

Statement of Common Ground
22 March 2021

JACKSON PLANNING

JPL Ref:	HARSOCG/001
LPA Ref:	DM/20/2877
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Date of Issue:	22 March 2021

Draft Statement of Common Ground

Introduction

1. This draft statement of Common Ground has been prepared in respect of the appeal against refusal of application DM/20/2877 determined on 21st December 2020 by Mid Sussex District Council. This statement has been set out as advised in Planning Inspectorate's November 2020 guidance in respect of appeal procedure. This is to be shared with Mid Sussex District Council to confirm the matters of agreement and disagreement set out in Tables A and B.
2. The following paragraphs 5 – 21 are the key facts of the appeal case.
3. Table A sets out areas of agreement, Table B sets out areas of disagreement between the parties.
4. Appendices are as follows:
 - Appendix A is the list of draft planning conditions,
 - Appendix B is a list of the planning application documents and other documents in support of the appeal.
 - Appendix C is a summary of the planning history

Matters of Fact

5. A Screening Opinion was issued by Mid Sussex District Council that confirmed that the development proposed did not constitute EIA development. A submission was made by the appellant 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*".
6. The planning application was submitted on 5th August 2020 and the target date for determination of the application was 4 November 2020.
7. No extension of time was agreed for the determination of the application in spite of the Local Planning Authority formally requesting one to 22 December 2020.
8. The Planning Application Reference is DM/20/2877. The application was considered at Mid Sussex District Council's District Planning Committee on 17 December 2020 and was refused planning permission for the reason as set out in the officer report. The vote was 8 in support of the officer's recommendation for refusal, 2 against and one abstention. The decision notice was issued on 21 December 2020.
9. The appeal Site address is: Land north of Turners Hill Road, Turners Hill. The grid reference is Easting 533875 Northing 135409.
10. The agreed description of development is: "Outline application for single 'Chapel' crematorium, a single abated cremator and natural burial site with associated access, car parking, landscaping and drainage. All matters reserved apart from access".
11. List of plans that were the application drawings on which the application was determined is as follows:

Parameters 917-GA-02 A 05.08.2020

Location Plan 917-GA-03 05.08.2020

190561-001 Rev F – Proposed Access May 2020

The following are illustrative plans ONLY that were NOT for determination

Site Plan 917-GA-01 C 05.08.2020

Site Plan 917-GA-04 A 05.08.2020

Landscaping Details 917-MP-01 A 05.08.2020

Landscaping Details 917-MP-02 A 05.08.2020

Landscaping Details 917-MP-03 A 05.08.2020

Proposed Sections 917-MP-05 B 05.08.2020

Site Plan 917-SK-01 I 05.08.2020

12. The documents that supported the planning application are set out in Appendix B.
13. The reason for refusal was as follows:

The proposed development would have an adverse impact on the intrinsic character and beauty of the local countryside, including the setting of the High Weald area of outstanding natural beauty, which would be further harmed by the necessary woodland mitigation screen planting. This harm is not considered to be outweighed by an overriding need for this development and is therefore contrary to policies DP12, DP 16, DP 25, DP 26 and DP 37 of the mid Sussex district plan, policies THP8 and THP 13 of the neighbourhood plan, the provisions of the NPPF, in particular paragraph 8, 11, 124, 127, 130 and 170, objective FH2 and FH3 of the high Weald AONB management plan 2019 to 2024 and design principles DG3, DG7 and DG11 of the Mid Sussex Design Guide SPD.

14. There is significant planning history on the appeal site, which is summarised in the table below in Appendix C
15. Four adopted development plans are relevant to this application:
 - West Sussex Joint Minerals Plans July 2018)
 - West Sussex Waste Local Plan April 2014
 - Mid Sussex District Plan March 2018
 - Turners Hill Neighbourhood Plan March 2016

16. The development plan policies relevant for determining the appeal are as follows:

West Sussex Joint Minerals Plan July 2018

Policy M9 – Minerals Safeguarding Resources

West Sussex Waste Local Plan (April 2014)

Policy W23 – Waste Management)

Mid Sussex District Plan 2014-2031 (March 2018)

Policy DP1: Sustainable Economic Development
Policy DP12: Protection and Enhancement of Countryside
Policy DP14: Sustainable Rural Development and the Rural Economy
Policy DP16: High Weald Area of Outstanding Natural Beauty
Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
Policy DP21: Transport
Policy DP22: Rights of Way and other Recreational Routes
Policy DP25: Community Facilities and Local Services
Policy DP26: Character and Design
Policy DP29: Noise, Air and Light Pollution
Policy DP37: Trees, Woodland and Hedgerows
Policy DP38: Biodiversity
Policy DP41: Flood Risk and Drainage

Turners Hill Neighbourhood Plan March 2016

Policy THP8: Countryside Protection Policy
Policy THP13: Business Development Policy

17. Other relevant planning policy/guidance/material considerations, (NOT cited in the reason for refusal) includes:
- 1902 Cremation Act (extant law) (referred to in Officer Report as relevant legislation on Page 15 only).

Tables

1. Table A sets out areas of agreement taken primarily from the development control District Planning committee report and an email of 13 November 2020 from the case officer to the planning agent.
2. Table B sets out areas of disagreement in relation to the reasons for refusal.
3. Table C confirms compliance with statutory and policy requirements for the conditions.
4. Appendix A is the list of possible conditions and the reasons for them attached as an Appendix to the statement.
5. Appendix B - Documents considered and submitted in support of the Planning Application and in support of the appeal.
6. Appendix C – Planning History Summary.

Appeal against refusal of DM/20/2877

Statement of Common Ground

Areas of Common/ Uncommon Ground

Table A – Common Ground

Table B – Uncommon Ground

Table A - Areas of Agreement		
Appellant		LPA
Topic One - The Proposal		
1.	The proposal is for a single 'chapel' crematorium with single abated cremator, with natural burial area.	Agree
2.	The application is in outline with the only matter to be determined in the application being access.	Agree
3	The application is a major application; the site area is 7.2 hectares and is currently not in any active use. The maintenance building has been erected (December 2020) and there is a hoarding where the site of the chapel building is proposed.	Agree
4	All the land for the development is within the control of the appellant. A very small amount of land required for the highway visibility is within the ownership/ control of West Sussex County Council. Notice was served on the highway authority as part of the application.	Agree
5	Amongst other matters the location of the proposal is governed by the extant 1902 Cremation Act. The Cremation Act 1902 s.5 stipulates "No crematorium shall be constructed nearer to any dwelling-house than two hundred yards, except with the consent, in writing of the owner, lessee and occupier of such house , nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority". This legislation is useful in terms of determining a suitable location.	Agree. The Act significantly constrains the potential location of the crematorium building within the appeal site.
6	An existing access on to the Turners Hill Road is available at the site.	Agree
7	The existing access from the Turners Hill Road has adequate visibility for the road design speeds	Agree
8	The parameter plan (917-GA-02 Rev A) fixes the extent of built development with the following limitations. Note this is a plan that is for approval as part of the application. Building of single storey building with roof level up to 168.5m AOD and with a flue and skylight rising to a maximum of 171.0m AOD. Maximum footprint of crematorium building 1600 sqm. There were discrepancies in the application material on the number of proposed car parking spaces. For clarity the appellant recommends that Condition 13 controls the maximum parking level to 111 spaces in total on the site.	Agree.
9	The illustrative layout plan has been prepared to demonstrate in detail that the proposal is capable of fitting comfortably within the site, and includes the already approved elements of natural burial, the barn/ workshop and parking areas. It is also the basis for the technical assessments in the Landscape and Visual Appraisal (LVA), Flood Risk Assessment (FRA) and Transport Statement (TS). The illustrative layout plan (917-SK-01 Rev J) is not a plan for approval.	Agree
10.	The Transport Statement stated that based on the operation of sites of a similar scale and nature, it is anticipated that each service would generate 19 vehicle trips on average (38 two-way movements). Given that there would be a maximum of 8 services a day it is anticipated that the site would generate up to 152 trips (304 two-way movements) over a daily period. These trip rates have been agreed with WSCC's	Agree that the transport statement contained the matters stated and that the highways officer agreed the trip rates. No issue is taken with the impact of the proposal on highways (subject to conditions).

	highways officer through pre-application discussions. This figure was not disputed during the processing of the application or at planning committee	
11	<p>The site is anticipated to operate between 09:00 and 17:00 Monday to Friday with potential for Saturday operation. –. Natural burial funeral services will also be conducted in the crematorium 'chapel'. This is proposed to be controlled by draft planning condition 17 as follows: No funeral services shall take place outside of the hours of 09:00 and 17:00 Monday to Saturdays and there shall be no more than 8 services per day. There shall be no services on Sundays or Bank Holidays unless approval is given in writing by the local planning authority to whom a planning application must be made.</p>	Agree
Topic Two- Policy, Site Characteristics and Technical Constraint Considerations		
1.	The site is located within the countryside outside the built -up area boundary of Turners Hill.	Agree
2	<p>The site is not located within the High Weald Area of Outstanding Natural Beauty. The site is adjacent to and within the setting of the AONB. There are no landscape designations on the site</p> <p>It is acknowledged that all landscapes have value, however this site is not located a valued landscape in terms of Paragraph 170a of the NPPF (namely it does not have statutory status as it is not within the AONB or a National Park).</p>	Agree
3	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 sewerage/water mains (negligible) has been considered.	Agree
4	There are no biodiversity designations on the site.	Agree
5	The site is within a Minerals Resource Safeguarding Zone for Airdingly Sandstone.	Agree
6	<p>The site is part bounded and part traversed by a public footpath 68W. 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.</p> <p>Views from the footpaths have been assessed, people using the footpaths will be one of the visual receptors of the proposal as would be the case to the consented buildings.</p>	Agree
7	<p>The proposed crematorium position shown on the drawing 917GA-02A Parameters Plan, would satisfy the locational criteria of the Cremation Act 1902 (The Cremation Act 1902 s.5 stipulates: "No crematorium shall be constructed nearer to any dwelling-house than two hundred yards, except with the consent, in writing of the owner, lessee and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority."</p> <p>The parameters plan 917-GA-02A fixes the location of the building within the hatched area shown on the plan. Please see condition 02 which confirms approval of this plan.</p>	Agree
8	<p>The proposal does not directly affect any heritage assets and does not affect their setting either, it is not considered necessary to assess the proposal against the heritage guidance within the NPPF, against the Planning (Listed Buildings and Conservation Areas) Act 1990 or against policies DP34 and DP35 of the Mid Sussex District Plan.</p>	Agree

Topic Three – Consultation Responses Received		
1.	ENVIRONMENT AGENCY - No objection - subject to the inclusion of the 3 conditions, in any permission granted. The conditions are for 1) Foul drainage details 2) No infiltration of surface water to the ground 3) Remediation of any contamination discovered.	Agree
2.	NATURAL ENGLAND – Declined to respond to appellant through the pre-application discretionary advice service. This was explained in paragraph 5.9 of the supporting planning statement. Natural England were not required to be consulted on the application.	MSDC not involved in the discretionary advice service process
3.	<p>WSCC HIGHWAYS - Having examined in detail the transport assessment (TA) dated August 2020, the County Council as local highway authority (LHA) has no objection to the proposed use.</p> <p>We do not consider that the estimated increase in flows will be noticeable in the context of daily variations in traffic along the road. The TA has estimated the traffic capacity of the proposed revised site junction and this does not highlight any issues.</p> <p>Adequate visibility is available (with some modifications to the roadside verges and control of vegetation) at the proposed site access.</p> <p>As far as road safety is concerned, the consultant has carried out an analysis of traffic accidents nearby, which again does not highlight any issues of concern.</p> <p>The TA accepts that, given the modest level of bus service provision near to the site and the likelihood that most site visitors will arrive and depart by car, the site is unlikely to be attractive for non-car access. A brief overview of the likely interaction between the site and other facilities within the village does not raise any potential problems. A dedicated, albeit unsurfaced, footway is available between the site and St Leonards Church.</p> <p>The proposed parking provision appears reasonable for the use, although we acknowledge that this matter will be addressed in full under a reserved matters application. We expect an appropriate level of covered and secure parking for cycles, and provision for mobility impaired vehicle users and powered two-wheelers.</p> <p>A condition is proposed securing the access prior to the operation of the proposed development.</p>	Agree
4	<p>WSCC Drainage Strategy Team – Current surface water flood risk based on 30 year and 100-year events: Low risk</p> <p>Comments: Current surface water mapping shows that the majority of the proposed site is at low risk from surface water flooding</p> <p>The Flood Risk Assessment and Surface Water Drainage Strategy for this application proposes that a pond and permeable paving with a restricted discharge to the watercourse would be used to control the surface water from this development.</p> <p>All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.</p>	Agree
5	COUNCIL'S ECOLOGIST - In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions. The reptile report is fine and will be needed to inform the mitigation compensation measures as per my recommended conditions.	Agree

	<ul style="list-style-type: none"> • the reserved matters layout shall include a minimum buffer of 15m from the edge of adjacent ancient woodland, to comprise semi-natural habitat / new naturalistic planting to create wildlife habitat: • no development shall commence until the following details have been submitted to, and approved by, the local planning authority: <ul style="list-style-type: none"> ◦ avoidance and mitigation measures to prevent harm / damage to wildlife and habitats (these may be incorporated into a construction environmental management plan CEMP or separate working document for using during site management); ◦ detailed proposals for wildlife habitat enhancement and long-term management including ecologically-appropriate species mixes and stock of native provenance and origin for naturalistic planting (this may be incorporated into a combined landscape and ecology management plan LEMP). 	
6	<p>COUNCIL'S ARCHAEOLOGIST Recommend condition</p> <p>No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.</p>	Agree
7	<p>MSDC ENVIRONMENTAL PROTECTION OFFICER- If permission were to be granted for this planning proposal then an application would be required for an environmental permit to fulfil the pollution prevention and control legislative requirements.</p> <p>Although the site is not in or close to an Air Quality Management Area, given the site area, an emissions mitigation assessment would be required. Should this development be granted planning permission, I recommend that a condition be applied requiring the mitigation of emissions.</p> <p>Air Quality: Prior to the commencement of construction of any part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the Air Quality and Emissions Mitigation Guidance for Sussex which is current at the time of the reserved matters application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved detail.</p>	Agree
8	<p>WSSCC Materials & Waste Planning Authority – Given it has been demonstrated that the demand for Ardingly sandstone is currently being met, and considering the valid points raised the mineral waste planning authority would agree in this case that the viability of the site for stone extraction is low, and we would therefore offer no objection to the proposal.</p>	Agree
9	<p>West Sussex Fire & Rescue Service – Suggested two conditions</p> <p>1) Prior to the commencement of the development details showing the proposed location of one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.</p> <p>2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.</p>	Agree
10	<p>LANDSCAPE OFFICER – Recommends Refusal - See section Topic Four below</p>	Agree

11	<p>MSDC Contaminated Land Officer - The Preliminary Risk Assessment by Terragen has been assessed. Given the findings of this report is agreed that no further investigation of the site is required at this time.</p> <p>It is agreed however that it is appropriate to apply a contaminated land discovery strategy for this development just in case otherwise unsuspected contamination is found during the development of the site.</p> <p>Recommendation: Approve with conditions</p>	Agree
12	<p>The consultation responses above confirm that there were no objections to the appeal scheme based upon the following:</p> <ul style="list-style-type: none"> • highway impacts, • land contamination, • flooding, • drainage, • impact on ecology or biodiversity, • impact on Ashdown Forest SPA • impact on heritage, • minerals sterilisation, • air quality, • archaeology 	Agree
Topic Four - Landscape Impacts		
1	<p>Advice on Landscape Impacts is provided by the County Landscape Architect at West Sussex through a service level agreement with the planning authority. Six iterations of the landscape comments were provided to the appellants through the processing of the planning application, amalgamated in the final comments dated 25 November 2020. These letters are dated as follows:</p> <p>Version 6 25/11/20</p> <p>Version 5 12/11/20</p> <p>Version 4 2/11/20</p> <p>Version 3 28/10/20</p> <p>Version 2 16/09/20</p> <p>Version 1 01/09/20</p>	Agree
2	<p>During the application the appellant and the LPA exchanged correspondence which attempted to establish agreement on the extent of landscape impacts. All of which will be core documents for the appeal.</p>	Agree

	The appellant's landscape architect produced a letter dated 12 th October 2020 setting out points of agreement evident in the County Landscape Architects letters to that date. This email is document reference LE49	
	An email from the case officer in response dated 13 November –(Document Reference LE5.8) confirmed that the County Landscape Architect and the case officer agreed with a number of points.	
3	The LVA report provides a recognisable description of the baseline landscape and visual context for the site and surrounding area as surveyed in May and June 2020. The methodology, guidelines and terminology used in the LVA have been developed from the Landscape Institute's and Institute of Environmental Management and Assessment's joint publication – Guidelines for Landscape and Visual Impact Assessment: Third Edition (April 2013) that is abbreviated to GLVIA3.	Agree
4	The site is not within a National Park, The Broads or an Area of Outstanding Natural Beauty, and therefore Paragraph 172 of the NPPF is not engaged	Agree
5	The estimated ZVI shown on Figure 7, Page 21 of the LVA is appropriate	Agree
6	Effects on the setting of the High Weald AONB would be minimal	Agree
7	The email of 13 November (document reference LE5.8) confirmed the County Landscape Architect and Case Officer agreed the following in terms of views "We are in agreement that the proposed development will not impact on Viewpoints 1, 2, 7 (the roadside, not the footpath), 8, 9, 10, 13, 14, 15, 16, 17 and 18. We do acknowledge that there would be some minor impact on Viewpoints 11 and 12 (the existing orange hoarding was visible from PRQW 69W heading north) but these are not significant. Therefore, the main Viewpoints which will be strongly and negatively impacted by the proposed development are 3, 4, 5 and 6."	This was set out in an email as stated. The Council will call an independent landscape witness to give his own assessment of the visual impacts for the appeal.
8	In principle a Crematorium could be considered as a community facility or local service and could be acceptable in the countryside (See Page 17 Officer's Report- eighth paragraph), subject to need in accordance with policy DP25.	Agree, subject to the facility complying with all other relevant policies, including those relating to character and appearance. The Council no longer maintains that the proposal would conflict with DP25
Topic Six - Falback Consents-		
1	The entire site subject of this appeal (save the car parks and building areas) has planning permission for natural burials, this was confirmed through consent DM/15/1035 in September 2015. The Council have confirmed the consent has been lawfully implemented, but the consented use is not yet operational.	Agree
2	A Chapel building was originally consented following an appeal (ref) DM/17/1167. The appeal decision letter is included as document AD1	Agree
3	The approval (DM/18/0677) for re-siting the chapel building and adding a basement was granted consent. The application will expire in May 2021. However, an identical permission DM/21/0014 was approved 8 March 2021	Agree
4.	In terms of heights the approved Chapel building has an upper limit of circa 173.65m AOD to the ridge. The proposed crematorium roof has a height in the parameters of 168.5m AOD with the smaller flue and skylight an upper limit of 171m AOD. These parameters are set out in drawing 917-GA-02 Rev A. Putative condition 2 secures this.	The crematorium application is in outline form with layout, scale and appearance being reserved matters, but parameters could be conditioned

5	The maintenance building consented under DM 19/5100 and DM/20/1557 has now been built. A non-material amendment application was submitted on 19/3/21 to regularise the addition of a pedestrian door	Agree
6	Car Parks – the staff car park consented under DM/19/5107 has not yet been implemented, but the base layer for the car park to the reception building has been constructed.	Agree
7	An access to the site in the same location as the appeal proposal has been established, – hedge was translocated behind the visibility splays.	Agree

Table B - Areas of Disagreement

Appellant	LPA
Topic A – Reasons for Refusal/ Development Plan Weight	
<p>1 The appellant disagrees with the reason for refusal</p>	<p>Reason for Refusal (from decision notice)</p> <p><i>The proposed development would have an adverse impact on the intrinsic character and beauty of the local countryside, including the setting of the High Weald area of outstanding natural beauty, which would be further harmed by the necessary woodland mitigation screen planting. This harm is not considered to be outweighed by an overriding need for this development and is therefore contrary to policies DP12, DP 16, DP 25, DP 26 and DP 37 of the mid Sussex district plan, policies THP8 and THP 13 of the neighbourhood plan, the provisions of the NPPF, in particular paragraph 8, 11, 124, 127, 130 and 170, objective FH2 and FH3 of the High Weald AONB management plan 2019 to 2024 and design principles DG3, DG7 and DG11 of the Mid Sussex Design Guide SPD</i></p>
<p>2 The parties do not agree with the weight to be afforded to the development plan policies in particular MSDC Local Plan policies DP12, DP16 and DP25 and THP8 and THP13 of the Turners Hill Neighbourhood Plan</p>	
<p>3 Subject to matters agreed above, the landscape and visual effects of the proposal are not agreed</p>	
<p>4 The extent to which the proposal would meet a need or provide a benefit, and the weight to be given to this in the planning balance</p>	

Signatory of the Appellant's Planning Consultant
(Lisa Jackson MA BSC Hons MRTPI Managing Director, Jackson Planning Ltd)

A handwritten signature in black ink, appearing to read 'L Jackson', with a long horizontal flourish extending to the right.

DATE 22 March 2021

Signatory of the Local Planning Authority's planning officer

(Andrew Watt BSc(Hons) MTPL MRTPI, Senior Planning Officer Mid Sussex District Council)

Andy Watt

DATE 22 March 2021

Appendix A

Draft Conditions**OUTLINE**

1)

Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

The development hereby permitted must be begun either not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

APPROVED PLANS

2)

The development hereby approved shall be carried out in accordance with the following approved plans:

Indigo Landscape Architects 917-GA-02A Parameters Plan 2020-07-27

Indigo Landscape Architects 917-GA-03 Location Plan 2020-07-27

Ardent 190561-001-Rev F -Proposed Site Access and Swept Path -May 2020

Reason: For the avoidance of doubt and to ensure satisfactory provision of the development.

CONSTRUCTION & ENVIRONMENTAL MANAGEMENT PLAN

3)

No development shall take place until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- an indicative programme for carrying out of the works;
- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste, including permitted times for deliveries;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- Avoidance and mitigation measures to prevent harm / damage to wildlife and habitats;
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- measures to control the emission of dust and dirt during construction;
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination; and

- a scheme for recycling / disposing of waste resulting from demolition and construction works.

Reason: In the interests of the general amenities of the area and in the interests of highway safety and ecology.

This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff.

CONSTRUCTION

4)

Prior to the commencement of development, the developer shall provide a 15m deep buffer zone to the hedges and watercourses along the site boundaries to be secured by temporary security fencing. The habitat within the buffer zones shall be maintained as existing and there shall be no access to these buffer zones during the construction process. Once construction is completed, the fencing shall be removed and the buffer zones left as a natural area for wildlife.

Reason: In order to protect wildlife habitat (bats, reptiles, dormice and water voles) and in the interests of general biodiversity.

This is required to be a pre-commencement condition because it is necessary to ensure that the wildlife habitat is protected prior to the start of construction works.

ECOLOGY

5)

No development shall commence until the following details have been submitted to, and approved by, the local planning authority:

- detailed proposals for wildlife habitat enhancement and long-term management including ecologically-appropriate species mixes and stock of native provenance and origin for naturalistic planting (this may be incorporated into a combined landscape and ecology management plan LEMP);

The reserved matters layout shall include a minimum buffer of 15m from the edge of adjacent ancient woodland, to comprise semi-natural habitat / new naturalistic planting to create wildlife habitat.

The works shall be carried out in accordance with the approved details.

Reason: In order to protect wildlife habitat (bats, reptiles, dormice and water voles) and in the interests of general biodiversity.

This is required to be a pre-commencement condition because it is necessary to ensure that the wildlife habitat is protected prior to the start of construction works.

DRAINAGE

5)

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be brought into use until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained.

This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

6)

Development hereby approved shall not commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented, has been submitted to and approved by the local planning authority in consultation with the Environment Agency. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution.

Reason: To ensure that the proposal is satisfactorily drained.

This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

7)

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

CONTAMINATION

8)

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved. If no unexpected contamination is encountered during development works, on completion of works and prior to proposed coming into use a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

ARCHAEOLOGY

9)

No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development.

This is required to be a pre-commencement condition because it would not be possible to carry out surveys once the building work has started.

AIR QUALITY

10)

No part of the development shall be first used until details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the Air Quality and Emissions Mitigation Guidance for Sussex which is current at the time of the reserved matters application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To preserve the amenity of local residents regarding air quality and emissions.

FIRE HYDRANTS

11)

Prior to the commencement of the development details showing the proposed location of one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

Reason: In the interests of safety.

12)

Prior to the first use of the proposed development, the occupant will at their own expense install the fire hydrant in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

Reason: In the interests of safety.

ACCESS AND PARKING

13)

No part of the development shall be first brought into use until the site access and car parking has been constructed in accordance with the approved site plan. The site will be laid out with a maximum of 111 parking spaces in the combined car park areas. The car parking spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure highway safety.

14)

No part of the development shall be put into use until such time as the vehicular access to Turners Hill Road has been constructed in accordance with the details shown on drawing 190561-001 F.

Reason: In the interests of road safety.

CONSTRUCTION HOURS

14)

No construction or demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday).

Reason: To protect the amenity of the area.

SITE WASTE MANAGEMENT FACILITIES

15)

No part of the development hereby permitted shall be occupied until details of the Site Waste Management facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented in accordance with the approved details and thereafter retained.

Reason: In the interests of the amenities of the area.

LIGHTING

16)

No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site.

HOURS OF OPERATION

17)

No funeral services shall take place outside of the hours of 09:00 and 17:00 Monday to Saturdays and there shall be no more than 8 services per day. There shall be no services on Sundays or Bank Holidays unless approval is given in writing by the local planning authority to whom a planning application must be made.

Reason: in the interests of the general amenity of the locality and to limit traffic on the road network during peak hours.

Appendix B

Planning Application and Appeal Documents List

I. Application Documents and Plans

AD	Application Documents
AD1.1a	Environmental Assessment Screening Report – Campbell Reith Project Number 13475 June 2020
AD1.1b	Environmental Assessment Screening Opinion Covering Letter Jackson Planning 30 June 2020
AD1.1c	Environmental Assessment Screening Opinion Decision MSDC 21 July 2020
AD 1.2	Phase 1 Ecological survey – Urban Edge Environmental Consulting Ltd
AD 1.3	Air Quality Assessment – Entran Ltd 14 July 2020
AD 1.4	Transport Statement- and appendices A-K Ardent Consulting Engineers August 2020
AD1.5	Landscape and Visual Impact Appraisal (A3 document) and appendices A-H (see below) Indigo Landscape Architects August 2020
AD1.5a-c	917-LVA Appendices A-C Methodologies
AD1.5d1	917-LVA Appendix D Photosheets Part 1 (NOTE to be viewed digitally)
AD1.5d2	917-LVA Appendix D Photosheets Part 2 (NOTE to be viewed digitally)
AD1.5e1	917-LVA Appendix E Reference Images Part 1(A3 document)
AD1.5e2	917-LVA Appendix E Reference Images Part 2(A3 document)
AD1.5e3	917-LVA Appendix E Reference Images Part 3(A3 document)
AD1.5e4	917-LVA Appendix E Reference Images Part 4(A3 document)
AD1.5e5	917-LVA Appendix E Reference Images Part 5(A3 document)
AD1.5f	917-LVA Appendix F Character Assessment Extracts (A3 document)
AD1.5g	917-LVA Appendix G Selected Planning Drawings (A3 document)
AD1.5h	917-LVA Appendix H Screening opinion (A3 document)
AD1.6	Flood Risk Assessment and Surface Water Drainage Strategy for Planning - Unda Consulting Ltd _August 2020
AD1.7	Crematorium Need Report -Peter Mitchell Associates August 2020
AD1.8	Supporting Planning Statement- Jackson Planning July 2020
AD1.9	Archaeological Desk Based Assessment – Wessex Archaeology June 2020
AD1.10	Design and Access Statement – Revision B - Indigo Landscape Architects July 2020 (A3 document)
AD1.11	Ground Sure Historical Map Search
AD1.12	Phase 1 Preliminary Risk Assessment Terragen Ltd July 2014

2. Application Plans

2 Plans (Shaded items indicate plans for determination)

AP2.1	Indigo Constraints Plan 917-GA-01 Rev C 27.07.20 scale 1:1250 @A1
AP2.2	Indigo Parameters Plan 917-GA-02 Rev A 27.07.20 scale :1000 @ A2
AP2.3	Indigo Location Plan 917-GA-03 Rev A 27.07.20 scale 1:2500 @ A3
AP2.4	Indigo Existing Consents Composite Plan 917-GA-04 Rev A 27.07.20 scale 1:1000 @ A1
AP2.5	Indigo Illustrative Layout Plan 917-SK-01 Rev I 27.07.20 (NOTE part site only)
AP2.6	Indigo Illustrative Landscape Masterplan Structural Planting 917-MP-01 Rev A 27.07.20 scale 1:1000 @ A2
AP2.7	Indigo Illustrative Landscape Masterplan Phase 1 917-MP-02 Rev A 27.07.20 scale 1:1000 @ A2
AP2.8	Indigo Illustrative Landscape Masterplan Phase 2 917-MP-03 Rev A 27.07.20 scale 1:1000 @ A2
AP2.9	Indigo Illustrative Section 917-MP-05 Rev B 27.07.20 (scale varies @A1)
AP2.10	Ardent 190561-001-Rev F -Proposed Site Access and Swept Path -May 2020
AP2.11	Indigo Illustrative Section 917-MP-06 Rev A scale 1:500 @ A1

3. MSDC Committee Papers and Decision Notice

M	Committee and Decision Documents
M3.1	Officer's Report 17.12.20
M3.2	Officer's Update Report dated 17.12.20
M3.3	MSDC Draft Minute of committee meeting
M3.4	Decision Notice dated 21.12.20
M3.5	Jackson Planning -3 minute speech to committee (submitted to Council in advance of meeting)

4. Correspondence to MSDC**LE4 Correspondence from Appellant in respect of main issues - planning application**

LE4.1	Jackson Planning Letter to Edward Anderson WSCC Mineral Planning Authority 07.09.20 (Mineral sterilisation)
LE4.2	Jackson Planning Letter to Virginia Pullan East Sussex County Council 08.09.20 (Landscape matters)
LE 4.3	Jackson Planning Email to Andy Watt MSDC from requesting progress report 11.09.20
LE 4.4	Jackson Planning Letter to Sally Blomfield, MSDC 21.09.20 (Landscape matters)
LE 4.5	Jackson Planning Email to Sally Blomfield, MSDC 22.09.20/ 23.09.20 requesting meeting
LE 4.6	Jackson Planning Email to Andy Watt MSDC requesting progress report 24.09.20 regarding meeting and agenda

- LE 4.7 Jackson Planning Letter to Andy Watt, MSDC 07.10.20 (Rebuttal of Clyde & Co Objection)
- LE 4.8 Jackson Planning Email to Andy Watt MSDC follow up to meeting 09.10.20
- LE 4.9 Indigo Landscape Architects to Andy Watt MSDC 12.10. 20 (Landscape Common ground points)
- LE 4.10 Jackson Planning Email to Sally Blomfield MSDC requesting progress report 21.10.20
- LE 4.11 Jackson Planning Letter to Andy Watt, MSDC 27.10.20 (Response on EOT request/ progress report)
- LE 4.12 Jackson Planning Email to Andy Watt MSDC suggesting video call to resolve outstanding landscape issues 02.11.20
- LE 4.13 Indigo Landscape Architects to Andy Watt MSDC 05.11.20 (Landscape matters)
- LE 4.14 Jackson Planning Email to Andy Watt MSDC regarding EOT request/ progress update 10.11.20
- LE 4.15 Jackson Planning Letter to Andy Watt, MSDC 17.11.20 (Landscape Matters)
- LE 4.16 Jackson Planning Letter to Andy Watt, MSDC 19.11.20 (Response to Beacon Dodsworth Critique on Need)
- LE 4.17 Jackson Planning Email to Andy Watt regarding start on site of construction of maintenance building 24 November 2020
- LE 4.18 Jackson Planning Letter to Andy Watt, MSDC 01.12.20 (Landscape matters)
- LE 4.19 Jackson Planning Email to Sally Blomfield MSDC regarding report to District Planning Committee 08.12.20
- LE 4.20 Jackson Planning Email to Nick Rogers MSDC regarding incorrect answer to brownfield question at District Planning Committee 17.12.20

5. Correspondence from MSDC

- LE5 Correspondence from MSDC to Jackson Planning in respect of planning application**
- LE 5.1 Email from Andy Watt MSDC to Jackson Planning requesting information on mineral sterilisation 04 09 2020
- LE 5.2 Email from Andy Watt MSDC to Jackson Planning advising on progress 11 09 2020
- LE 5.3 Email from Andy Watt MSDC to Jackson Planning requesting query is made in writing 21 09 20
- LE 5.4 Email from Sally Blomfield MSDC Jackson Planning overriding Andy Watt and agreeing to video meeting 23 September 20
- LE 5.5 Email from Sally Blomfield MSDC following phone call with update on progress 21.10.20
- LE 5.6 Email from Andy Watt MSDC to Jackson Planning regarding progress and request for EOT 2 November 2020
- LE 5.7 Email from Andy Watt MSDC to Jackson Planning regarding progress and request for EOT 10 November 2020

- LE 5.8 Email from Andy Watt MSDC to Jackson Planning regarding agreed common ground on landscape matters from letter by Indigo Landscape (12/10/20) 13 November 2020 (also appears as Appendix C to Statement of Case)
- LE 5.9 Email response from Sally Blomfield MSDC to Jackson Planning in response to complaint on errors, fairness and balance of Committee Report 09.12.20
- LE 5.10 Email from Nick Rogers MSDC to Jackson Planning 19 November 2020 on landscape matters
- LE5.11 Email from Nick Rogers MSDC to Jackson Planning 18 December 2020 review of answers to question at District Planning Committee on status of brownfield site

6. Consultation Response to the Application

CR – Consultation Responses

CR6.1	Environment Agency	02/09/20
CR6.2	Natural England (DAS response)	02/07/20
CR6.3	WSCC Highways	19/08/20
CR6.4	WSCC Drainage	27/08/20
CR6.5a	Council's Ecological Consultant	08/10/20
CR6.5b	Council's Ecological Consultant (Reptiles)	06/11/20
CR6.6	SCC -Archaeology 27 October 20	22/10/20
CR6.7	MSDC Environmental Protection Officer	08/09/20
CR6.8a	WSCC Materials & Waste Planning Authority (initial respon	03/09/20
CR6.8b	WSCC Materials & Waste Planning Authority (final respons	25/09/20
CR6.9	WSCC Fire and Rescue	20/08/20
CR6.10	MSDC Contaminated Land Officer	14/08/20
CR6.11	WSCC Lead Local Authority	03/09/20
CR6.12	Turners Hill Parish Council	02/09/20
CR6.13	Worth Parish Council	22/09/20

VP6 Landscape Consultation Response Correspondence from Virginia Pullan County Landscape Architect
East Sussex County Council

- VP6.1 Version 1 Letter from Virginia Pullan (County Landscape Architect) to Andy Watt (case officer)
01.09.20
- VP6.2 Version 2 Letter from Virginia Pullan (County Landscape Architect) to Andy Watt (case officer)
16.09.20
- VP6.3 Version 3 Letter from Virginia Pullan (County Landscape Architect) to Andy Watt (case officer)
28.10.20
- VP6.4 Version 4 Letter from Virginia Pullan (County Landscape Architect) to Andy Watt (case officer)
2.11.20
- VP6.5 Version 5 Letter from Virginia Pullan (County Landscape Architect) to Andy Watt (case officer)
12.11.20
- VP6.6 Version 6 Letter from Virginia Pullan (County Landscape Architect) to Andy Watt (case officer)
25.11.20

7. Documents not forming part of the application

Additional Document for Reference

ADI – PINS Appeal decision letter 317987

N Additional Documents not previously seen by LPA

- N7.1 Building Control completion certificate for maintenance building (constructed on site Nov/ Dec 2020)
- N7.2 CMA -Funerals Market Investigation Provisional Report August 2020
- N7.3 CMA- Funerals Market Investigation Final Report 18 December 2020

Table C – Summary of 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	
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	Not implemented and lapsed
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
	Date	Reference	Description	Outcome	Appeal	Implementation Status

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, superseded by construction of DM/19//5100 in same location
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		Building constructed December 2020 albeit not in accordance with approved plans NMA application submitted 19/3/21
12	11/05/20	DM/20/1557	Reserved Matters (landscaping)	Approved		Building constructed December 2020 albeit no landscape works carried out
13	08/03/21	DM/21/0014	Chapel building (renewal of DM/18/0677)	Approved		Not yet implemented.