pre-application process with the highway authority and Natural England using the discretionary advice service and an Environmental Impact Assessment Screening submission.
- I.5 The applicant is Hartmires Investments Ltd.
- I.6 The development proposal is supported by the following technical team:

Name	Role
Hartmires Investments Ltd	Applicant
Jackson Planning	Planning application preparation, co-ordination and submission.
Urban Edge Environmental Consulting	Phase I Ecological survey
Entran	Air Quality Assessment
Ardent	Transport and Access
Indigo Landscape Architects	Landscape and Visual Appraisal and landscape masterplan

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Peter Mitchell Associates	Crematorium Expert Advisor on Need and operation
Campbell Reith	Environmental Impact Assessment Screening
Unda Consulting	Flood Risk Assessment, surface and foul drainage strategy
Wessex Archaeology	Desk Based Assessment

2. Site Location and Description

- 2.1 The proposed site is located to the immediate north of Turners Hill Road, a public highway. The Site is located within the countryside but has no special landscape designation.
- 2.2 The Site is within an agricultural context and lies outside the village of Turners Hill, in an attractive setting with the mixed broadleaf Butcher's Wood to the eastern boundary. The application Site is bounded to the west by Tully's Farm Fun Park, an existing, large scale family entertainment complex (leisure and recreation activities). The southern boundary of the Site is adjacent to Turners Hill Road. To the north, the Site is bounded by agricultural land.
- 2.3 Turners Hill is characterised by a largely linear development form focused around the central junction where the B2028 running north-south through the settlement meets the B2110 which runs east- west.
- 2.4 The Parish Church of St Leonards is located some 250m east from the application site and is a notable landmark on this natural ridge. The church has a churchyard containing burials.
- 2.5 The site falls fairly steeply away from the road both to the northern and eastern boundary. It comprises of two fields intersected by a ditch and the public footpath 68W.
- 2.6 The High Weald AONB boundary is located along Turners Hill Road beyond the Site's southern boundary.

Landscape Character

- 2.7 The Site falls within the High Weald National Character Area (NCA 122), which is described as a: *'...a mixture of fields, small woodlands and farmsteads connected by historic routeways, tracks and paths. ...prominent medieval patterns of small pasture fields enclosed by thick hedgerows and shaws (narrow woodlands) remain fundamental to the character of the landscape.'*
- 2.8 Further local characterisation and the landscape sensitivity is described in the full Landscape and Visual Appraisal (LVA) which accompanies the planning application.

Public Footpaths

- 2.9 The site is bounded and traversed by a public footpath 68W that follows the field boundary. The footpath links to the village of Turners Hill through Butcher's Wood. The footpath links to a route 69W that travels south from the site to Paddockhurst Road. Views from the footpaths have been assessed in the LVA as this will be one of the main receptors of views of the proposal.

Flooding

- 2.10 The application is accompanied by a full Flood Risk Assessment. The site is located entirely within Zone I, where there is a low probability of flooding.

3. Planning History

- 3.1 The Site, subject of this application, has a long and complex planning history.
- 3.2 The planning history is critical to the current considerations. A summary of the planning history is set out in Table I below. The shaded boxes in the table below show where the application was approved or allowed at appeal.
- 3.3 Of the 11 planning applications on the site 6 have been granted either by the LPA or on appeal. The approvals include three independent buildings: a chapel, a reception building and a maintenance barn with a maximum of 45 car parking spaces. Some of the approvals have already been part implemented. The details of implementation are set out in Table I below.

Table I – Relevant Planning History

	Date	Reference	Description	Outcome	Appeal	Implementation Status
1	12/05/14	14/01227/HEDGE	Removal of the frontage hedgerow	Refused		
2	May 2014		Prior notification application for the erection of a proposed agricultural building on a field parcel to the north of that which adjoins the highway	Refused		
3	23/05/14	14/01226/FUL	Construction of a new access to two field parcels with removal of boundary hedge	Refused	Appeal dismissed Sept 2014	
4	11/09/2015	DM/15/1035	Change of use of the land to a natural burial ground and the erection of a reception building with associated access, parking and landscaping	Granted		Confirmed as lawfully implemented
5	August 2016	DM/16/1887	Outline application for 22 affordable dwellings	Refused	Appeal dismissed	

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	Date	Reference	Description	Outcome	Appeal	Implementation Status
6	02/06/17	DM/17/1167	Development of a new chapel building with associated landscaping within existing burial-ground	Application Refused Allowed at Appeal	Appeal 3179872 allowed 22/12/17	
7		DM/18/0677	Re-siting of consented chapel building with excavation and construction of basement internal site access road and associated landscaping	Granted		Not yet implemented (hoarding erected on site)
8	09/18	DM/18/2675	Outline application for construction of a new barn/workshop hardstanding area internal site access road and footway crossing to an existing public right-of-way and associated works on the northern field	Refused	Appeal dismissed	
9	02/19	DM/18/5092	Application for a staff car park comprising 8 car parking spaces	Approved		Not yet implemented
10	14/02/19	DM/19/5107	Application for the re-siting & construction of the staff car parking area comprising of 8 parking spaces	Approved		Not yet implemented
11	27/02/20	DM/19/5100	Outline application for construction of a barn for storage and maintenance of operational vehicles	Outline Approved		Pre-commencement conditions discharged, contract let, anticipated work to start on site in August 2020
12	11/05/20	DM/20/1557	Reserved Matters	Approved		As above

3.5 The consented and part implemented proposal on the site amount to a significant 'fall-back' position in terms of an assessment against the current proposal. This is discussed in the section below. In the present case, the prospect of the fallback being developed, if this application is not consented, is extremely high. Indeed, one relevant consent has already been implemented, as the Council accepts.

3.6 Environmental Impact Assessment (EIA) Screening

3.7 This proposal was subject to a formal EIA screening to MSDC. A submission was made on 1 July 2020 and a response under reference DM/ 20/2267 confirmed on 21 July 2020 "*In the opinion of the Local Planning Authority, having taken into account the criteria in Schedule 3 of the 2017 Regulations, the proposed development, while constituting a Schedule 2 development, would not be likely to have a significant effect on the environment by virtue of the factors such as its characteristics, location and characteristics of potential impacts*".

Fall-back Considerations

3.8 It has been confirmed by the Courts that 'fall-back' can be a material consideration in the determination of a planning application. The 2017 Court of Appeal Judgement (Mansell v. Tonbridge & Malling Council [2017] EWCA Civ 1314) clarifies when a fall-back development may be a material consideration for an alternative development. In the Court of Appeal judgement, Lindblom LJ confirmed the legal considerations and determine the materiality of the fallback position for a planning judgement. The basic principle is that for the prospect to be a real prospect it does not have to be probable or likely, a possibility will suffice.

3.9 Whilst this case related to permitted development rights the same considerations extend to the consideration of alternative schemes of 'permitted development' in this case permitted by the express grant of planning permissions as set out above.

3.10 The express grant of planning permissions accumulated on this site for natural burial, a chapel, a reception building and maintenance building with ancillary parking necessary for those proposals to function amounts to approximately half of the developed footprint of the current outline proposal.

3.11 The Council and Inspectorates' assessment of the acceptability of the cumulative impacts of those proposals are material to the assessment of this current proposal. The Council need to concentrate on the additional impact of the proposal before them and assess if the additional harms meet the policy requirements nationally and locally and the balance of any residual harm against the overall benefits of the proposal.

4. The Proposal

Development of the design

- 4.1 The proposal is for a single 'chapel' crematorium with a single abated cremator with abated cremator and natural burial site with associated access, car parking, landscaping and drainage. The facility is designed as a secular building to cater for those of any faith or those with no faith. The crematorium is proposed to be set within generous grounds with a garden of remembrance and an area for floral tributes, a car park with overspill area in addition to a servicing area to serve functions associated with cremation and natural burial.
- 4.2 The Cremation Act 1902 s.5 stipulates that a crematorium should not be built within 182.88m (200yards) of a dwelling house nor within 45.72m (50 yards) of a public highway. This legislation is critical in terms of determining a suitable location. This statute has caused the Secretary of State to comment that a countryside (indeed, Green Belt) location was required for the relevant crematoria proposals: see his decision letter, paragraph 20, on the Essington appeals (3039163). (I understand this decision letter has been quashed, with the appeals in the course of re-determination, but I do not believe it was quashed because of this reasoning, which remains material, in accordance with Thornton J's judgment in Davison v Elmbridge [2019] EWHC 1409.)
- 4.3 The illustrative layout has been prepared to demonstrate in detail that the proposal sits comfortably within the site. It is also the basis for the technical assessments in the LVA, Flood Risk Assessment (FRA) and Transport Statement (TS). The circulation and car parking are commensurate with the capacity of the ceremony hall with parking for 82 cars with an overspill area catering for 26 vehicles. Car parking for the staff and business visitors to the site are catered for in the service area, 4 spaces are shown. The layout also envisages a garden of remembrance separated from the main Chapel building.

Design Rationale

- 4.4 The Design and Access Statements covers the design rationale but in brief the aim is to create an outstanding but quiet design for the site that reflects the landscape character of the High Weald and the special qualities of the site and the distinct proposed use and purpose of the building. The design for the building is anticipated as modern and secular and avoids any obvious religious style references.
- 4.5 A key part of the design solution, given the attractive setting of the site within the landscape, will be the landscape masterplan, which will seek to adds to the high-quality landscape environment and enhances the proposed built form to provides a tranquil environment for mourners.
- 4.6 Many older crematorium buildings were designed with very obvious chimney features. The applicants are keen to avoid this, as it is something that is not generally appreciated by its users as it is a visual reminder on the necessary process that crematoriums are intended to

perform. Stack heights have reduced with very significant pollution control, and with abated cremators this generally reduces the need for a tall stack whilst still managing the effective dispersal of the very minimal waste gases etc. that are anticipated from the flue. The parameters for the application include for a building with flue height can accommodate the necessary environmental controls and take into account potential views and landscape impact.

- 4.7 In addition, the comprehensive approach to this application is seeking to improve significantly on the fall-back position of the approved and part implemented consent with a more considered approach to overall site design and landscape impact. The comprehensive consolidated solution offers further opportunity for a sustainable scheme with sustainable drainage, biodiversity gain and an overall improvement in landscape and visual impact over the fall-back position.

Operation

- 4.8 This application is in outline, but the applicant has been cognisant of the general pattern of operation for a combined Crematorium and Natural Burial Site, the impacts of the proposal have been tested on this basis.
- 4.9 Hours of service are likely to be 0900 to 1700 and it is expected that the crematorium would offer one-hour 'slots' within which services would take place. This means that there could be a maximum of eight services each day, or a theoretical maximum of forty services each week.
- 4.10 It is anticipated that the crematorium is proposed to be open from Monday to Friday with an ability to provide for weekend cremations upon request. Normally the building would be air-conditioned and offer live organ music, computerised on-line music and a visual system which also allows for the recording of services. However, these are matters of detail and are not planning considerations at this stage.
- 4.11 Experience from other sites with a single chapel, reflected in the transport statement, shows that average attendance at services is low normally about 19 cars per service. Well-attended cremations are rare. Increasingly 'direct cremation' with no service is the choice for families reflecting the increasingly secular society. This level of traffic generation is supported by Appeal decision APP/PI805/W/18/3211026 where the Inspector accepted average number of cars per cremation service is 15.

Parameters

- 4.12 The parameters for the application are shown on plan 917-GA-02. For the sake of clarity, the parameters for which outline consent is sought is as follows:
- Maximum Crematorium Building height 168.5m AOD
 - Maximum Flue/ Chimney Height 171m AOD
 - Maximum Crematorium building footprint – 1600 metres square

5. Pre-Application Work

- 5.1 Pre-application discussions began with the authority in 2020 which involved a formal pre-application request to Mid Sussex District Council. The applicant concentrated on the need case for the development. The reference for pre-application request was DM/20/1218 and submitted on 25 March 2020.
- 5.2 The applicant chose only to present the need case in the pre-application submission given the extensive recent approvals on the site and wanted to have some 'in principle' support to the concept of a crematorium on the site before commissioning detailed and costly further work.
- 5.3 The Council disputed the pre-application request in abstract, but they did respond on 1 May 2020. The Council confirmed the scope as "*only on the need report for a new crematorium of about 5,000 sq ft as set out in the Crematorium Need Assessment (Jan 2020) by Peter Mitchell Associates*".
- 5.4 The Council reported that the applicant requested that they review this report and provide confirmation that this provides a detailed verification of need that is clear and unambiguous and fulfils the criteria set out in Policy DP25 of the Mid Sussex District Plan. The applicant asked that if the Council did not agree with the terms of this report, they provide a clear and detailed explanation of any disagreement.
- 5.5 The Council confirmed that the applicant had not provided any other information to assist them in spite of requests being made. The Council confirmed that their view that the additional information requested was proportionate to the development proposed and necessary for effective pre-application engagement.
- 5.6 The written pre-app responses are summarised and tabulated in Appendix A, with the right-hand column indicating how this application has been revised/ expanded to meet the concerns expressed at the pre-application stage.

Planning Authority Pre-Application Conclusion

- 5.7 The assessment in the pre-application response suggested that the proposal conflicted with the development plan. Primarily conflict with DP12. This assessment failed to consider that whilst the proposal would be in conflict with the development plan policy for the protection of the countryside, the pre-application response did not consider its compliance with other relevant policies, especially DP25, a policy of encouraging development of community facilities and local services. The pre-application assessment failed to consider the proposal in accordance with the development plan as a whole. Furthermore, the pre-application assessment did not consider the consistency of the development plan policies with the updated NPPF and the relative weight to be afforded to the relevant development plan policies.

WSCC Highways

- 5.8 A formal Pre-app submission was made to WSCC as highway authority. The advice was issued on 5 May 2020.

Overall, the approach to the assessment of transport impacts resulting from the use is acceptable, subject to the caveats outlined below.

The information supplied with the request does not give details of the size of the proposal, although basic details of the expected traffic attraction are provided. It is important that, at application stage, accurate details are given of the size and expected usage and that these are linked robustly to anticipated traffic figures.

Although we do not know these details, a transport statement appears to be appropriate as part of the planning pack.

Please note that, if the number of additional vehicle movements, over and above the current approved use, exceeds 50 per day, a road safety audit will be required covering the current access. There are currently no recorded road accidents associated with the current access; however, a brief review of safety nearby will be needed. The transport statement will need to confirm that the design of the access is appropriate for the estimated traffic levels.

A concern for the highway authority is the potential for vehicle movements between the churches, the public houses in the village and the site, especially from users who are not familiar with the road network. It is not clear whether events on the site will be linked with supporting events at the village churches or other local venues. The transport statement should give a brief overview of how events on the site are intended to be managed, with a view to reducing unnecessary vehicle movements.

The statement will need to confirm or otherwise the adequacy of parking on site.

Given the isolated nature of the site and the intended use, it is likely that usage will be car-dependent. There has been and is unlikely to be a suitable bus service giving access to the site, and pedestrian access will remain a concern. The applicant should at least address these issues within the transport statement, possibly as part of the event management overview

Natural England – Discretionary Advice Service

- 5.9 The applicant engaged directly with Natural England under the Discretionary Advice System. This was submitted on 15 June 2020, in order to ascertain if they supported the contention that the impact on the Ashdown Forest Special Protection Area was negligible. The following response was received.

Thank you for submitting the Discretionary Advice Service Request Form dated and received by Natural England on 15 June 2020.

Natural England is unable to accommodate this DAS request because of lack of capacity to take on more cases. The decision to take on D a S request is made on a case by case basis. Natural England

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is experiencing high volumes of casework at the current time. Should you wish to submit your request form again in a month, we will review if we can accommodate your request then. However due to the current look load, we cannot confirm at the definite date could take this request on.

6. Planning Policy

National Planning Policy Framework (NPPF)

- 6.1 The National Planning Policy Framework ('NPPF) was introduced in March 2012 as a key output resulting from the Government's Plan for Growth agenda. It sets out national planning policies for England and how these are expected to be applied to proactively drive sustainable development and growth and to boost significantly the supply and delivery of new housing.
- 6.2 The NPPF was updated in 2018 and 2019 and it remains the primary expression of the government's planning policy for England. The status of the NPPF is a matter of some complexity.
- 6.3 The emphasis within the revised NPPF (albeit strengthened) remains on reading the Framework as a whole in deciding whether or not development is sustainable as set out in paragraph 11 where the presumption in favour of sustainable development is explained.

National planning policy guidance (NPPG)

- 6.4 The national planning policy framework is also supported by the live online guidance in the form of the National planning policy guidance NPPG. This helps with detailed interpretation of the NPPF.

Local Development Framework

- 6.5 Planning law section 38(6) PCPA 2004 and related advice in section 70(2) of TCPA 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.6 The Development Framework is term to include the plans that make up the development plan. In this case there are four adopted plans that make up the development plan, some with significantly more relevance than others, these are the Mid Sussex District Plan 2018 and the Turners Hill Neighbourhood Development Plan 2016 and the Small Scale Housing Allocations DPD and 2004 Local Plan. These are the 'basket' of policies that apply in the consideration of this application, however, their relative weight in the decision-making process is governed by their consistency with the NPPF 2019; this is discussed below.

Adopted Plans

Mid Sussex District Plan (MSDP) 2014-2031

- 6.7 The Mid Sussex District Plan (MSDP) 2014-2031 was adopted by Full Council on 28 March 2018. Whilst this is a recent plan, it is post-dated by both the July 2018 and Feb 2019 updated policies in the NPPF. The policies in the MSDP are therefore only considered up to date to the extent that they are consistent with the revised NPPF. Those policies that are inconsistent with the NPPF should be given less weight in the planning balance. In addition, a policy may

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be accorded reduced weight if it is apparent that it has not been crafted to cover new circumstances. In the present case, it is admitted in the Council's pre-application response (Appendix A below) that the District Plan was prepared without any assessment of the need for a new crematorium. Whilst a Local Plan may not be able to consider and test all potential land uses and allow for them all in the plan, given that the new evidence of need for the proposal as presented as part of this application is now known, this is a new event rendering the policy 'out of date' for purposes of assessing this application. This must limit the weight which can be attached to policy DP12 when considering this proposal to meet that proven need. This assessment is supported by [2014] EWHC 754 (Admin) Bloor Homes before Mr Justice Lindblom (at paragraph 45).

Small Scale Housing Allocations DPD 2008

- 6.8 The Small Scale Housing Allocations DPD allocates small-scale sites for housing development. It was adopted in April 2008 and forms part of the Development Plan for the district.
- 6.9 This DPD allocates a number of small-scale greenfield sites, which together are intended to meet the requirement for the provision of 1,576 dwellings over the period from 2007-2016. It also allocated a smaller number of sites located on previously developed land.
- 6.10 This can best be described as an interim site-specific development plan which only deals with specific proposals and has no relevant policies for the purposes of this application.

Mid Sussex Local Plan 2004

- 6.11 The 2004 has been superseded by the 2014 Local Plan however, there are a few saved policies. The saved policies of the Mid Sussex Local Plan 2004 are all site proposal policies. None of the saved policies has any relevance to the determination of this application.

Turners Hill Neighbourhood Development Plan (THNDP) 2016

- 6.12 The Turners Hill Neighbourhood Development Plan (THNDP) must be considered in the light of its adoption date and its consistency with both the MSDP and the NPPF2019. Mid Sussex District Council formally 'made' the Turners Hill Neighbourhood Plan part of the Local Development Plan for the Parish of Turners Hill as of 24 March 2016. Certain policies of the THNDP are time expired as it is tied to the out of date 2004 Local Plan and much of the plan is inconsistent with the NPPF.
- 6.13 A detailed assessment of the 'basket' of relevant policies and their relative weight is set out in detail below. In addition, as explained below, policy THP8 is out of date because, as well as being inconsistent with the NPPF, it is inconsistent with the 2018 District Plan, and (like the District Plan) did not involve any assessment of the need for a new crematorium, which, whilst not the duty of the Neighbourhood Plan, means that, when assessing an application for a scheme proposing to meet that proven need, it must be given limited weight (for purposes of this application) - in the same way as the District Plan as set out in 6.7 above.

Mid Sussex District Plan – March 2018

DPI -Sustainable Economic Development

- 6.14 The adopted development plan for the site does not have a specific general policy presumption in favour of sustainable development and the only policy in this theme predates the latest version of the NPPF. The policy DPI is directed to sustainable economic development; this was consistent with NPPF 2012 where paragraph 15 required the sustainable development policy to contain clear guidance how this presumption was applied locally.
- 6.15 This 'local' sustainable guidance in policy DPI is interpreted by Mid Sussex as sustainable economic development and this is now inconsistent with the revised NPPF which does not specify a local definition of sustainable development and therefore this key policy considerations in this application must be given limited weight. The whole policy was centered around employment floorspace and job creation and in relation to local communities looked to Neighbourhood Plans to allocate employment sites. It is not an appropriate development management policy for the consideration of this proposal. Its inconsistency with the NPPF further reduces its value and weight.
- 6.16 Furthermore there is an internal inconsistency in the plan as the preamble to the Adopted District plan suggests that for Mid Sussex Sustainable development means that which (amongst other things) “*contributes to the creation of balanced communities that meet the needs of all residents with appropriate infrastructure and public facilities that are accessible to all*” However, there is no supporting sustainability policy to secure this aim.
- 6.17 The applicant believes the development proposal does constitute sustainable development as it meets a very specific social need based on the qualitative experience of cremation services. The NPPF requires reading of the whole to consider whether development is sustainable.

DPI2 – Protection and Enhancement of the Countryside

- 6.18 This policy also has inconsistencies with the revised NPPF and in particular NPPF84. The policy caveats the possible reasons to permit development in the countryside in the following two circumstances:
- *it is necessary for the purposes of agriculture; or*
 - *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.*
- 6.19 These two caveats do not represent the full range of possible locations for development expressed in the revised NPPF in 2018 and 2019 and therefore the inconsistency would reduce the weight that policy DPI2 can be given. The revision to the NPPF added paragraph 84 which gives express support for community needs in rural areas adjacent or beyond existing settlements. This positive support for the proposal is not addressed in the current development plan. Furthermore, because (as the Council admits) the District Plan did not contain an assessment as to whether a new crematorium was required therefore DPI2 does

not include an exception to that effect (or indeed, in respect of any other community facility supported by DP25 for which a countryside location is required). Accordingly, the weight to be given DP12 must be substantially reduced where (as here) the need for a new crematorium has been demonstrated and as such this is a new event that renders the policy 'out of date' as explained in 6.7 above.

DPI3 - Preventing Coalescence

- 6.20 This policy is in part an extension of DPI2 seeking to avoid the coalescence of settlements. The primary focus of DPI3 is ensuring there will be no harm to the separate identity or amenity of settlements, and there is no reason whatsoever why this proposal would compromise those objectives
- 6.21 However, the policy goes on to suggest the Local Gaps can be identified by NDPs or the site allocations DPD where there is robust evidence regarding the loss of separate identity of settlements and where existing local and national policies cannot provide the necessary protection.
- 6.22 The allocation of a strategic gap is not necessarily consistent with the National Planning Policy Framework (NPPF20) a strategic policy should set out an overall strategy for the pattern, scale and quality of development. Therefore, strategic policies of restraint are inconsistent with this aim. Strategic gap policies previously included in the 2004 local plan cannot be given any weight in the decision-making process and are not appropriate for automatic roll forward in the neighbourhood plans as they would be inconsistent with Policy DPI2. The relevance of DPI3 to THP8 of the Neighbourhood Plan is considered below.

DPI6 - High Weald Area of Outstanding Natural Beauty

- 6.23 This policy seeks to protect the AONB and its setting, this policy seeks to protect this area of particular importance and remains up to date. Any proposal that fails to protect the AONB and its setting would allow the refusal of an otherwise sustainable proposal. This policy is consistent with the NPPF.

DP 17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

- 6.24 This policy is an important policy to protect areas of particular importance and given footnote six of NPPF11 this policy remains up to date despite other inconsistencies in the plan
- 6.25 *In order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to have a significant effect, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects.*

DP21 -Transport

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- 6.26 The policy is in part consistent with the NPPF as it recognises the need for location of some development in the countryside.
- 6.27 *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DPI4: Sustainable Rural Development and the Rural Economy)*
- 6.28 **In addition, the policy contains appropriate caveats against which the proposal must be considered:**
- 6.29 *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- 6.30 *The scheme protects the safety of road users and pedestrians; and*
- 6.31 *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

DP25: Community Facilities and Local Services

- 6.32 This policy is the key policy in the plan in support of the proposal. The clear direction in policy is the support for community facilities and local services. There are no limiting criteria, save that they need to contribute to sustainable communities. As this policy is consistent with NPPF84 and NPPF 92 a) and does not limit location this policy is the most consistent with national guidance, especially given the presumption in favour of sustainable development, and therefore has considerable weight in favour of the proposal. The express policy support is stated as follows:
- 6.33 *“The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.”*
- 6.34 Whilst the policy demonstrates clear support for the proposal it does not include an express exception against policy DPI2 for development within the countryside and to be entirely consistent with the two key requirements in NPPF 84 and NPPF 92a) it should do, but the absence of locational criteria might be considered consistent with the NPPF in this case, as the countryside policy DPI2 is in itself inconsistent with the NPPF. In so far as it is necessary to weigh DP25 against DPI2 for purposes of this application when assessing accordance with the development plan (applying the requirement explained in the Rochdale case to consider the matter as a whole), it is overwhelmingly the position that the interests of DP25 should prevail. DPI2 is undermined by the absence of any assessment of crematorium need when the District Plan was prepared as discussed above at 6.7. Further, as demonstrated in the LVIA, this application will involve very limited landscape and visual impacts when account is taken of the lie of the land, proposed mitigation and the “fall back” consents.

Policy DP26: Character and Design

6.35 This policy is broadly consistent with the NPPF and can be given weight in the determination of the application. In particular it addresses the additional NPPF theme in section 11 regarding making effective use of land in the last bullet point in the policy:

“optimises the potential of the site to accommodate development “

Policy DP 28 -Accessibility, Policy DP29: Noise, Air and Light Pollution

6.36 These policies are consistent with the NPPF so can be given weight in the determination of the application. Clearly the DP28 policy criteria are more relevant to the reserved matters application. For policy DP29 the environmental permit is an essential part of the acceptability of this proposal.

Policy DP36: Trees, Woodland and Hedgerows, DP37: Trees, Woodland and Hedgerow and Policy DP38: Biodiversity

6.37 These policies are consistent with the NPPF in terms of what they seek from development proposals.

Policy DP39: sustainable design and construction, Policy DP41: Flood Risk and Drainage and Policy DP42 –Water Infrastructure

6.38 These technical policies are consistent with the NPPF and can be given full weight.

Turners Hill Neighbourhood Development Plan

6.39 As set out above the THNDP predates the current Mid Sussex Local Plan and is tied to the expired 2004 Local Plan. The plan predates the revised NPPF (2019) and there is a lack of consistency with the NPPF which reduces the weight that can be given to the policies of this development plan.

THP8 Countryside Protection

6.40 This policy requires that:

Outside the Built-up Area Boundary, priority will be given to protecting and enhancing the countryside from inappropriate development. A proposal for development will only be permitted where:

- a) It is allocated for development in Policy THP1 or would be in accordance with Policies THP7 and THP14 of this Plan or other relevant planning policies applying to the area and:*
- b) It must not have a detrimental impact on, and would enhance, areas of substantial landscape value or sensitivity, and*
- c) It must not have an adverse impact on the landscape setting of Turners Hill and*

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d) *It must maintain the distinctive views of the surrounding countryside from public vantage points within, and adjacent to, the built-up area b and*

e) *Within the High Weald Area of Outstanding Natural Beauty it must conserve and enhance the natural beauty and would have regard to the High Weald AONB Management Plan.*

f) *It is essential to meet specific necessary utility infrastructure needs and no alternative feasible site is available.*

- 6.41 The cross reference to THPI limits development to allocated sites, THP7 refers to Extensions and Infill development and THPI4 refers to renewable energy proposals. The Policy THP8 is therefore inconsistent with the NPPF which has a presumption in favour of sustainable development consistent with the NPPF. The policy THP8 can only be given very limited weight due to the significant inconsistency with the NPPF.
- 6.42 THP8 seeks to protect the countryside for its own sake (save for very limited exceptions), which is wholly inconsistent with paragraph 170(b) of the NPPF. In addition, THP8 purports to maintain the “strategic gap” with Crawley identified in (subsequently superseded) policy in the 2004 Local Plan. The “strategic gap” is inconsistent with the NPPF, and also with the requirements of the (later) policy DPI3 of the District Plan. DPI3 provides: “*Local gaps can be identified in neighbourhood plans ... where there is robust evidence that development within the Gap would individually or cumulatively result in coalescence and loss of the separate identity and amenity of nearby settlements. Evidence must demonstrate that existing local and national policies cannot provide the necessary protection*”. THP8’s “strategic gap” fails on both counts. There is no evidence (and certainly no “robust evidence”) justifying a blanket gap policy, and the fact that this application would not result in coalescence or loss of separate identity/amenity of nearby settlements demonstrates the point. Further, policy THP8’s “strategic gap” was not supported, so far as I am aware, by any analysis demonstrating (or attempting to do so) that “existing local and national policies cannot provide the necessary protection”.
- 6.43 Policy THPI0 should also apply in part in relation to the brownfield element of this scheme. However, THPI0 is entirely inconsistent with the NPPF that requires presumption in favour of sustainable development and making effective use of land in section 11 of the NPPF especially 11c) where substantial weight to the value of using brownfield land for identified needs. Policy THPI0 can be given very little weight due to the inconsistency with the Framework.
- 6.44 Policy THPI3 refers to extension of existing employment businesses. This policy might be considered to have some weight as it is consistent with the NPPF.
- 6.45 The Turners Hill NDP contains policies it describes as ‘non-land use’ policies. These are local aspirations rather than development plan policies and as such have no weight in the planning consideration. However, the application does contain support THPI6 for footpath improvements in so far as it provides an off-road footpath.

Plans in Preparation

- 6.46 Following the adoption of the Mid Sussex District Plan in March 2018, work has commenced on the preparation of the Site Allocations Development Plan Document. Policy DP4: Housing of the MSLP, commits the Council to preparing a Site Allocations DPD to identify around 2,500 additional residential units.
- 6.47 Work is at an early stage with the preparation of this plan. Mid Sussex District Council carried out a public consultation for the draft Site Allocations DPD from the 9th of October to the 20th of November 2019. Responses made during the consultation have been carefully considered and have informed the next stage of the DPD process.
- 6.48 In the light of the Covid-19 outbreak, the Council is having to temporarily amend the way it works. Formal Council meetings are currently postponed for a short time. The Site Allocations DPD was due to be considered by Council on 1st April 2020, seeking approval for the document to be subject to public consultation (Regulation 19 stage). Approval by Full Council is required before the Regulation 19 consultation can commence (in addition to consideration by Scrutiny Committee which took place on 11th March 2020). At the time of drafting of this report the dates for Full Council sign-off and the public consultation are still to be confirmed.
- 6.49 The policies map has replicated the strategic gap policy from the THNDP. There is no strategic gap policy in the draft DPD or the adopted plan, and the policy in the NDP is time expired as it relates to the 2004 NDP therefore this annotation on the policy map has no weight in the determination of this application. In addition, this annotation is unjustified, because THP8's "strategic gap" is not consistent with the provisions of DPI3, as explained above in paragraph 6.43.

Assessment of Policies in detail

National Planning Framework

- 6.50 The environmental policies of both plans continue to be consistent with the NPPF, but this must be balanced against the more proactive stance of NPPF84.
- 6.51 In NPPF84 there is express support: "*decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to all beyond existing settlements, and in locations that are not well served by public transport.*" The policy goes on to say: "*in the circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploit any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well related to existing settlements should be encouraged where suitable opportunities exist.*"
- 6.52 This is important in terms of material considerations in relation to developments in rural areas that serve a community need. This updated guidance is a significant material consideration

that must weigh heavily in support of the proposal. It is a material consideration for development management that must be taken into account now (NPPF212). In particular the applicant has improved access on foot to the local settlement on land within his control and provides an off-road permissive pedestrian route to the west bound bus stop. Furthermore, the site is previously developed land. All these should encourage the Council that this is a scheme that should enjoy the support of NPPF84.

6.53 In addition, in terms of location the key policy considerations are that this development should be considered a sustainable location. The main reason for this is because given there is a demonstrable need for the proposal and:

1. The pattern of use of a Crematorium does not fit ordinary patterns of travel demand. The facility will not draw the same users from the same areas on a consistent basis save for 6 staff employed. There are public transport and cycling options for potential employees. Local mourners who return to pay respect at the site can also use public transport and cycle access. Therefore, in terms of location (and given restrictions set out in 2 below) this is a sustainable site for this particular development.
2. The location of the proposal is governed by other legislation. The Cremation Act 1902 s.5 stipulates that a crematorium should not be built within 182.88m (200 yards) of a dwelling house nor within 45.72m (50 yards) of a public highway. This legislation is critical in terms of determining a suitable and sustainable location.

6.54 Given the above and that the NPPF must be read as a whole and that in part it has more weight than some of the out-of-date policies in the Local Plan and all of the policies in the NDP suggests that the 'high-bar' of demonstrating that the restrictive policies of the Local Plan are outweighed as expressed in the pre-application response is looking at the wrong test. The conflict with the development plan policy for the protection of the countryside must be against compliance with other relevant policies that are consistent with the NPPF, especially DP25, a policy of encouraging development of community facilities and local services. The proposal must be considered in accordance with the plan as a whole in so far as the policies have weight in the determination where they are consistent with the NPPF.

6.55 The assessment below considers compliance with all the relevant and up-to date development plan policies in table 2 below.

Table 2 Detailed Policy Considerations

Policy	Main relevant requirement	Proposal
DPI -Sustainable Economic Development	<p>Provision for new employment land and premises will be made by</p> <ul style="list-style-type: none"> Allowing new small-scale economic development, in the countryside, including tourism (in accordance with Development in the Countryside policies). 	<p>This policy is not directly applicable to the proposal as it is not primarily an employment generating development but a community facility and service. In so far as the proposal could be considered small scale employment it is policy compliant.</p>
DP12 – Protection and Enhancement of the Countryside	<p>The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:</p> <ul style="list-style-type: none"> it is necessary for the purposes of agriculture; or it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan 	<p>The assessment above shows that this policy is inconsistent with the NPPF and is 'out of date' and must have limited weight.</p> <p>However, given the extensive landscaping and biodiversity net gain that will be achieved over time given the proposed use, the proposal as a whole meets the requirement to enhance the rural and landscape quality.</p>
DP13 – Preventing Coalescence	<p>In order to 'coalesce' a development would need to remove the separate identity of two distinct settlements.</p> <p>This is not the case with this proposal given the distance between settlements.</p>	<p>The assessment above shows that this policy is inconsistent with the NPPF and must have limited weight.</p>
DP16 - High Weald Area of Outstanding Natural Beauty	<p>Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;</p> <ul style="list-style-type: none"> the identified landscape features or components of natural beauty and to their setting; 	<p>The site is outside the AONB but within its setting. The proposal and assessment demonstrate no intervisibility with the AONB. The application is policy compliant.</p>
DP 17 Ashdown Forest Special Protection Area (SPA) and Special Area of	<p>In order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to have a significant effect, either alone or in combination with other development,</p>	<p>An assessment of impacts has shown that there will be not be adverse impact on the SPA/ SAC</p>

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Conservation (SAC)	will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects.	
DP21: Transport	The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy); The proposal must also allow for alternatives means than the private car, must have TS, must avoid severe traffic congestion	The transport policy recognises that there are developments that need to be located in the countryside and the key part of this policy criteria is met. The other parts of the policy are also met in terms of a dedicated footpath to the local bus stop, adequate parking and acceptance by the Highway Authority that traffic generation will not create a severe impact.
DP25: Community Facilities and Local Services	The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.	This is the primary policy for this development and meets this policy in full.
DP37 Trees and woodlands	Amongst other criteria one of the key criteria is that: Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary	The parameter and indicative landscape plan show the built development well outside the 15m zone shown marked by a dashed green line. The other locational criteria under the Crematorium Act 1902 are also critical determinants on location of the Crematorium the site.
DP38 Biodiversity	Biodiversity will be protected and enhanced by ensuring development	The proposal ensures an average net biodiversity gain of 30%
DP39 Sustainable Design and Construction	All developments must seek to improve the sustainability of development	See section 13of this report. The proposal is sustainable and given the limitations of the use and other legislation in relation to location. Issues of climate change have been considered in relation to future flood and use of limited resources. The planting proposed adds to existing local green networks. There is a full SUDS proposal to deal with surface water. The buildings can be designed to follow fabric first principles. The proposal can involve heat recovery will reduce predicted energy requirements of the building by more than 10%- these are reserved matters

Neighbourhood Plan Policies		
<p>THP8 Countryside Protection</p>	<p>This policy is inconsistent with the NPPF and must have very limited weight, however the proposal is considered against the criteria.</p> <p>Note The reference to strategic gaps in the policy is an out of date policy that was not saved from 2004 Local Plan.</p>	<p>This policy is entirely inconsistent with the NPPF and has very limited weight.</p> <p>The policy criterion b) requires it not to have a detrimental impact on areas of substantial landscape value or sensitivity these are not defined and have no designation in the MSDP 2018 Criterion c) – requires that the proposal must not have an adverse impact on the landscape setting of Turners Hill. The text in the plan suggests this can be achieved through the reuse of PDL. Compliance has been demonstrated by use of part PDL site and through LVA Criterion d) requires maintenance of distinctive views from public vantage points. Whilst the plan identifies general views from the central ridge no specific views are identified for protection. The LVA shows that the low-level nature of the proposal will not interrupt far reaching views from the ridge. Indeed the use of the site for this facility will allow the enjoyment of far reaching views which are an aid to tranquil contemplation at funeral services.</p> <p>In terms of criterion f) the table in Appendix B consider the SHELAA sites from 2018 and concludes that no better alternative site is available.</p>
<p>THP10</p>	<p>Brownfield Sites This policy permits reuse of PDL and buildings where scale and design does not result in material harm to the character of the Parish and its surrounds.</p>	<p>Given the proposal has been demonstrated to have a minor visual impact in years 1-6 of the development the proposal is compliant with this policy.</p>
<p>THP16 Footpath Improvements</p>	<p>Proposals which will extend and enhance village footpaths, in particular on Selsfield Road, to provide protection and improved visibility for residents walking to and from the village centre, in keeping</p>	<p>Whilst described as a ‘non-land use’ policy, against which no assessment is required the proposal secures the use of an off-road footpath from the westbound bus stop on Turners Hill Road to St</p>

	with our Walk & Drive In Safety document, will be supported	Leonard's Church. This extends the network of safe walking routes to the village.
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6.56 The above tabulated assessment above has shown that all the policy and detailed technical planning requirements have been met and the proposal is entirely in accordance with adopted planning policy when taking into account the critical material considerations.

Supplementary Planning Documents

6.57 Turners Hill has a Village Design Statement which was adopted by the Council in October 2011 and whilst it refers to the expired local plan the design guidance remains relevant in so far as it relates to the current proposal. The VDS anticipated both residential and commercial development but did not anticipate community development.

Village Design Statement Guidelines

- Roofs should be no higher than surrounding buildings.
 - Buildings should normally front streets and follow the existing building line where possible and appropriate.
 - Traditional materials and colours should be used for new buildings, extensions and re-development, certainly in the conservation area and ideally throughout the village.
 - Landscaping and boundaries (hedges, fences, walls) should be sympathetic to the existing environment.
 - The treatment of new road and footpath surfaces must also be sympathetic to the existing environment and traffic calming measures should be included in any new estate development.
- 6.58 The application is in outline with all matters reserved save for access. The proposal as set out in the parameter plans can meet all the requirements of the VDS guidelines. In particular the proposed chapel building is significantly lower than the approved consent for the Chapel Building (ref DM/18/0677). This is demonstrated in the comparative cross-section drawing 917-MP-05 A submitted in support of the application.

7. The Need for a Crematorium

- 7.1 The application is accompanied by a full need statement produced by Peter Mitchell Associates.
- 7.2 Given that there is no national policy or guidance in relation to the assessment of need for crematoria, the criteria that have been taken into account in this Assessment have been drawn from a number of appeal decisions and a court judgement. There is a case for this Crematorium based on both quantitative and qualitative need. The weight to be given to 'need' in the overall planning balance is discussed in this Statement in Section 15

Death Rates and Local Capacity

- 7.3 Evidence from the Office for National Statistics (ONS) indicates a significant and sustained growth in the population and numbers of deaths within the local authority areas served by the existing crematoria.
- 7.4 The demographic context underlines the need for the new crematorium at Turners Hill in order to meet both the current and future quantitative and qualitative need for cremation among the growing and ageing local population.
- 7.5 The key factor influencing most people's choice of crematorium for a funeral is its location relative to the people who will attend the funeral, and there is a general preference to minimise travel times.
- 7.6 Crematoria need to cater for peak periods, which can come about because of increases in death rates and because of variations in death rates at different times of the year. In the Essington Planning Appeal¹ decision, the Inspector stated that a crematorium operating above 80% of its practical capacity makes it difficult to offer a cremation service that meets an acceptable quantitative standard.

Qualitative Need

- 7.7 Whilst an operator of the facility has not been selected, we have assumed that the proposed facility would provide one-hour service slots which is typical of many new-build crematoria across the country.
- 7.8 Need is derived from both qualitative and quantitative need. The application demonstrates need based on both criteria it is important to appreciate the very close relationship between quantitative and qualitative need. A key point to note is that the ability of operators to adjust the length of time slots at existing facilities can make it appear as though there is no quantitative need because there are spare slots that would normally remain unused. A reduction in the length of the slot, however, will usually have negative qualitative consequences

¹ APP/C3430/W/15/3039163 Land off Broad Lane, Essington, South Staffordshire para. 215

meaning that changes that, on the face of it, would diminish the quantitative need for a new facility would increase the qualitative need for a new facility.

- 7.9 The proposed Crematorium at Turners Hill supports the existing other crematoria to meet the quantitative need that exists currently, and which will increase in line with projected increases in the number of deaths. With hourly service intervals, the new crematorium offering eight funeral slots between 0900 and 1600 will add over 2,000 potential funeral slots per year to those already available.
- 7.10 However, based upon drive-time catchment analysis, the new crematorium is expected to undertake approximately 877 cremations per year once established, when it would be operating at only 35% of its practical capacity during peak months. The additional service slots will remain for those using the natural burial facility. Given the previous accepted levels of natural burial at this site this would lead to a capacity of around 66% at the chapel.
- 7.11 This is a significant quantitative improvement on the current situation, but it will also significantly improve the match between preferred funeral date and time and achieved funeral date and time. There are particular pressures for services in the middle part of the day and with winter pressures or as currently experienced with the global coronavirus pandemic when death rates rise significantly.

Catchment/ Drive time

- 7.12 It appears accepted practice that 30 minutes' drive has been referred to as 'rule of thumb' in numerous previous appeal decisions when determining a facility's catchment area, it is not distance, which determines the need for a facility in quantitative terms but the existence of sufficient population in an area to support a new facility, as well as other indicators of need such as the quality of existing provision.
- 7.13 A reduction in drive times is nevertheless a component of qualitative need and a wider planning and sustainability benefit in terms of minimising the need to drive. The 'rule of thumb' can be a starting point, but it is not yardstick to rigidly define a catchment area or to gauge the acceptability or otherwise of a proposed new crematorium.
- 7.14 There is no doubt that a new crematorium at Turners Hill will make a positive impact upon satisfying quantitative need in the area. However, as far as the general population is concerned, rather than statistics, bereavement is a unique, personal and emotional experience; it is not about numbers. The development of a Crematorium will add very significantly to the qualitative experience of bereaved people and Funeral Directors of the District. This has been supported by the surveys carried out for the need report.
- 7.15 In conclusion, the applicant is of the view that there is a strong quantitative need for the proposed facility and the expert advice of Peter Mitchell Associates considers that that there is a persuasive qualitative need for a new crematorium in this location to serve the catchment area.

8. Ecology and Protected Species

- 8.1 A Preliminary Ecological Appraisal has been completed by Urban Edge Consulting a copy is submitted in support of the application.
- 8.2 The report was prepared to record the ecological baseline and identify key ecological features within and around the proposal site

Biodiversity Net Gain

- 8.3 The Environment Bill was reintroduced to Parliament in January 2020 and will require a 10% net gain in biodiversity value to be delivered by all development projects. The recommendations above are proposals for additional ecological enhancement over and above the biodiversity net gain criteria. The baseline biodiversity value of the survey area is calculated as follows:
- Area habitats: 45.43 Biodiversity Units
 - Linear habitats: 10.12 Biodiversity Units
- 8.4 The future biodiversity value of the survey area after development is calculated as follows:
- Area habitats: 48.32 Biodiversity Units or a net gain of +6.35%
 - Linear habitats: 15.54 Biodiversity Units or a net gain of +53.65%
- 8.5 The majority of land proposed for development is of low/moderate ecological value. Constraints to development were identified including adjacent ancient woodland and the design has left significant margins to this feature.
- 8.6 The potential presence of reptiles is a consideration and the presence/absence surveys for reptiles are currently being undertaken and the results will be assessed to formulate a suitable mitigation strategy, much of which would need to be confirmed at the reserved matters stage. Precautionary and ecological protection measures are recommended on an interim basis to enable offences under the relevant legislation to be avoided
- 8.7 The impacts of the planned development upon biodiversity will be non-significant with suggested ecological enhancements resulting in a net gain and a long-term positive increase in biodiversity in line with national planning policy guidance.

9. Landscape and Visual Impact

- 9.1 A landscape and visual impact assessment prepared by Indigo landscape architects has been submitted in support of this application.
- 9.2 The report describes the assessment in line with accepted guidance; and to apply this methodology to the development proposals on the application site. The assessment has:
- Identified the significant existing landscape features and landscape quality both of the application site and the surrounding study area.
 - Assessed the likely landscape and visual effects of the proposal taking into account any mitigation proposed and changed over time how that might occur from that mitigation.
- 9.3 Assessment has been carried out in accordance with the guidelines for landscape and visual impact, third edition (GLVIA3) published by the Landscape Institute and Institute of Environmental Management and Assessment and which came into force on 17 April 2013, and 'An Approach to Landscape Character Assessment', Natural England, 2014.
- 9.4 The assessment confirms in the case of this development, due largely to the nature of surrounding topography and vegetation, the primary Zone of Visual Influence of the Development Proposals is contained within an area of the surrounding countryside located within approximately 0.6km of the centre of the Site.
- 9.5 The assessment confirms Site and Study Area are judged to be in a landscape of **high value** with a **moderate susceptibility** to change of the nature proposed, resulting in **HIGH SENSITIVITY**. Although the landscape to the north of Turners Hill Road is not part of the High Weald AONB and there is minimal intervisibility between the Site and the AONB, the Site is classed as within its 'setting' (as defined in paragraph 042 of the NPPG) as the character of the two are considered to be complementary. The predicted levels of effect in this assessment are therefore based on this level of sensitivity.
- 9.6 The conclusion is that in terms of landscape character the majority of the key components of the receiving landscape would experience neutral effects, and although there would be a change to complexity, a small effect on topography and tranquillity, and a change to the land use on the Site itself, long term beneficial effects would be created by the proposed footpath across the Site frontage and enhancements to vegetative cover.
- 9.7 In terms of the effects on the High Weald AONB there would be no effects on the AONB itself and minimal, (largely short term) effects on its setting. The development would not be seen from the AONB other than from within the field immediately to the south of Turners Hill Road (when only winter glimpses of the skylight and chimney on the proposed crematorium building may be seen), and in the longer term any glimpses of the building effects would be dissipated by the proposed woodland planting.

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- 9.8 Overall, the effects of the proposed development on receptors in the public domain are extremely limited. Views of the Site are constrained by surrounding vegetation and the effects of topography to a restricted area; and other than in the short term from those few locations on the Footpath crossing the Site itself, none of the effects experienced by receptors at the representative viewpoints assessed in the public domain are judged to be “significant”.
- 9.9 An important consideration in terms of landscape impact is the comparison of the consented and part implemented development scheme to the current proposal. Overall the effects on landscape character would be very similar. Both the crematorium and chapel proposals would result in some short to mid-term adverse effects on both visual receptors and on landscape character, but the geographical extent of these is extremely small, would have negligible effects on the adjacent AONB, and in the long term these effects would be largely dissipated as the proposed planting matures.
- 9.10 Although the crematorium proposals would involve a larger building on plan, a larger area of parking and more vehicular movements, over time both proposals would integrate effectively into their surroundings, and neither would undermine the rural character of the surrounding countryside

10. Amenity, Air Quality and Emissions

- 10.1 The site has been chosen for its remote and tranquil location. As such neighbouring uses are limited and the site is remote from centres of population. It is not anticipated that either from the operation of the crematorium or the nature of the access that there would be any impact on the amenity of any dwellings. An assessment has been carried out to determine the local air quality impacts associated with the construction and operation of the proposed crematorium.
- 10.2 Detailed air quality modelling using the AERMOD 7 dispersion model has been undertaken to predict the impacts associated with stack emissions from the cremator. In order to provide a conservative assessment of potential impacts, pollutant emissions have been assumed to occur at the Environment Agency's emission limits for abated cremators. A stack height of 171m AOD was selected to test the dispersion of the exhaust gases.
- 10.3 Predicted maximum process concentrations at sensitive receptor locations are well within the relevant air quality standards for all pollutants considered. The significance of the impacts has been assessed as negligible in accordance with the EPUK/ IAQM planning guidance and Environment Agency's risk assessment guidance.
- 10.4 It is considered that air quality does not pose a constraint to the development of the Site as proposed.

11. FRA and Drainage

- 11.1 A full flood risk assessment has been undertaken for the development site by Unda Consulting.
- 11.2 The whole site is located within Flood Zone 1 (>1 in 1000-years flood risk). The risk of flooding to the site from fluvial ('very low'), surface water ('very low'), groundwater ('very low') and sewage/water mains ('negligible') has been considered.
- 11.3 The proposed development will cause some changes to run-off characteristics of the site due to the proposed increase in impermeable surfaces. There is currently an overall 'very low' risk of surface water flooding across the site and this is not expected to change as a result of the development.
- 11.4 Surface water run-off from the proposed development will drain to the proposed sustainable drainage system (SuDS) which comprises of, permeable paving and a detention basin. These are fully described in the FRA, they are described in summary below.
- 11.5 The proposed SuDS features will be of sufficient size to ensure attenuation of all post development surface water runoff generated during the 1 in 100 year plus climate change event.
- 11.6 The proposed pond within the scheme will offer both amenity and biodiversity benefits. Given the preferred location of the pond, it is proposed that all post development roof runoff from the crematorium building will be directed and stored within a pond.
- 11.7 Post development surface water runoff generated from the car park, access road and paved areas will be managed via tanked permeable paving SuDS system located beneath the access road and car park.
- 11.8 In order to mitigate flood risk posed by post development runoff, adequate control measures will be required within the site. This will ensure that surface water runoff is dealt with at source and the flood risk off site is not increased.
- 11.9 In light of the above, the site is considered to satisfy the flood risk requirements of the NPPF and local plan policy.

12. Transport and Highways

Traffic Impact

- 12.1 The application is supported by a Transport Assessment by Ardent, this concludes that daily flows will amount to about 5% of movements and therefore within the 10% variation of normal daily flows. This makes the additional traffic impact on the network negligible. Most flows will be during the weekday inter-peak period.
- 12.2 It should be noted that a crematorium and natural burial site is not a regular destination where repetitive trips take place by local residents. It is very different from a place of work or a school where walking and cycling is a major mode of travel based on regular travel patterns. A crematorium is likely to attract people for each service from a wide catchment area and at different times of the day. Attending a service is very unlikely to be a regular occurrence for most people and often they are in a distressed state and may find the use of public transport difficult in such circumstances.
- 12.3 When mourners attending a service at the crematorium, they would not usually return directly to their original destination but would be likely to continue to another destination for the family gathering or 'wake'. This also makes the nature of the journey unsuitable for travel by public transport, bicycle or on foot and the use of the private car is more likely.
- 12.4 Mourners would either be travelling together as part of the cortege or would be more likely to car share with family and friends. As such car occupancy levels are much higher than for other forms of development and this accounts for the low vehicle numbers.
- 12.5 The Highway Authority have in the past accepted the level of traffic generation based on the typical operation on other sites within their jurisdiction as this has been accepted in numerous planning appeals.

Highway Safety

- 12.6 In order to provide safe access to the development it is proposed to adjust the design of the junction to increase the radii to accommodate a hearse turning into and out of the site.
- 12.7 Visibility to standard can be secured through the proposal to cut back the bank and manage the vegetation within the splay.
- 12.8 The provision of a permissive off-road pedestrian route just north of the hedgerow along the site frontage and to St Leonards Church will improve safety for any pedestrians wishing to walk between the Church and the Site and the westbound bus stop and the Site.
- 12.9 WSCC considered that as the proposed development will result in an increase of over 50 vehicle movements per day passing through the site access junction, a Stage I Road Safety Audit (RSA) of the proposed access would be required. This has been undertaken by a firm of suitably qualified individuals (M&S Traffic). This is attached to the TA together with the

Designer's Response. The RSA was undertaken by the same firm as undertook the audit of the previously-approved (Sanderson) burial ground access design for the residential development application. The junction layout was amended slightly, with tapers introduced, to address comments made by the safety auditors to ensure that hearses would be able to turn left into and out of the site without using the westbound lane on Turners Hill Road.

- 12.10 The RSA raised no further material issues of concern. Further information is to be provided at Stage 2 (detailed design).

Transport and Highways Conclusion

- 12.11 It is clear from the Transport Statement and pre-application exchange that the development proposed does not have an unacceptable impact on the highway network, safe access after the junction improvements are implemented can be provided, adequate parking is available and the site has sufficient turning for all types of vehicles likely to use the site.
- 12.12 Given the requirement in NPPF 109: "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual curative impact on the road network would be severe.*" And the requirements in NPPF84 that accept development may be justified by need in countryside locations there should be no barrier to planning approval on issues related to travel demand or highway safety.

13. Sustainability Assessment

- 13.1 It is a requirement of validation by MSDC that a sustainability assessment is prepared for all but householder applications.
- 13.2 The Council has produced a draft Design Guide to provide clear design principles to encourage a design-led approach to development. The principles are based on the policy framework provided by District Plan Policy DP26: Character and Design. In terms of sustainable buildings, the relevant policy contains no metrics or standards but requires that proposals positively address sustainability considerations in the layout and the building design. The draft design guide provides a checklist for Sustainable Buildings

Principle DG41: Minimise environmental impact by energy efficient and sustainable design

The Council is committed to sustainable design and construction and all development must be designed so that the use of resources and energy are minimised both through building construction and on completion.

Applicants must demonstrate how this has informed their design and must consider in particular:

- Orientation and design of buildings to maximise daylight and sun penetration, whilst also avoiding overheating;
- The use of green roofs or walls to reduce storm water run off, increase sound- proofing and biodiversity;
- The use of materials with low embodied energy or, where possible, recycled materials (for example re-use of existing concrete as road fill or in foundations);
- The use of materials with a high thermal mass, such as stone or brick, which store heat and release it slowly;
- The use of photovoltaics or solar thermal water heating;
- The use of ground or air source heat pumps for heating;
- The use of low flow technology in water fittings, rainwater harvesting systems and grey water recycling systems to reduce water consumption;
- The use of sustainable materials that are locally sourced wherever possible;
- The use of insulation and temperature controls within buildings; and
- The laying out of development to support identified opportunities for decentralised renewable or low carbon energy systems.

- 13.3 In terms of the checklist DG41 on sustainable buildings it asks if the buildings are designed to minimise use of resources and energy.
- 13.4 The application is in outline so all matters relating to construction standards are not determined by this application. There is no locally justified standard in either the development plan policy or the emerging design guide that it set out that could be used to regulate a planning condition on building performance. There is nothing at this stage that the Council can secure in terms of performance given the lack of local policy, and the building will be controlled by prevailing building regulations at the time of construction.
- 13.5 An operator developing the project may utilise some of the measures set out in the emerging design guide at the reserved matters stage.

14. Planning Assessment & Conclusion

- 14.1 Planning Policy requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This section of the report considers the proposal against the development plan and other material considerations that need to weigh against a policy presumption that prevents development outside built up boundaries.
- 14.2 The detailed assessment in section 6 of this report has considered both the weight to be afforded to each of the relevant development plan policies and the extent to which the proposal is consistent with them. Overall the proposal is consistent with the key policies of the development plan as a whole when considering the most relevant policies and the National Planning Policy Framework when taken as a whole. The policies of restraint to development can therefore only be given limited weight due to their lack of consistency with the NPPF.

Fallback

- 14.3 Case law has established that the concept of Fallback is a significant material consideration, and in this case the significant cumulative planning consents already granted and part implemented amount to a significant material consideration in favour of the application.

Amenity –Air Quality

- 14.4 Emissions from the crematorium will be controlled by an Environmental Permit. Regard must be had to paragraph 183 of the Framework, which requires local planning authorities to assume that where the control of processes or emissions themselves are subject to approval under pollution control regimes, that those regimes will operate effectively. Therefore, any concerns over emissions by any objector must be set aside

Quantitative Need

- 14.5 The separate report prepared by Peter Mitchell Associates has considered in detail the need argument for the crematorium component of the application proposal; the natural burial component having been previously accepted on this site.
- 14.6 Planning appeals and a High Court Judgement have been the main vehicle for establishing the accepted parameters that justify need in the case of crematoria. In Appeal Decision APP/M0933/W/15/3135605 it was noted by the Inspector *“However, I am mindful that it has generally been held in other appeal decisions that a crematorium operating at 100% capacity is a nominal or theoretical figure due to the technical limitations of equipment and the unpopularity of certain slots during the day.”*
- 14.7 Therefore, a key and significant material consideration must be that of the capacity within the existing facilities and therefore need for a new facility has been demonstrated in quantitative terms.

- 14.8 **The proposed facility's catchment area** – this starts with an identification of the area representing what generally would be considered to be a reasonable maximum acceptable drive-time to a facility, usually 30 minutes. This drive time is to be assessed by reference to the slower travelling speed of a cortège. This is usually calculated at 60% of normal driving speed
- 14.9 **The location of other facilities** – the drive time may need to be adjusted to reflect local circumstances; for example if the proposal were in a dense urban area people might expect to travel a shorter distance to their nearest facility and, conversely, in a very rural area people might expect that they would have to travel for in excess of 30 minutes.
- 14.10 **Population, death and cremation rates** – an appropriate assumption has to be made about the likely proportion of cremations (as opposed to burials) that will take place in that area for the resident population. Again, that appropriate assumption is derived in light of the approaches which have been used and accepted elsewhere for other proposals, but it must be tailored to reflect any known local patterns or circumstances. For example, one would normally expect the cremation rate to be higher in an urban area than in a rural area because there are fewer crematoria in rural areas and greater numbers of people will choose burial rather than having to travel a longer distance to a crematorium.
- 14.11 In reaching a view on the cremation rate to be used regard should be had to the national average and trends (as derived from information provided by the Cremation Society of Great Britain) and, where such information is available, local rates.
- 14.12 **Usage of facilities** – whether there is a sufficient population with cremation needs based on projected mortality rates in that catchment area to support the proposed new crematorium. In this respect, a new facility will often satisfy 'latent demand', but it cannot be the case that all of the cremations at a new facility will be services that would not otherwise have been cremations and indeed with provision for natural burial at this site there may be mixed demand for funeral services.

Qualitative Need

- 14.13 Qualitative considerations in previous planning appeal decisions on Crematoria include:
- 14.14 **1. Travel time / proximity of facility** – there is often a strong preference for end-of-life ceremonies to be performed in the deceased's local community which means that people attach importance to there being facilities within, or within reasonable proximity to, their community.
- 14.15 **2. Service length / congestion** – most people value the opportunity to have an un-rushed service and, in this respect, it is preferable to avoid congestion that can occur when services are tightly scheduled and / or where two chapels are operated side-by-side- as at experienced at other Crematoria in the area and explained in the Need Assessment Report.

- 14.16 **3. Scheduling** – people do not simply choose the next available time for a service to take place. Commonly, they already have a preferred time and date in mind and are prepared to wait a reasonable period of time in order to accommodate this preference. Therefore, where there is insufficient capacity in the existing system to accommodate people’s needs, increasing delays between death and cremation will be experienced.
- 14.17 There is no prescribed weight to be given to each of the components of need; in this case all three qualitative elements that have been considered in other cases; this demonstrate a decision precedent for the qualitative case to be as significant as the quantitative case.
- 14.18 Whilst the development of additional crematoria will not change the overall death rates or necessarily changes demand in the way a new retail operation would, they can increase the number of committals by cremation as the choice to use a more local facility of high quality will change a bereaved family’s behaviour. This is a key part of more sustainable behaviour patterns where communities can make local choices and use local facilities. This may be affected by the choice offered at this site for natural burial.
- 14.19 Taken together the qualitative and quantitative need is compelling. The increased death rate will only exacerbate the poor experiences at the existing facilities which are largely due to them operating above their practical capacity, and the increasing understanding that the limited service intervals are inadequate and the need to move towards the ICCM’s Charter Target 3 e) that *“Charter members should increase the minimum time allocated for funeral services to 40 or 45 minutes wherever possible”*. The only hope of achieving this is by the creation of further capacity at appropriate locations.

Relevant Previous Planning Considerations and Assessments

- 14.20 Application DM/15/1035 for the natural burial site considered potential impact on landscape character within the assessment section of planning committee report for that application. The report characterised the site as follows:
- 14.21 *“While this is a rural area, the site is nevertheless adjacent to Tulleys Farm and its associated leisure/recreational facilities (maze, fun park, accesses, car parking, etc.) to the west. Immediately opposite that is the cricket ground and pavilion. As such, it is considered that the proposal would be read in context with the scattering of other buildings and uses in this area and hence would not be out of place.”*
- 14.22 Whilst it is acknowledged that this proposal clearly is different in scale and extent the assessment of the character and context of the area is material to this application. It has been acknowledged by the Council that the context of a scattering of buildings is not out of place. The acceptance of the proposal for the Chapel at appeal Appeal Decision APP/D3830/W/17/3179872 also considered impact on the character of the area.
- 14.23 In particular this decision the Inspector Rory MacLeod considered landscape impact from the footpaths and concluded: *‘There is a public right of way footpath along the site’s western and northern*

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boundaries leading to Butchers Wood. Both buildings and the consented car park would be conspicuous from close positions on this footpath as this part of the site is currently relatively open. The landscape measures proposed in the landscape masterplan would filter these views over time. From positions farther away to the north west along the footpath, land levels fall and the rising brow of the intervening field would contain the proposal, particularly during summer months with the growth of scrub vegetation”

14.24 The Inspector also considered impact of other views:

“There is a higher belt of trees to the southern side of Turners Hill Road that would break up any views of the site from footpaths on this side of the road and from the AONB. Similarly, there is a belt of trees to the eastern side of the wider natural burial site that would effectively screen the proposal from the open land beyond this in the direction of Turners Hill.”

14.25 The Inspector found the following in relation to visual impact:

“My findings are that the appeal proposals are proportionate to the scale of the site and that the design of the chapel is acceptable in this context. It would be of attractive appearance and the use of materials to match those on the consented reception building would assist in its assimilation with the wider site and to blend in with rural character of this site.”

14.26 The Inspector considered the impact of the chapel when compared to the dismissed appeal for housing on the site and came to a different conclusion:

“The chapel by contrast would be a single structure, located in a different part of the site and designed to suit its setting. The landscape measures close to the building and along the public right of way are not designed to totally obscure the building, but to permit its successful integration in to its surroundings.

The main planning objection raised by local residents is to the scale of the chapel building. Whilst this would be significantly higher than the associated reception building, its form and profile would be appropriate to the consented use of the site and would not undermine the rural landscape character of the site and surroundings”.

14.27 The Council did not prevail with their concerns about the chapel building and the Inspector concluded:

14.28 *“Overall, my findings are that that there would be no material harm to the rural landscape character of the site and that the proposal would be in compliance with Policy THP8 of the Neighbourhood Plan. Furthermore, there would be no conflict with Policy DP24 of the emerging District Plan which requires development to be well designed while being sensitive to the countryside, be of high-quality design and layout and to include appropriate landscaping and greenspace.”*

- 14.29 The above assessment is material to the current assessment and it must follow that given the proposal is no more conspicuous given its reduced height, bulk and profile in relation to the public vantage points this proposal must also have no material harm to the rural landscape character of the site and its surroundings. This quiet and considered low profile design solution will quickly assimilate with the landscape as it matures as shown in the LVA when considering the medium and longer term effectiveness of the mitigation proposed which can be secured through planning conditions.
- 14.30 The moderate changes to landscape character as a result of an increase in parking on the site and higher levels of activity associated with the proposed use are well within the limits of acceptability given that some change is simply a consequence of development, which would happen on any site, and the strict locational criteria of the 1902 Cremation Act that prevent the siting of a Crematorium within a built up boundary.

Sustainability and the Planning Balance

- 14.31 The assessment in the pre-app that *“In principle, there is no policy support for this proposal, and Policy DP12 directs that development that does not need to be located in the countryside be ‘prevented’”* and the considerations to overcome a fundamental objection would need to be *‘high bar’* is the result of a narrow partial and erroneous view that incorrectly considers the primacy of policy DP12 (with its inherent inconsistency with the NPPF) and lack of weight afforded to the development plan policy DP25 that expressly supports the proposal.
- 14.32 The lack of a NPPF compliant local plan policy supporting sustainable development in itself also weakens the weight of the MSDP 2018. The applicants contend that the development is sustainable when considering the proposal in terms of NPPF paragraph 9 which makes it clear that *“planning policies and decisions should play an active role in going development towards the sustainable solution, but in doing so should take local circumstances into account, to reflect the character needs and opportunities of each area.”*
- 14.33 In this respect the local need for the Crematorium is a significant strand of the social sustainability of this proposal. The proposal needs to be located here to optimise journey times and reduce travel to existing, oversubscribed facilities. The location is sustainable taking into account all journeys. It cannot be considered in the same way as other public / community facilities such as a leisure centre or library which serve more general needs. There will be very few linked trips to a Crematorium. The visit to a Crematorium is a particular visit to either attend a service or pay respects. At present residents of Mid Sussex District must travel to either to Crawley, Tunbridge Wells, Worthing, Brighton or Horam, or further afield to make use of a Crematorium. The local need for a Crematorium is part of the sustainability of a balanced and well-served community. This is a social and cultural objective of sustainability and is recognised in policy DP25.
- 14.34 The Environmental Objective of the sustainability of the development is also met. The development of species rich planting and landscape mitigation will provide biodiversity net

gain. This is permanent gain and will be maintained to ensure that the species mix remains biodiverse. The landscape mitigation serves to enhance the local environment and the proposal makes effective use of land with an efficient layout that is optimised for efficiency given a thorough understanding of industry requirements.

- 14.35 The Council must take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF) unless there are policy or material considerations that indicate otherwise. The assessment in section 6 and in this section show there are no overriding policy considerations or other material considerations that would indicate otherwise.

The Planning Balance and Material Considerations.

- 14.36 The exercise of planning judgment and the weighing of the various issues are matters for the decision-maker as established by case law.

- 14.37 Section 70(2) TCPA 1990 provides that the decision-maker shall have regard to the provisions of the development plan, so far as material to the application. Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") provides:

- 14.38 *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

- 14.39 The weight to be given to the material considerations and the flexibility of the development plan has been considered by the Courts and in *City of Edinburgh Council v Secretary of State for Scotland* [1998 SC \(HL\) 33](#), [\[1997\] 1 WLR 1447](#), Lord Clyde explained the effect of this provision:

- 14.40 There remains a valuable element of flexibility. If there are material considerations indicating that it should not be followed, then a decision contrary to its provisions can properly be given.

- 14.41 It is for the decision maker to assess the relative weight to be given to all the material considerations. It is for him to decide what weight is to be given to the development plan, recognising the priority to be given to it, but understanding its limits where it is inconsistent with the NPPF.

- 14.42 This case law helpfully sets out that matters other than the development plan can be considered material to the decision. The relative weight of the development plan and material considerations is a judgement for the LPA.

Other Material Considerations

- 14.43 The extent to which the need for new crematorium facilities has been considered in planning appeals and in case law and is helpful in this case.

Cremation Act 1902

14.44 Locational Criteria is set out in the primary legislation of the Cremation Act 1902, which are still engaged. In this respect, the Cremation Act advises that the crematorium should be at least 200 yards (183 metres) from any dwelling unless the owner, lessee or occupier has given their consent in writing, and at least 50 yards (46m) from a public highway. For the purposes of the Cremation Act, the expression “crematorium” is stated as meaning any building fitted with appliances for the purposes of burning human remains, and includes everything incidental or ancillary thereto.

14.45 The key consideration in relation to this legislation is that there is no opportunity to develop Crematoria within Built Up Area Boundaries, where development may normally be deemed appropriate, as they would not comply with the locational criteria. Therefore, given the constraints, only a countryside location is likely to be suitable.

Weight to be afforded to material considerations

14.46 There is no prescribed weight to be given to material considerations or each of the components of need. Some Inspectors have expressly set out the weight given to different components of need, for example at paragraph 32 of Halstead Orchard Barn and paragraph 25 of Halstead Oak Tree where “*considerable weight*” was given to the proximity of a facility and the potential for a reduction in waiting times. In Camborne “*significant weight*” was attached to the needs of the bereaved (paragraph 38). In Crooklands The Inspector when considering the balance stated: “*I am satisfied that there remains both a quantitative and qualitative need for the provision of a crematorium within South Lakeland. This is a matter to which I attach substantial weight.*”

14.47 In Crooklands Appeal Decision APP/M0933/W/15/3135605 The Inspector in weighing the adverse impacts concluded: “*that the proposed development of the appeal site for a crematorium would result in an adverse landscape impact to the detriment of the character and appearance of the area. I have also concluded that the proposals would have the potential to result in some limited conflict with local business interests and the tourism objectives of the Development Plan, and that the appeal site possesses only limited access to public transport. These are matters which cumulatively I would attach a moderate level of weight to.*”

14.48 Given the appeal decisions in Halsted, Camborne and Crooklands it should be noted that Inspectors consistently have weighed need for the facility including the needs of the bereaved with relative significant/ substantial/ considerable weight and in all cases above local plan policy considerations that restrict development. The positive considerations of biodiversity gain and rural employment resulting from these proposals have also weighed in favour, but in a more limited sense. Conversely the harmful impacts have been given only moderate weight.

14.49 In this case given there is no harmful landscape impact, the significant fall-back position and assessment of previous similar applications as not harmful to landscape character alongside net biodiversity gain these are favourable considerations. In addition, satisfactory drainage and

access solutions are also neutral in the consideration as they do not give rise to any unacceptable harms.

Conclusion - The Planning Balance and Recommendation

14.50 In coming to a conclusion on the proposal the planning authority must consider whether the proposal constitutes sustainable development and consider the balance of harms and benefits of the proposal given the policy framework and whether this outweighs any policy harm.

14.51 The development proposal as described and assessed in this statement has shown the demonstrable need and significant benefit of the facility outweighs any harm to the protection of the countryside and there are no other harms present that would fail compliance with any other key policy considerations. Moreover, the express policy support in DP25 of the MSDP 2018 must be given significant weight as this is the most relevant policy consideration.

14.52 In summary the applicants believe that the planning balance must weigh in favour of this proposal because:

- Consistent with Policy MSDP DP25 – the main relevant development plan policy
- The theoretical conflict with Policy DP12 tempered by the lack of consistency as it predates and is inconsistent with NPPF84 and NPPF92b (and other considerations set out above in section 6 of this report).
- Weight of THNDP policies limited significantly out of date as it predates revised NPPF and MSDP2018
- The significant cumulative fall-back consents and part implemented permissions which effectively ‘permit’ over half of the proposal (natural burial, chapel, maintenance building, reception building, access and car parks)
- Partial brownfield site
- Need - the demonstrable need for the proposal both quantitative and qualitative
- Locational limitations of the Crematorium Act 1902 and inability to locate it within a built-up boundary
- No suitable alternative sites within Turners Hill (see SHELAA and appendix B)
- Overall compliance with National and Local Policy with no demonstrable harms that outweigh the considerable benefits of this proposal assessed against the relevant policies of the Development Plan Framework and NPPF as a whole.
- Previous assessment by Planning Inspector has confirmed similar proposals will not constitute harm to landscape character and do not create unacceptable visual impact including setting to AONB

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- No technical reasons why the proposal is unacceptable: safe access, no severe highway impact as confirmed by safety audit and highway authority,
- The proposal can be suitably drained with sustainable solutions entirely within Flood Zone I
- The desk based archaeological assessment has confirmed no issues that would prevent development
- No harmful emissions from the abated cremator
- Impact on Ashdown Forest SPA and SAC is considered negligible
- Proposal not harmful to protected species and achieves biodiversity net gain

14.53 Given the above this proposal for sustainable development should therefore be granted planning consent without delay as there are no material considerations that indicate otherwise, and any residual minor harms are significantly outweighed by the significant benefits of the proposal.

15. Appendix A

15.1 Assessment of Pre-App Response and revisions to application submission in response

Mid Sussex District Council Response		
Issue	Pre-App Response MSDC	Application Submission Response
Overall Conclusion from the LPA	<i>We are unable to say at this stage, based on the lack of information provided, whether the proposal will be supported or not.</i>	<p>This current application addresses all the information considered missing from the pre-application submission.</p> <p>The applicant chose only to present the need case in the pre-application submission given the extensive recent approvals on the site and wanted to have some 'in principle' support before commissioning further work.</p>
Guidance from the Government on Crematoria	<i>I am not aware that there is any up-to-date planning policy or guidance from the government on crematoria, unless you can advise otherwise. Therefore, any other guidance or evidence that you present will be accorded the status of a 'material consideration' in any planning application determined.</i>	<p>The Council were aware of the 1902 Crematorium Act, they have referred to it in other advice given to the applicant (email 1 November 2019).</p> <p>The locational restrictions of 1902 Crematorium Act are an absolute constraint on the location of a Crematorium. This extant legislation is a material consideration in the planning balance.</p>
Section 38 (6) Planning and Compulsory Purchase Act 2004	<p><i>As the site is located within a countryside area, Policy DPI2 of the District Plan and Policy THP8 of the Neighbourhood Plan apply</i></p> <p><i>In principle, there is no policy support for this proposal, and Policy DPI2 directs that development that does not need to be located in the countryside be 'prevented'.</i></p>	<p>The key consideration here is that the Development Plan must be considered as whole. Both District Plan and Neighbourhood Plan support appropriate infrastructure. In addition, the specific policy: Policy DPI states that sustainable economic development is achieved by: <i>Encouraging high quality development of land and premises to meet the needs of 21st century businesses</i></p> <p>In addition, express support from policy DP25 (see below)</p> <p>There is also a balance here as Crematoria generally cannot be located within settlements as the absolute requirements of the Crematorium Act apply (45.72m from highway and 182.38m from dwelling). Generally, a location outside of a settlement (in the countryside) is required.</p> <p>NPPF84 also applies LPAs that sites to meet community needs in rural areas</p>

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		<p>may have to be found adjacent or beyond rural settlements. Further criteria are included in NPPF84 that also apply.</p>
<p>Policy DP25 of District Plan, community facilities</p>	<p><i>The key to this policy is to seek the retention of such facilities, on the one hand, and to plan strategically for them 'alongside new development', on the other.</i></p> <p><i>The Mid Sussex Infrastructure Delivery Plan relates to community infrastructure, implying more locally-based facilities that are required. Cemeteries and burial grounds are explicitly mentioned in this policy as they are small-scale in activity and scale and cater for local needs. By contrast, a crematorium attracts a wider sphere of influence with users travelling from other districts.</i></p> <p><i>Overall, Mid Sussex District Council has not undertaken any evidence of burial or crematorium requirements for the district, principally because the NPPF does not mention this as a specific 'need' that has to be planned for in a Local Plan.</i></p>	<p>The officer is misreading this policy. Policy DP25 gives specific and categoric support for the proposal:</p> <p>“The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported”.</p> <p>The applicant believes the development does constitute sustainable development as it meets a very specific social need based on the qualitative experience of cremations to support sustainable communities. NPPF requires reading of whole to consider whether development is sustainable.</p> <p>Because the IDP has not considered Crematoria this does not mean there is no need. Need has been demonstrated by the applicant.</p>
<p>Conclusion on policy position</p>	<p><i>Therefore, in accordance with legislation, it will be necessary to assess whether any material considerations will outweigh the conflict with the Development Plan, as set out above. This bar will necessarily be quite high. A primary material consideration will therefore be to demonstrate a need for this crematorium in this location.</i></p>	<p>The development plan must be read as a whole and supportive policies as set out above have not been properly considered in this assessment against other policy criteria.</p> <p>In addition, the NPPF presumption in favour of sustainable development is a key policy consideration here that has not been given any reference in this pre-application assessment as the development plan assessment is partial.</p> <p>The appeal decision 3229908 at Rushcliffe confirmed: <i>“the clear quantitative and qualitative need for a new crematorium, which attracts considerable weight in favour of the proposal”</i>. This site was in Green Belt where constraints to development are significantly more restrictive than the application site. This appeal decision shows the appropriate weight to be afforded to the qualitative and quantitative need.</p>

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<p>Need</p>	<p><i>The submitted CNA would be a material consideration in determining any application.</i></p> <p><i>We do not have the expertise in MSDC to make detailed comments on this document at this stage, and it is likely that a consultant would be engaged to carry out this work for any planning application submitted. For this reason, these comments are preliminary in nature and given without the benefit of any other context, so do not fetter the council's discretion at any point in future.</i></p>	<p>Need is one of the essential components of the planning balance of this development proposal.</p> <p>The applicant is content to have the need case scrutinised by an independent specialist.</p>
<p>Drive Time Assumptions</p>	<p><i>The Council's Fundamental Assumption</i></p> <p><i>"a 30-minute funeral drive-time at 60% of normal traffic speeds has been held to be an appropriate basis upon which to establish the quantitative need for a new crematorium".</i></p> <p><i>Therefore it is recommended that the following information is included in any submission, that sets out:</i></p> <p>a) <i>The percentage of crematorium funerals that include a cortege.</i> b) <i>The case law which establishes this assumption definitively.</i> c) <i>Whether there are any development plan policies or government guidance that are based on this assumption.</i> d) <i>Whether there is evidence which supports the assumption that mourners will travel to a crematorium if the drive-time is 30 minutes but not, say, 31 minutes, and not 45 minutes.</i></p> <p><i>In respect of d), the evidence presented in Fig 14 makes clear that the whole of Mid Sussex District is covered by a 45 minute drive to surrounding crematoria, but less of the District is covered by a 30 minute drive (Fig 13). Therefore it would be helpful to know the intervening drive-time isochrones.</i></p>	<p>Evidence must be proportionate. NPPF44 states local planning authorities should any request supporting information that is relevant, necessary and material to the application in question.</p> <p>The Need Report includes detailed drive-time catchment isochrones and data. 30-minute drive-time catchment analysis is standard practice, but this report goes beyond that standard to include not only 15-minutes, but also 45-minute drive-time catchments as constrained by the catchments of 14 other surrounding crematoria, named in para. 8.10</p> <p>As explained at scetion of the Need Report given 8 appeal decisions have confirmed a 30-minute drive time at 60% traffic speeds it would not be proportionate or appropriate to assess what % of funerals include a cortège or provide more detailed evidence in this regard. This is only part of the need argument and should to be considered against other criterion including qualitative need.</p>
<p>Catering for Burgess Hill need?</p>	<p><i>In respect of covering as much of the District as possible, it is noted that the location of the Turners Hill site is so close to the Crawley crematorium that areas such as Burgess Hill are not catered for by the proposed development when the 30 minute 'drive-time limit' is applied.</i></p>	<p>The LPA are required to determine the application before them based on a balance of considerations, they are not at liberty to enter a theoretical exercise in alternative locations for crematoria when they have no data on the deliverability of such sites.</p>
	<p><i>Para 8.9 highlights that 4 existing crematoria are most likely to be used by residents of the area in question, as 'bereaved families living locally are very unlikely to make a long journey past either the proposed or the existing crematoria in order to reach more distant crematoria'. In para 8.10, one crematorium is mentioned that is outside the immediate search area, Brighton (The Downs).</i></p>	<p>Para. 8.10 is self-explanatory. The Downs is one of the 14 named crematoria, whose drive-time catchments constrain the catchments of the crematoria in the immediate area. The impact of the Downs' catchment upon Woodvale's is plotted by Woodvale's boundary</p>

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	<p>e) <i>Information should be included in any planning application to explain why this crematorium has been excluded from the evidence in this document.</i></p>	<p>This crematorium has not been excluded from the evidence base in the document, this is a misreading by the officer.</p>
<p>Clarity of data</p>	<p><i>The isochrones appear to exclude data immediately south of the Brighton Woodvale crematorium and immediately west of the Worthing crematorium.</i></p> <p><i>The isochrones also exclude data between the Crawley and Turners Hill sites in Figs 15 and 16. Further information should be provided showing the entire area of overlap between the two sites.</i></p> <p><i>It would furthermore be helpful if these plans could indicate the Mid Sussex boundary on each.</i></p>	<p>The response demonstrates a misunderstanding of drive-time catchment mapping. The drive-time catchment software uses the centroid of each Lower Super Output Area (both defined by the ONS) as the point from which funerals would travel.</p> <p>'White space' on the maps are LSOAs that do not fall within the specified drive-time catchment at the specified speed (60% of normal traffic speed). The drive-time catchment isochrones and associated data on population and deaths for each scenario illustrated are calculated by transport planning consultants using the best software available.</p> <p>It is the nature of the exercise to demonstrate that dense urban areas with congestion, or rural areas (with poor road connections) cannot provide a 30 minute drive time catchment to the Crematorium. The catchment assessment will not give complete or contiguous coverage.</p>
<p>Core Funeral Times</p>	<p><i>Data from Crawley is also relevant to Figs 21, 22 and 23.</i></p> <p>f) <i>Para 8.24 makes another key assumption that 'it is widely accepted and understood that there are 'core' funeral times in the middle of the day, that are generally preferred by bereaved people'. The evidence to back up this assumption is recommended.</i></p> <p>g) <i>It is also necessary to understand how this translates into times no earlier than 10.30am and no later than 3.30pm.</i></p> <p>h) <i>Information is also recommended as to whether there is any variation in these times throughout the seasons.</i></p>	<p>Section 9.14 of the expanded need report considers core times. It gives two appeal references where this is accepted and clear data from Fenland Crematorium shown in Figure 24 where there is a clear pattern of use over three consecutive years showing a distinct preference for the 10.30-3.30 services. Figure 27 shows a similar pattern at Honor Oak.</p> <p>Core times from 10.30 -3.30 are based around behaviour. They are popular slots as they allow a wake following a cremation to coincide with lunch or afternoon tea and for mourners to travel to and from the service outside the peak so traffic delays can mostly be avoided. In addition, they can coordinate and accommodate religious services which are generally held outside peak travel times as well.</p> <p>Seasonal variation in death is unpredictable (the current Covid-19 pandemic demonstrates this well) Figure</p>

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		31 of the revised Need Report demonstrates this graphically. 3 Appeal Inspectors confirm capacity must be measured in the peak month of demand as set out in the report.
Data specifics and Pricing	<p>Although the data provided in Figs 24 and 25 is useful, it is nonetheless theoretical. More useful would be the actual data from crematoria at Crawley in particular and at Brighton and Tunbridge Wells too. This should include other factors, such as how the facility operates in terms of its pricing structure. This would allow an independent interrogation of your data for determining the level of core capacity in a peak month, which is critical in establishing a compelling quantitative need. Information would be recommended to identify:</p> <p>i) Which slots have been incorporated into the 'total core slots available' row. j) What the peak month(s) are. k) The process for 'direct cremations'. l) Why weekend funerals are not considered core slots.</p>	<p>The data in support of the application has to be theoretical. Due to competition between funeral directors and GDPR rules the actual information is not readily available.</p> <p>However, to assist an understanding Section 10 of the report shows in detail how core capacity is considered.</p> <p>It is not necessary or possible to know the peak month, and by the very nature of epidemics and pandemics that cause death rates to rise it is not the same in each year.</p> <p>General planning restrictions on Crematoriums mean they do not generally operate at weekends. Regular Church services mean that fixed religious services take precedence over funeral services at weekends. Celebrants are often not available for funeral services at weekends. The need report considers weekend funerals in detail at section 9.8.</p> <p>Pricing is not a planning consideration. It would be inappropriate to seek to control the use of core slots through pricing arrangements by a planning condition.</p> <p>The process of direct cremation is not a planning consideration in the context of qualitative and quantitative need.</p> <p>Evidence must be proportionate. NPPF44 states local planning authorities should any request supporting information that is relevant, necessary and material to the application in question.</p>
Assumptions from Obituaries	<p>The data provided in Fig 28 is 'suggested by a sample of 50 published obituaries relating to deaths between June 2019 and January 2020' in assuming a 60/40 split between chapels. However, this timeframe is different to that set out in the tables previously (2016-2018).</p> <p>Information is recommended to advise why this assumption:</p> <p>m) Is the same for the Crawley and the Brighton sites, set out in Figs 28 and 32. n) Has also been used on the Tunbridge Wells site, set out in Fig 35, when the data</p>	<p>The sample of obituaries provides random and representative samples of actual funeral times and crematorium chapels used for funerals. The revised need report looked at 50 obituaries for the four crematoria – a total of 200.</p> <p>The decision to apply this same split to Tunbridge Wells was a generous gesture on the part of the Need Assessment erring on the side of caution. Based upon 17 funerals taking place in the cemetery chapel out of 67 obituaries, potentially 75% of cremation</p>

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	<p><i>indicates that it was not possible to identify a split between the chapels.</i></p>	<p>funerals would have taken place at the crematorium chapel.</p> <p>It is anticipated that the figure is actually higher, which would mean that the crematorium is working at an even higher core capacity in the peak month of demand. It is hoped that an FOI request to clarify the matter can be provided.</p>
	<p><i>Figs 30, 33 and 36 make a strong case that core capacity in peak months for all three of these crematoria will be exceeded by 2041. However, it must be cautioned that this is a projection based on a 'do nothing' scenario for the next 20 years. In reality, it is likely that government will advise on how best to deal with this scenario if it is becoming a serious problem, to say nothing of the crematoria themselves identifying ways to increase their core capacities, for example, by providing an additional chapel, extending an existing one, or changing working practices.</i></p>	<p>This is asking the wrong question. The government have allowed market provision of Crematoria and the market will assess the capacity and need for the development based on expert evidence now. Planning proposals must be considered on their individual merits rather than what might happen to provision elsewhere in the future that might change the need profile. The development plan is silent on Crematoria so there is no alternative evidence from the LPA.</p> <p>The applicant is not aware of proposals in the development plan or from any other operator for additional chapels on existing sites – none has the physical space to expand.</p>
<p>Delay between death and funeral</p>	<p><i>One element resulting from this is the delay between death and funeral. There are several factors behind this, many outside the control of existing crematoria. It can therefore be difficult to draw conclusions that a particular delay is caused entirely by unavailability of a core slot at a particular crematorium.</i></p> <p><i>Para 9.10 states that the data set out in Fig 37 [not 34 as stated] suggests delays of over three weeks between death and funeral ... giving 'further evidence of the qualitative need for the proposed Turners Hill Crematorium.'</i></p> <p><i>However, the data shows a minimum delay of 10 days as 'standard'. The average delay on top of that is therefore only around 2 further weeks, and is consistent among the three crematoria sampled (there may be a host of reasons outside their control for the outlier statistics).</i></p> <p><i>Given that the data was drawn over a 2 and a half year period, it would be helpful to have this tabulated according to year, which would identify any underlying trends.</i></p>	<p>Evidence must be proportionate. NPPF44 states local planning authorities should any request supporting information that is relevant, necessary and material to the application in question.</p> <p>However, the revised need report has considered significantly more data than the pre-app stage and this confirms the qualitative case more strongly.</p> <p>The review of 200 obituaries shows average delays of over three weeks between death and funeral, with an average of 44% of funerals delayed even longer. Such delays will inevitably increase in line with projected increases in deaths, with consequent increases in the practical capacity usage levels at existing crematoria.</p>

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<p>More data required</p>	<p>A host of useful information has been provided relating to congestion at crematoria in theoretical terms, but any planning submission should include detailed data on how this relates to existing crematoria, in particular that at Crawley. Such information could cover:</p> <p>o) The actual experience of the crematorium staff themselves, funeral directors and bereaved relatives in informing these assumptions.</p> <p>p) The evidence underpinning the assumption that established crematoria are not 'meeting the needs and expectations of people living in the 21st century' as a result of attempting to improve 'old facilities'.</p> <p>q) How the claim of providing a 'much higher quality environment for bereaved people' at the proposed Turners Hill site (para 9.31) squares with the assumption in para 8.9 that 'bereaved families living locally are very unlikely to make a long journey past either the proposed or the existing crematoria in order to reach more distant crematoria'?</p>	<p>Evidence must be proportionate. NPPF44 states local planning authorities should any request supporting information that is relevant, necessary and material to the application in question.</p> <p>The requirement to consider detailed operations at Crawley crematorium are not relevant to the assessment of this application in isolation. This is about need generated in the area for which Crawley is only part of the provision. The extensive data shows that between 2016 to 2019 Surrey and Sussex Crematoria operated on average at 130% of practical capacity in peak months. The practical difficulties arise from the second chapel only being able to accommodate 54 mourners.</p> <p>Funeral services are very personal, and mourners will choose a Crematorium based on availability and 'fit' with the individual. The need report has shown the 'religious' style of the existing facilities. The increasingly secular society are looking for facilities for funerals that reflect their life choices.</p>
<p>EIA Screening</p>	<p>An Environmental Impact Assessment may also be necessary.</p> <p>An assessment would need to be made of the impact of the proposal on the transport movements in relation to the Ashdown Forest during any planning application process.</p>	<p>A screening opinion for EIA was been submitted. The applicant's environmental impact expert concludes that the application does not meet the thresholds to require an EIA.</p> <p>MSDC confirmed no EIA required.</p> <p>The AQ assessment considers additional emissions from traffic generated by the proposal and has calculated the emissions as negligible.</p> <p>Natural England were unable to complete the DAS response due to lack of resources.</p>
<p>Missing Information</p>	<p>As set out above, the CNA is one of only a number of elements that will be taken into consideration in determining any application, and cannot be treated in isolation. These other elements may outweigh the CNA once all information is submitted.</p> <p>You have not provided us with information pertaining to:</p> <ol style="list-style-type: none"> 1) Layout and quantum of proposed buildings 2) Appearance of said buildings 3) Amount of car parking provision and any overspill provision and location 	<p>The Council have failed to mention any consideration 'fall-back' position and consider the planning approvals and existing uses on the site. These are significant material considerations in relation to the proposal.</p> <p>The following addresses the 'missing information' provided as part of this planning application:</p> <ol style="list-style-type: none"> 1. The application is in outline so the proposal is supported by parameter plans and illustrative

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	<p>4) Confirmation that the approved access will accommodate an intensification of traffic to and from the site and that there is sufficient capacity in the surrounding road network – which would need a Transport Statement as a minimum</p> <p>5) The public transport provision for this site</p> <p>6) Impact of proposed buildings and ancillary development and overall increase in activity on the landscape, including for users of the public right of way that crosses the site – which would need a detailed, updated LVIA</p> <p>7) Impact on biodiversity</p> <p>8) Emissions that would occur from the crematorium</p> <p>9) Provision of facilities for the disposal of waste or scattering of ashes, and arrangements for waste collection</p> <p>10) Proposed staffing levels</p> <p>11) Proposed hours of operation</p>	<p>masterplan. Layout is a reserved matter.</p> <p>2. Appearance is a reserved matter</p> <p>3. Car parking provision is shown on illustrative plan and considered in the TA</p> <p>4. TS is provided based on established assumption of traffic generation from the highway authority</p> <p>5. PT information is provided in the TS – but note mourners do not tend to attend funeral services on PT.</p> <p>6. LVA included</p> <p>7. PEA included</p> <p>8. AQ report submitted – governed by licencing under Environmental permit legislation</p> <p>9. Waste / Scattering of Ashes are not a matter for Outline application</p> <p>10. Staff numbers on planning forms and explained in supporting statement.</p> <p>11. Hours of operation on planning forms and explained in supporting statement.</p>
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16. Appendix B – SHELAA Sites Turners Hill

Assessment of Alternative Sites –

16.1 The policy THP8 requires that there are no more suitable sites for use under criterion f) of the policy. Whilst the policy has limited weight as the policy is aligned to an expired Local Plan nevertheless an assessment of suitable sites for the proposed use has been undertaken in Turners Hill in line with the policy. The SHELAA 2018 assessment of available sites is the most up to date public data on possible alternatives. The table below considers each site in turn.

SHELAA Ref	Site Name	Size	Assessment
927 or 855	Millwood Farm, East Street	0.7ha	Proposed for employment use. Site is too small to be suitable
764	Land East of Hill House Close	2.2ha	Promoted for housing, access is not suitable. Site is too small, locational limitations from Cremation Act 1902 render this unsuitable
852	Land north of Old Vicarage Field, Lion Lane	9ha	Promoted for housing, no access available -all traffic would need to enter village centre. Site has locational limitations from Cremation Act 1902 and render this unsuitable. Significant woodland within site boundary. Significant trees on current field boundaries. Significantly more impact on residential properties than the application site. Site is entirely greenfield, so less preferable in policy DP25 terms.
916	Land on East Street and Withypitts Paddock	2.11ha	Promoted for housing, site within AONB, site is too small, locational limitations from Cremation Act 1902 render this unsuitable. Access available
569	Land rear of Whithypitts, Selsfield Road	1.72ha	Promoted for housing, site within AONB, site is too small, locational limitations from Cremation Act 1902 render this unsuitable. No current access
854	Whithypitts Farm, Selsfield Road	1.7ha	Promoted for housing, site within AONB, site is too small, locational limitations from Cremation Act 1902 render this unsuitable. No current access
474	Land adj 18 East Street	0.18ha	Promoted for housing, site within AONB and would have impact on conservation area, site is too small, locational limitations from Cremation Act 1902 render this unsuitable

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**This report has been read and approved for submission to Mid Sussex District Council
by Andrew Tabachnik QC of 39 Essex Chambers.**