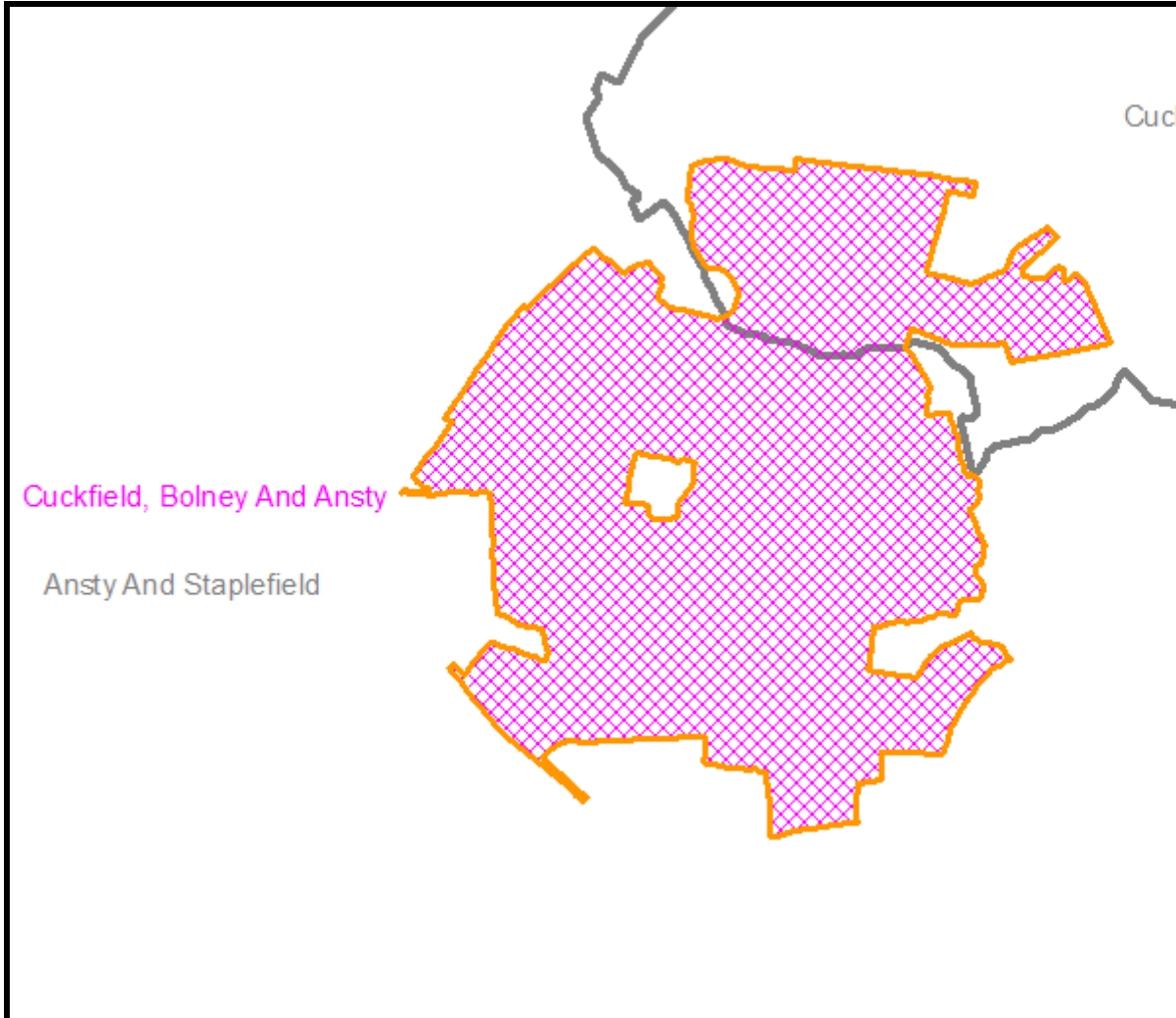


DM/23/2866



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Site:	Land East Of Ansty Way Cuckfield Bypass Cuckfield West Sussex
Proposal:	Outline planning application (All matters reserved except for access) for the redevelopment of land to the east of Ansty to create a new Garden Community, comprising of the erection of up to 1,450 homes (including 30% affordable housing), up to 90 residential care units (C2 class), a primary school, a SEND school, health hub, sports facilities including all weather hockey pitches and tennis centre, allotments, retail, community and employment uses together with ancillary and associated development including new and enhanced pedestrian/cycle routes, open spaces, and landscaping. (Additional information and amended plans received 27th May 2025).
Applicant:	Fairfax Acquisitions Limited And The Norris Family

Category:	Largescale Major Dwellings
Target Date:	17th October 2025
Parish:	Cuckfield
Ward Members:	Cllr Malcolm Avery / Cllr Jim Knight /
Case Officer:	Stephen Ashdown

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S3PMGXKT0D200>

1.0 Purpose of Report

1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

2.1 Outline planning permission is being sought for the proposal, with all matters reserved apart from access. Specifically, outline consent is sought for:

- Up to 1,450 dwellings, including up to 435 affordable homes (30%), and 30 self-build plots;
- Up to 90 residential care units (Use Class C2);
- A primary school;
- Land for a Special Educational Needs (SEND) School;
- A health hub (including a potential GP clinic);
- A local centre with retail, community and employment uses;
- Sports and recreation facilities and public open space;
- Allotments
- Associated landscaping and infrastructure works, including connectivity with existing pedestrian and cycle routes, and three new vehicular access points from the existing road network.

2.2 Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan

Document (SADPD) and Ansty and Staplefield Neighbourhood Plan (ASNP) and the Cuckfield Neighbourhood Plan (CNP).

- 2.3 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.
- 2.4 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Ansty as defined by the District Plan. As such the site is located within the defined Countryside.
- 2.5 Policy DP12 of the MSDP refers to the protection of the Countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. The proposed development does not meet all of the criteria of policy DP12 in the MSDP. In addition, the proposed development does not meet all of the criteria of policy DP6 in the MSDP and does not meet the criteria of policy DP15 of the MSDP. The proposal also conflicts with policies AS1 and AS2 of the ASNP as it is seeking development outside of the built-up area boundary and does have an impact on the coalescence between Ansty and Cuckfield and does not meet the criteria within the policy which supports specific development in the countryside, and there will be a change in the undeveloped landscape of a field to a housing development. Furthermore, the proposal also conflicts with policies CNP3 and CNP5 of the CNP for similar reasons as those associated with ASNP policies, save for the issue of coalescence which in CNP5 case is between Cuckfield and Haywards Heath.
- 2.6 As the site is not allocated for residential development in the Development Plan, it is considered that the proposed development does not accord with the development plan, when read as a whole. In accordance with planning law, it is necessary to consider other material planning considerations when determining this planning application.
- 2.7 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF. At the present time, the Council is unable to demonstrate a five-year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF. In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development, having particular regard for the key policies indicated in paragraph 11(d)(ii) of the NPPF. The weight to be afforded to the Development Plan policies needs to be determined by considering their degree of conformity with the NPPF.
- 2.8 For the reasons set out within this report, policies DP4 and DP6 can be given limited weight, policies DP12 and DP13 can be afforded moderate weight and policy DP15 can be afforded full weight in the determination of this application. Policy AS1 of ASNP can be given limited weight, and moderate weight can be given to policy AS2 of ASNP. In respect of policies CNP3 and CNP5 of the CNP, both of these policies can be given moderate weight.
- 2.9 The application would provide 1,450 homes, including a total of 435 affordable homes; 109 of these would be affordable ownership and 326 would be affordable rented tenure. The scheme would also include 30 self-build plots and 90 residential

care units. A financial contribution to 3 permanent Gypsy and Traveller pitches would also be secured through the S106 agreement. The proposal would comply with policies DP30, DP31 and DP33 of the MSDP. Given the inability of the Council to demonstrate a five-year housing land supply and the goal of national policy to significantly boost the delivery of housing, it is considered that the delivery of this residential accommodation should be afforded substantial positive weight in the planning balance.

- 2.10 In terms of community and leisure facilities, the application proposes a new Primary School, land for a Special Educational Needs (SEND) School, Health Hub including a potential new GP surgery, village centre with local facilities and workspace and sports and recreation facilities. These would be secured and funded through the S106 agreement.
- 2.11 The provision of a new primary school and land for a SEND school is given significant positive weight, however it is not considered that the indicative proposals for the location of these facilities are appropriate, as it is unlikely that the development of schools in this location would meet the competing requirements of this part of the site. However, these issues can be resolved at reserved matters stage, given the outline nature of the planning application. To achieve this, Officers propose to exclude the submitted land-use parameter plan from the list of approved plans if permission is granted, and to require the submission of a revised parameter plan via planning condition.
- 2.12 The provision of a Health Hub, including a potential GP surgery is a benefit of the scheme, afforded significant weight. Given the outline nature of the application, few details are provided at this stage and will be sought at reserved matters stage, however, the outline permission will secure the delivery of the facility, via a s106 Legal Agreement.
- 2.13 In terms of the proposed sports and recreation facilities, the proposal is acceptable and in accordance with policies DP24 and DP25. The details of the facilities, including on-site play and off-site sports contributions, will be secured through the S106 agreement and planning condition. Overall, the sports and leisure provision is a benefit of the scheme, afforded significant weight in the planning balance. Again, the outline permission will secure the delivery of these facilities, via a s106 Legal Agreement.
- 2.14 In terms of transport matters, the vehicular access arrangements are acceptable. On the basis of the submitted evidence and the formal responses from the relevant highway authorities, the application would comply with Policy DP21 and the relevant provisions of national planning policy, which require that development should not result in a severe impact on the transport network. Subject to the recommended conditions and mitigation, no such severe impact has been identified. Furthermore, the application incorporates appropriate opportunities to promote sustainable transport and in particular the proposed bus services provide public transport improvements that will benefit existing residents in Ansty and Cuckfield villages. These improvements will be secured with a s106 Legal Agreement, and it is considered that this is a benefit of the scheme that should be afforded significant positive weight.
- 2.15 The proposed development will not have an adverse impact in respect of noise pollution, light pollution and air quality. Planning conditions can be imposed to secure the required mitigation measures.

- 2.16 It is considered that planning conditions can be imposed regarding potential contamination of the site to ensure that the site is made suitable for its future use.
- 2.17 With regards to biodiversity net gain (BNG), the application is not subject to the mandatory BNG requirements, however the applicants are seeking to provide a net gain of approximately 20%, although this will be achieved through off-site enhancements. Notwithstanding that enhancements would be provided off-site, this would comply with the relevant policy and regulatory requirements. The fact that the proposal will deliver a net gain in biodiversity, should be given positive weight in the planning balance.
- 2.18 It is considered that sufficient information has been submitted to demonstrate that the development is not at risk from flooding, nor increase the risk of flooding elsewhere. Furthermore, it is considered that it has been demonstrated that the site can be satisfactorily drained. The detail of the drainage for the site would be controlled by condition and come through at a subsequent reserved matters application.
- 2.19 It is considered that the impact of the proposal on infrastructure can be mitigated by the facilities and contributions that have been set out in this report. These comply with policy DP20 in the MSDP and the Community Infrastructure Levy (CIL) Regulations and will be secured by a section 106 Legal Agreement.
- 2.20 A planning condition can be used to ensure that archaeological matters are suitably addressed.
- 2.21 Weighing against the application is the conflict with Development Plan policy in relation to policies DP6, DP12, DP13 and DP15 of the MSDP, policies AS1 and AS2 of the ASNP and policies CNP3 and CNP5 of the CNP. However, the weight to be attached to policies DP6, DP12 and DP13, as well policies AS1, AS2, CNP3 and CNP5 is reduced because the Council cannot demonstrate a five-year housing land supply. Whilst policy DP15 is considered to have full weight, this is aimed at specific types of housing (essential accommodation for rural workers, isolated new homes of exceptional quality, affordable housing rural exception sites) and therefore the conflict with this policy is not considered to be determinative in this case.
- 2.22 In terms of visual impact, the introduction of built form of this scale would render Ansty visible in views from Cuckfield, where it is currently not readily visible. This will reduce the perception of separation, impacting on the identity of the villages and resulting in the perception of coalescence. As such, the proposal is contrary to Local Plan policy DP13, policy AS2 of the ASNP, and policies CNP3 and CNP5 of the CLP. As noted above, given the Council cannot demonstrate a five-year housing land supply, the weight that can be afforded to these policies is reduced.
- 2.23 The High Weald Area of Outstanding Natural Beauty (HWAONB) is located immediately to the north-west of the site. The boundary of the HWAONB is defined by the A272 corridor, which forms the north-western boundary of the site. The site therefore lies within the setting of the HWAONB. While steps have been taken to minimise the impact, a development of this size and scale will result in some harm to the adjacent protected landscape and as such there is a conflict with policy DP16 of MSDP. The application therefore conflicts with Local Plan policy DP16. Full weight can be given to this policy.
- 2.24 Also weighing against the application is the harm that would be caused to the setting of designated and non-designated heritage assets around, and in the vicinity

of the site. This results in a conflict with policies DP34 and DP35 of the MSDP. This harm would fall into the less than substantial category as defined within the NPPF. The NPPF requires a balancing exercise to be carried out between the less than substantial harm to designated heritage assets and the public benefits of the proposed development. In carrying out this balancing exercise, the decision maker should give significant weight to the less than substantial harm to properly reflect the statutory position in the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of listed buildings and their settings is desirable. The NPPF also requires a balanced judgement in relation to the impact on non-designated heritage assets.

- 2.25 It is considered that the significant public benefits of the scheme (provision of new housing, including affordable housing, specialist housing (residential care units and sel/custom build plots), the provision of a primary school, sports facilities, local centre and health hub, public open space and the economic benefits including additional spending in the locality, do outweigh the less than substantial harm to the setting of the designated heritage asset in this instance and also, the non-designated heritage assets.
- 2.26 The proposal would result in the loss of some 116 trees, of which 14 would be Category B (moderate quality). The loss of 14 Category B trees is small in comparison to the overall number on the site (no.412) and this level of loss can easily be mitigated and the overall size of the development site provides the potential to ensure any future landscaping scheme can actually provide enhancements (in respect of tree quality/species). While there is a conflict with policy DP37 of MSDP, it is considered that this should only attract minimal negative weight in the overall planning balance.
- 2.27 The Agricultural Land Classification for the site states that 17.2% of the land is graded as Grade 3a and above. Policy DP12 seeks to protect Agricultural land from non-agricultural development proposals. Given this classification of this proportion of the land, the proposed development is technically non-compliant with the requirements of Policy DP12. However, it is acknowledged that 82.8% of the land to be built on is classified as Grade 3b, which is low value agricultural land. Given this, minimal weight is attributed to the non-compliance with Policy DP12 in this respect.
- 2.28 The residual effects, as set out in the Environmental Statement (ES), arising from the proposed development are those effects that remain following the implementation of identified mitigation measures. The ES concludes that significant effects during construction will occur to Landscape and Visual character, Ecology and Biodiversity. The ES states that the adverse Landscape and Visual Impacts will be temporary in nature as they are limited to construction only. Officers disagree with this conclusion. As concluded in early sections of this report, Officers believe that the development would result in the irreversible change to the landscape of this part of the district.
- 2.29 The ES also states that there will be significant beneficial residual effects during the operational phase including the provision of housing, additional expenditure supported from the residents and operational workers, the provision of a school to meet demand for education (early years) provision, and land to meet demand for a SEND school and provision of open space and play space. A moderate beneficial impact on ecology and biodiversity is also identified. These benefits are given significant weight.

- 2.30 Mitigation measures, as outlined within the ES, can be secured through the conditions as set out in Appendix A and through the legal agreement where appropriate. With such measures secured, the conclusions of the ES are considered by Officers to be reasonable and accurate apart from in respect of the magnitude of landscape impacts.
- 2.31 In summary, it is considered that the proposal complies with policies DP17, DP20, DP21, DP24, DP25, DP26, DP28, DP29, DP30, DP31, DP38, DP39, DP41, DP42 of the MSDP. However, there is a conflict with policies DP6, DP12 and DP15 in the MSDP because the proposal is for a major housing development on site that is not allocated in the Development Plan for housing. The proposal also conflicts with policies DP13, DP16, DP34, DP35 and DP37 in MSDP.
- 2.32 In relation to the ASNP and CNP it is considered that the application complies with policies AS4, AS8, AS11, AS14, CNP4, CNP8, CNP16 and CNP21. The application however conflicts with policies AS1, AS2, CNP3 and CNP5 as the site lies within the countryside and would result in perceived coalescence.
- 2.33 It is for the decision maker to consider the weight that should be attached to these issues, individually and collectively.
- 2.34 Taking all of the above into account, it is your Planning Officer's view that because the application is for a major housing development on an unallocated site, notwithstanding compliance with the policies in the development plan that have been referred to in this report, the proposal does conflict with the Development Plan when read as a whole. This is not the end point as planning law requires that *'where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'*.
- 2.35 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it follows that the policies which are most important for determining the application from the Development Plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.
- 2.36 The proposal would provide up to 1,450 new dwellings (including specialist units and self/custom build plots) at a time when the Council cannot demonstrate a five-year housing land supply. There would be economic benefits from the proposal from the increased spend within the local economy once the development is occupied. There would be social benefits through the provision of a primary school, land for a SEND school, the provision of an on-site sport facility and pitches, provision of local centre including a Health Hub, the provision of allotments and the creation of public open space. Furthermore, the provision of an improved bus service that will also serve the existing villages of Ansty and Cuckfield is also a social benefit of the scheme. The proposal would also result in a net gain in biodiversity. These benefits, each of which are considered to be significant, would accord with the economic, social and environmental objectives as set out in paragraph 8 of the NPPF.
- 2.37 Your Planning Officer considers that the proposal would have a neutral impact in respect of impacts on air quality, the public right of way network, the Ashdown Forest, infrastructure provision and drainage, where planning conditions and the legal agreement will mean that the impact of the development is mitigated. There would be additional vehicular movements on the highway network, but these would

not result in a severe impact. There would be off site works to help mitigate the impact of the development, together with a Travel Plan.

- 2.38 The proposal would have a negative impact on the setting of a number of designated and non-designated heritage assets. The proposal would also change the character of this part of the District from a green field site to a significant housing development adjacent to the protected landscape of the HWAONB. Both are considered to be significant. The loss of 14 category B tree and loss of a small amount of Grade 3a (and above) agricultural land are negatives but are considered only to attract minimal weight.
- 2.39 It is your Planning Officer's view that having regard to para 11d of the NPPF, that the adverse impacts of granting consent (many of which will in any event be mitigated for as far as is possible) would not significantly and demonstrably outweigh the benefits of this development, as highlighted within this report,. It is therefore considered that whilst the proposal is not in accordance with the Development Plan when read as a whole, there are material planning considerations of sufficient weight that would justify the approval of this scheme.

3.0 Recommendation

Recommendation A

- 3.1 It is recommended that planning permission be granted subject to the receipt of satisfactory comments from the LLFA and completion of a s106 Legal Agreement to secure:
- 435 affordable homes (30% of proposed homes)
 - Financial contributions towards Gypsy & Traveller Pitches and additional Sussex Police capacity
 - The provision of a primary school and land for a SEND school
 - Financial contributions towards secondary and sixth form education
 - Public transport, active travel and highway works contributions
 - Offsite sports pitch improvements
 - Provision of on-site sports and social facilities
 - The provision of off-site BNG enhancements as part of the Parkland Reserve planning permission.
- 3.2 The permission would also be subject to planning conditions, as set out in Appendix A.
- 3.3 It is also requested that Committee enable officers, in consultation with the Chair and Vice Chair to add any relevant conditions that may be suggested by the LLFA as well as make any minor changes to those listed in Appendix A.

Recommendation B

- 3.4 Recommend that if the applicants have not entered into a satisfactory s106 Legal Agreement to secure the items listed above by 16th January April 2026, then the application should be refused at the discretion of Assistance Director Planning and Sustainable Economy for the following reason;

'The proposal fails to provide the required infrastructure, and contributions, to serve the development and the required affordable housing. The proposal therefore conflicts with policies DP20, DP21 and DP31 of the Mid Sussex District Plan 2014 – 2031 and policies SAGEN and SA20 of the Site Allocations Development Plan Document 2022.'

4.0 Summary of Representations

- 4.1 A total of 490 letters of representation objecting to the application have been received, raising the following points:

Principle of Development

- The site is not allocated in adopted or emerging plans and is considered speculative, raising concerns about its alignment with the plan-led approach and strategic planning objectives.
- The scale of the proposal is viewed as disproportionate to the role of Ansty and Cuckfield in the settlement hierarchy, with potential to blur the boundaries between the two villages and alter their distinct identities.
- The development would introduce a significant urban footprint into a rural setting, replacing productive farmland and valued countryside with a large residential estate.
- The proposal does not meet the criteria for a sustainable “20-minute neighbourhood,” lacking proximity to key services and employment opportunities, and offering limited assurance that proposed facilities will be delivered or maintained.
- There is a perception that the development is primarily commercially driven, with limited demonstrable benefit to the existing community and minimal alignment with local aspirations or neighbourhood plans.
- Concerns have been raised about the potential for future infill development between Ansty and Haywards Heath, contributing to gradual urbanisation of the wider landscape.

Highway / Public Right of Way Matters

- The local road network is already under pressure, particularly during peak hours and school times. Additional traffic from the development is expected to exacerbate congestion and increase safety risks.
- Proposed junctions and crossings may conflict with existing vegetation and landscape features, and there are concerns about their adequacy and safety.
- Active travel options are considered limited due to the site's location, road conditions, and lack of safe, connected infrastructure. Shared paths along busy roads are viewed as impractical for regular use.

- Public transport proposals are seen as uncertain and unlikely to be viable without long-term subsidy, raising doubts about their effectiveness in reducing car dependency.
- Construction traffic is expected to cause disruption and wear to local roads, with limited clarity on mitigation measures.

Biodiversity Matters

- The site includes ancient woodland, hedgerows, and habitats supporting protected species, which are likely to be affected by the development.
- The proposed Parkland Reserve is viewed as an insufficient form of mitigation, with concerns about its dual role as a recreational space and biodiversity offset, and lack of clarity around long-term management.
- Biodiversity Net Gain has not been clearly demonstrated on-site, and off-site compensation is considered disconnected and of limited ecological value.
- Ecological assessments have been questioned for accuracy and completeness, with some submissions highlighting inconsistencies in species data and habitat impact.
- The development may fragment wildlife corridors and reduce ecological connectivity across the landscape.

Residential Amenity Matters

- Increased traffic, noise, and activity are expected to affect the tranquillity and character of the area, particularly in quieter lanes and walking routes.
- The development would place additional pressure on local services, including schools, healthcare, water supply, and digital infrastructure, which are already experiencing strain.
- Residents have reported existing issues with power outages, water shortages, and flooding, and are concerned these may be exacerbated without significant infrastructure investment.
- Loss of countryside views and access to open space is seen as detrimental to wellbeing and quality of life.
- The scale and nature of the proposal have generated concern and uncertainty among residents, many of whom feel their views have not been adequately considered.

Impact on Designated Heritage Assets

- The development is expected to affect the setting of listed buildings, conservation areas, and historic landscapes, including views from Cuckfield Church and the South Downs.
- Infrastructure such as cycle paths and lighting may intrude on sensitive heritage environments and alter their character.

- Revised documents have not materially changed previous assessments of impact, and mitigation measures are considered limited in scope.

Infrastructure

- There is no clear or secured delivery strategy for key infrastructure such as schools, healthcare, transport, and utilities, and no binding commitments from relevant providers.
- Promised facilities are viewed as aspirational and lacking in detail, with questions about their viability and relevance to community needs.
- Southern Water has indicated that current wastewater capacity is insufficient, and occupation may need to be deferred until upgrades are completed.
- The development is not considered deliverable in the short term and would not make a meaningful contribution to housing supply targets within the required timeframe.

Other Matters

- The proposal would result in significant landscape change, including visual impacts on the High Weald National Landscape and surrounding countryside.
- Public consultation has been described as limited and reactive, with concerns about transparency and responsiveness to community feedback.
- The Parkland Reserve is seen by many as a symbolic gesture rather than a substantive ecological or recreational asset.
- The development is considered inconsistent with National Planning Policy Framework (NPPF) principles, with adverse impacts outweighing the potential benefits.

5.0 Summary of Consultees

5.1 A summary of the consultee final position can be found below. Their full comments can be found on the public planning file.

5.2 MSDC Conservation Officer

The Conservation Officer commented that the proposed development would result in a fundamental impact on the currently rural character of a large area of land to the south of Cuckfield village, affecting the settings of a wide range of designated and non-designated heritage assets.

In relation to all the designated assets identified, a degree of harm would arise from the development. The level of this harm would be in all cases less than substantial, and would vary in severity within this broad spectrum depending on factors including the nature of the significance of the affected asset, the contribution made by the development site as part of the asset's setting to that significance and how its appreciated, and the type development or use which is indicated in this outline application within the relevant area(s).

The applicant subsequently submitted a revised masterplan. Following reconsultation, the Conservation Officer stated that the objection was maintained due to unresolved concerns regarding the impact of both the southern and northern sites on heritage assets, with revised documents and masterplans not materially altering the original assessment.

5.3 MSDC Housing Officer

No objections subject to conditions.

5.4 MSDC Urban Designer

The MSDC Urban Designer takes the view that the scheme does not sufficiently address the principles set out in the Council's Design Guides and risks not according with policy DP13 and policy DP26 of the District Plan. There are matters regarding the overall form and quality of the potential layout which are not resolved. These include matters regarding:

- i) Access: there are issues with the width of some proposed pedestrian footpaths, and some pedestrian connections should be improved and legibility enhanced.
- ii) Coalescence: the development is too close to the neighbouring settlements, potentially causing them to visually merge. The new settlement has potential to erode the perception of rural separation, the design of any part of the site north of the central ridge edge needs to be carefully managed and, ideally, kept free of development where it could contribute to the perception of coalescence.
- iii) Masterplan/Layout/Perimeter Plan: there is a need to maintain the distinct identities of Cuckfield and Ansty through sensitive landscape integration, the creation of a meaningful central commons to foster connectivity and placemaking, and the refinement of the Village Centre and primary street to ensure coherent density, active frontage, and a strong sense of arrival.
- iv) Design Code: Key issues are its lack of clarity and completeness in conveying the site's three-dimensional qualities, street hierarchy, and character areas, as well as insufficient alignment with earlier analysis and limited public engagement during its development, which undermines its ability to guide coherent and locally responsive placemaking.

5.5 MSDC Environmental Health Officer

No objection subject to conditions.

5.6 MSDC Contaminated Land Officer

No objection subject to conditions.

5.7 MSDC Community Facilities Project Officer

No objection, subject to conditions relating to formal sport contributions.

5.8 MSDC Ecology Consultant

No objection subject to conditions relating to submission of mitigation details for Hazel Dormouse, provision of full Biodiversity Net Gain metric data, and confirmation of ecological impacts prior to determination.

5.9 MSDC Tree Officer

Objection due to the excessive loss of trees, including several category B trees considered a constraint to development, and concerns over future pressure on retained trees and ancient woodland, contrary to policy DP37 of the Mid Sussex District Plan.

5.10 MSDC Archaeology Consultant

No objections subject to conditions relating to Geophysical Survey and Archaeological Evaluation and Excavation.

5.11 MSDC Visual Landscape Consultant

Objects to the development, as they take the position that the proposal would result in the irreversible change to part of a landscape that is considered important at both a National and European level for its intimate, agricultural character, tranquillity and beauty. It adjoins and sits within the setting of a National Landscape. The effect would be significant adverse effects on the immediate Site and its setting and to create the perception of coalescence between Ansty and Cuckfield. The effects on the National Landscape and its setting are not yet fully assessed. Errors and omissions in the approach to the assessment underplay the effect on the landscape and its function. Mitigation of visual effects rely heavily on the intrinsic character and features of the unspoiled landscape which is currently maintained.

5.12 WSCC Highways

No objection subject to S106 requirements and conditions.

5.13 WSCC Public Rights of Way

No objection subject to conditions relating to public rights of way upgrades, surface improvements, connectivity for equestrians, and financial contributions, all to be agreed with WSCC.

5.14 WSCC Education

West Sussex County Council, acting as the Local Education Authority, reviewed the application and recommended refusal of the application. The Council was unable to support the proposal due to unresolved design and legal issues affecting the proposed primary and SEND school sites.

Key concerns included constraints on usable educational land due to wildlife corridors, hedgerows, and buffer zones; lack of clarity around access, drop-off arrangements, and site layout; and unsuitable building materials. The Council also noted that noise levels across the site exceeded recommended thresholds for outdoor teaching, and further design work would be needed to mitigate these impacts. Legal issues affecting the school sites remained unresolved at the time of review. WSCC indicated it may reconsider its position if these matters are addressed through further design and legal clarification.

5.15 **WSCC Minerals and Waste**

No objection.

5.16 **WSCC Fire and Rescue**

Recommend a condition regarding the provision of fire hydrants.

5.17 **West Sussex Lead Local Flood Authority**

The LLFA originally required further information in their responses dated 19 June and 7 August 2025, identifying issues around runoff calculations, infiltration testing, drainage layout, floodplain storage, and emergency procedures.

In response to these requests for further information, the applicant submitted a revised FRA and Drainage Strategy on 1 September 2025, providing updated modelling, enhanced SuDS design, and confirmation of no development within the floodplain. Final comments are awaited

5.18 **Active Travel England**

Recommends approval of the application, subject to the agreement and implementation of planning conditions and/or obligations as set out in their response.

5.19 **Sports England**

No objection, provided that improvements to Beech Farm Field are considered appropriate to meet pitch sport demand. However, they noted uncertainty around whether all proposed improvements could be delivered and recommended further clarity on current and future pitch capacity. They advised that any upgraded facilities should be secured through a Community Use Agreement and suggested flexibility in how Section 106 contributions are allocated. Sport England also highlighted the need for contributions towards 3G and indoor sports provision but acknowledged the lack of a local evidence base to guide negotiations.

5.20 **Nature Space (Great Crested Newts)**

No objection subject to conditions.

5.21 **Southern Water**

No objection, subject to conditions relating to an Odour Assessment for the potential odour nuisance from a Wastewater Treatment Works.

5.22 **Sussex Police - Design**

No objection.

5.23 **Sussex Police – Infrastructure**

The PCC advised that the scale of the proposal would require new staff, vehicles, and premises, and that these costs could not be met through existing funding alone. A Section 106 contribution was requested to support the capital infrastructure needed to maintain effective policing, with the methodology for the request aligned with national best practice and upheld in recent appeal decisions.

5.24 **Environment Agency**

No objection subject to conditions.

5.25 **National Highways**

No objection subject to condition relating to the preparation of the Construction Traffic Management Plan.

5.26 **Historic England**

No formal position taken. Suggested to seek views of specialist conservation and archaeological advisers.

5.28 **Haywards Heath Town Council**

Haywards Heath Town Council objects to the proposed development on the grounds that it is speculative, unallocated in adopted or emerging plans, conflicts with neighbourhood plans, and would negatively impact local infrastructure without direct benefit to the town. The Council also considers the proposal contrary to several policies in the Mid Sussex District Plan, including those on countryside protection, coalescence, transport, and character.

6.0 Ansty and Staplefield Parish Council and Cuckfield Parish Council (joint submissions)

6.1 Cuckfield Parish Council and Ansty and Staplefield Parish Council take the position that the proposed development does not constitute sustainable development and is inconsistent with both the adopted District Plan and the principles of the NPPF. Their view is that the proposal is speculative, unallocated, and poorly located, with a range of strategic concerns relating to housing, transport, landscape, biodiversity, and infrastructure as set out below.

6.2 Housing: The Parish Councils consider the scale of the development to be disproportionate to the size of Ansty village and likely to result in coalescence with Cuckfield, affecting the distinct identity of both settlements. They note that the site is not allocated in the adopted District Plan or Neighbourhood Plans and was excluded from the emerging District Plan following strategic assessment. In their view, the district has a sufficient housing land supply and there is no policy or practical justification for additional development at this location.

6.3 Transport: The Parish Councils raise concerns about the site's reliance on private car use and its limited connectivity to surrounding settlements and services. They reference technical analysis which suggests that the applicant's Transport Assessment may overstate the accessibility of the site and understate the likely traffic impacts. They also highlight uncertainty around the long-term viability of proposed public transport improvements and consider the location to be fundamentally unsustainable in transport terms.

6.4 Landscape: The Parish Councils believe the development would result in significant adverse impacts on the High Weald National Landscape, the South Downs National Park, and the surrounding countryside. They point to potential loss of ancient woodland, disruption of historic field patterns, and increased light pollution. In their view, the scale and visibility of the proposal are incompatible with the local landscape character and settlement pattern.

- 6.5 Biodiversity Net Gain (BNG): Concerns are raised about the credibility and deliverability of the proposed rewilding scheme, including the lack of consultation with relevant experts. The Parish Councils note that there is insufficient detail on long-term management and funding, and that construction activities could pose risks to sensitive habitats and ecological networks.
- 6.6 GP Provision: The Parish Councils question whether local healthcare infrastructure, particularly GP services, can accommodate the scale of development proposed. They note that no clear strategy has been provided to address increased demand.
- 6.7 Planning Policy and Process: The Councils emphasise that the proposal is not planned and does not align with the strategic growth strategy set out in the District Plan. They state that the use of “garden village” terminology is not supported by formal planning status or principles and that the proposal lacks meaningful integration with its setting, neighbouring communities, and infrastructure. In their view, the application is contrary to the development plan taken as a whole and should be refused.
- 6.8 The submissions from the Parish Council’s can be viewed in full on the planning file.

7.0 Introduction

- 7.1 The applicant is seeking outline planning permission (with all matter reserved apart from access) for the development of the site for up to 1,450 homes (including 30% affordable housing), up to 90 residential care units (Use Class C2), a primary school, a Special Education Needs and Disability (SEND) school, health hub, sports facilities, allotments, retail, community and employment uses together with ancillary and associated development. Ancillary and associated development includes pedestrian/cycle routes, open space and landscaping.

8.0 Relevant Planning History

- 8.1 There are no previous planning applications of direct relevance to the determination of this application.
- 8.2 The land is not an allocated site under the Site Allocations Development Plan Document (SADPD), nor proposed for development within the Draft Submission Mid Sussex District Plan.

9.0 Site and Surroundings

- 9.1 The site covers a total of approximately 100ha of arable farmland, woodland and waterways immediately east of the settlement of Ansty. There are two listed buildings located in the centre of the site, but outside the site boundary.
- 9.2 The two Grade II listed buildings in the middle of the site are ‘The Place’ and the ‘Barn House’. A number of other listed buildings are located in proximity to the site. These have been excluded from the application site boundary.
- 9.3 A single access track is located within the site boundary, running east-west centrally through the site and connecting to the eastern boundary.
- 9.4 The A272 directly abuts the northern boundary of the site, and the settlement of Cuckfield lies approximately 1km further north. Arable land similar to that of the existing site separates the site and Cuckfield. A waste water treatment plant borders an area of the site to the north.

- 9.5 Arable land (West Riddens Farm), and the B2036 abuts the south and south-western boundary respectively.
- 9.6 To the east lies open countryside, including Mackerel's Farm Cottage and Copyhold Farm.
- 9.7 The topography of the site is gently undulating, made up of valleys and hills. Small waterways traverse the site from east to west.
- 9.8 The site is not located within the High Weald Area of Outstanding Natural Beauty (also known as the High Weald National Landscape), the boundary of which lies to the west/northwest of the site.

10.0 Application Details

- 10.1 Outline planning permission is being sought for the proposal, with all matters reserved apart from access. Specifically, outline consent is sought for:
- Up to 1,450 dwellings, including up to 435 affordable homes (30%), and 30 self-build plots;
 - Up to 90 residential care units (Use Class C2);
 - A primary school;
 - The provision of land for a Special Educational Needs (SEND) School;
 - A health hub (including GP clinic);
 - A local centre with retail, community and employment uses;
 - Sports and recreation facilities, public open space and allotments;
 - Associated landscaping and infrastructure works, including connectivity with existing pedestrian and cycle routes, and three new vehicular access points from the existing road network.
- 10.2 Given the outline nature of the application, parameter plans are provided to set the framework within which subsequent reserved matters applications would emerge. An illustrative masterplan has been provided to demonstrate one way in which the development could be realised, within the boundaries set by the proposed parameters. For reasons set out in the report below, your Planning Officer is not recommending that these plans are approved as part of this application and that revised ones are secured, via a condition, to inform any future Reserved Matters applications.
- 10.3 Parameter plans are provided in respect of Land use, Building heights, Density Green infrastructure and Access and Movement.
- 10.4 With regard to land use, the submitted plans show a central hub is proposed towards the geographical centre of the site, which would include a mixed-use local centre with some residential uses at upper floor levels, the health hub, primary school, SEND school, playing fields and proposed care home. Surrounding this local centre is primarily residential development aligned to the internal road

network, with a network of green spaces between. In the far north-eastern land parcel, a sports facility is proposed.

- 10.5 In terms of height, the parameters would allow for buildings of the greatest height within the local centre and in the highest density residential area. Within the local centre, the parameter plans propose that the maximum ridge height of the 3 storey commercial buildings is higher than the 3 storey residential buildings. In addition, the heights on the parameter plan allows for buildings fronting the length of the main internal road to have the flexibility to increase their ground floor ceiling heights, in order to provide the opportunity to incorporate commercial uses at reserved matters stage. The proposed heights range from 1.5 storey buildings with a ridge height of 8m, to 4 storey buildings with a height of up to 16m in the local centre.
- 10.6 The exact mix of the housing will be determined at the reserved matters stage, however, the application states that it will incorporate a range of dwellings including 1 and 2-bedroom flats, and 2, 3 and 4 bedroom houses. The built form on site will range from 1.5 storeys to 4 storeys, with density being an average of 35dph. The highest densities are proposed within the central part of the site, with residential density ranging from 30dph to 50dph.
- 10.7 A range of green infrastructure types is proposed across the site. The site is required to provide 9.45 ha of open space for 1,450 dwellings, based on a population of 3,625, to comply with MSDC policy and guidance. However, the site is proposed to include approximately 26 ha of open space in total across the site.
- 10.8 Access is a matter for approval under this outline application. The access strategy includes three proposed vehicular access points to the site.:
- Access 1 – on the northern edge of the site onto the A272
 - Access 2 – on the western edge of the site onto the A272
 - Access 3 – on the south-western edge of the site onto the B2036 Harvest Hill.
- 10.9 In terms of internal roads, the submitted plans show a proposed primary street ('Ansty Avenue') that runs through and across the site, which would form the route of any bus service serving the site; a secondary street ("the Crescent"); and a number of tertiary streets. Mini-mobility hubs are proposed along the primary street. These routes are shown on the submitted parameter plans.
- 10.10 The application has been submitted concurrently with an application (DM/23/2867) for the 'Parkland Reserve' site which is intended to serve the local residents of Cuckfield/Ansty, as well as future residents proposed under this application, by providing enhanced publicly accessible open space and biodiversity gain. As part of the original submission, it had been intended to link these two sites, via a controlled crossing to the A272. This has since been removed from the application and the two applications need to be determined on their own merits.

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

11.2 Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

11.3 Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes 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.'

11.4 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

11.5 Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a Development Plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

11.6 Using this as the starting point the Development Plan for this part of Mid Sussex consists of the District Plan (MSDP), Ansty, Staplefield and Brook Street Neighbourhood Plan (ASNP) and the Cuckfield Neighbourhood Plan (CNP).

11.7 National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) does not form part of the Development Plan but is an important material consideration.

11.8 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERCA) places a duty on the Council (public authorities) to conserve biodiversity in exercising its functions. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

11.9 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This application was submitted prior to mandatory biodiversity net gain coming into effect so this application is not subject to the 10% mandatory biodiversity net gain introduced under schedule 7A.

11.10 The following list of policies are relevant in the determination of this application:

11.11 **Mid Sussex District Plan (MSDP) 2014-2031**

The District Plan was adopted at Full Council on 28th March 2018. Relevant policies:

- DP4 Housing
- DP6 Settlement Hierarchy
- DP12 Protecting and Enhancement of Countryside
- DP13 Preventing Coalescence

DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 Securing Infrastructure
DP21 Transport
DP22 Rights of Way and other Recreational Routes
DP23 Communication Infrastructure
DP24 Leisure and Cultural facilities and Activities
DP25 Community Facilities and Local Services
DP26 Character and Design
DP28 Accessibility
DP29 Noise, Air and Light Pollution
DP30 Housing Mix
DP31 Affordable Housing
DP33 Gypsies, Travellers and Travelling Showpeople
DP34 Listed Buildings and other Heritage Assets
DP35 Conservation Areas
DP37 Trees, Woodland and Hedgerows
DP38 Biodiversity
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage
DP42 Water Infrastructure and the Water Environment

11.12 **Ansty, Staplefield and Brook Street Neighbourhood Plan**

Policy AS1 New Housing Development
Policy AS2 Preventing Coalescence
Policy AS4 Housing Mix
Policy AS8 Improvement of Community Facilities
Policy AS11 High Speed Broadband
Policy AS14 Walking and Cycling Routes

11.13 **Cuckfield Neighbourhood Plan**

Policy CNP3 Preventing Coalescence between Cuckfield and Haywards Heath
Policy CNP4 Protect and Enhance Biodiversity
Policy CNP5 Protect and Enhance the Countryside
Policy CNP8 Affordable Housing
Policy CNP9 Small Scale Dwellings
Policy CNP16 Transport Impact of Development
Policy CNP21 Securing Infrastructure

11.14 Site Allocations DPD

Policy SA38 Air Quality

Other Legislation

11.15 Planning (Listed Buildings and Conservation Areas) Act 1990

Other Material Considerations

11.16 High Weald AONB Management Plan 2024-2029

The Plan is adopted by all the relevant local authorities with land in the High Weald National Landscape as their policy for the management of the area and for the

carrying out of their functions in relation to it and is a material consideration for planning applications affecting the HWNL.

The following objectives are relevant to the application;

S1: To protect the historic pattern and character of settlements.

S2: To enhance the architectural quality of the High Weald and ensure new development reflects the character of the High Weald in its siting, scale, layout and design.

R1: To maintain the historic pattern, morphology and features of routeways

W2: To protect and restore the ecological quality and functioning of woodland at a landscape scale.

DS1: To preserve the dark skies of the High Weald AONB by minimising light pollution, obtrusive external lighting and internal light spill from domestic, commercial and public premises in both existing and new developments within the High Weald, and from highways lighting.

DS2: To protect wildlife and habitats from light pollution across the High Weald.

PQ2: To protect the unspoilt rural landscape with its intrinsic sense of naturalness, valued views, and the extent of green space which foster experiences of rurality and tranquillity.

11.17 Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. If adopted, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight.

Pending adoption, the NPPF states that Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

11.18 Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

11.19 SDP Development Infrastructure and Contributions (2018)

11.20 Affordable Housing Supplementary Planning Document (SPD)

11.21 National Planning Policy Framework (NPPF) (December 2024)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8

sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

Paragraph 9 of the NPPF states;

'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'

11.22 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states:

'For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless:*
 - i. The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or*
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'*

Paragraph 12 of the NPPF states;

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 39 of the NPPF states;

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic,

social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

11.23 National Planning Policy Guidance

11.24 National Design Guide

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

12.0 Assessment

12.1 It is considered that the main issues that need to be considered in the determination of this application are as follows.

- Principle of Development
- Housing
- Leisure and Community Provision
- Landscape Impact
- Layout and design
- Heritage Impacts
- Archaeology
- Transport
- Residential Amenity
- Noise and Vibration
- Ecology and Biodiversity
- Trees
- Infrastructure
- Sustainability
- Air Quality
- Contaminated land
- Impact on Ashdown Forest SAC/SPA
- Flood Risk and Drainage
- Loss of Agricultural Land
- Minerals
- Socio-economics
- ES Residual effects and Effects Interaction
- Infrastructure
- Other matters

Principle of Development

12.2 As noted above, planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

12.3 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Ansty as defined by the District Plan. As such the site is located within the defined Countryside.

12.4 Policy DP12 of the District Plan refers to the protection of the Countryside and states, in part, that development will be permitted in the Countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.

12.5 Policy DP6 of the District Plan states in part that:

'Outside defined built-up area boundaries, the expansion of settlements will be supported where:

1. *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
2. *The site is contiguous with an existing built-up area of the settlement; and*
3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'*

12.6 The proposed residential development does not meet any of these criteria.

12.7 Policy DP15 of the MSDP refers to new homes in the countryside and sets out the special justifications where new homes would be permitted. Special justification would include;

- Essential agricultural or forestry workers accommodation
- Exceptional design quality for isolated new homes
- Rural exception sites
- DP6 requirements being met

12.8 The proposed residential development does not meet any of these special justifications.

12.9 Policy DP13 of the MSDP seeks to prevent coalescence and states;

'The individual towns and villages in the District each have their own unique characteristics. It is important that their separate identity is maintained. When travelling between settlements people should have a sense that they have left one before arriving at the next.

Provided it is not in conflict with Policy DP12: Protection and Enhancement of the Countryside, development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements.

Local Gaps can be identified in Neighbourhood Plans or a Site Allocations Development Plan Document, produced by the District Council, where there is robust evidence that development within the Gap would individually or cumulatively

result in coalescence and the loss of the separate identity and amenity of nearby settlements. Evidence must demonstrate that existing local and national policies cannot provide the necessary protection.'

- 12.10 Policy AS1 of the ASNP seeks to focus new housing development within the built-up area of Ansty. Furthermore, it states for small scale housing developments (up to 10 units), to meet identified local need will only be permitted subject to the criteria below and compliance with other policies within the plan, in particular AS2 (coalescence) and AS3 (High Weald AONB):

'a) The proposed development contributes to sustainable development;

b) Any application is supported by assessment of the environmental and visual impact of the proposal and include as necessary appropriate mitigation measures.

c) An application is supported by a robust assessment of the impact of the proposal upon the local highway network.

d) The proposal provides a mix of tenure types including private, social rented and shared equity (intermediate) to meet local housing need.

All other development proposals outside the Ansty Development Boundary will not be permitted unless:

• They comply with the countryside policies of the Mid Sussex Local Plan 2004 or the Mid Sussex District Plan once it is adopted; Or

• They relate to necessary utilities infrastructure where no reasonable alternative location is available.'

- 12.11 Policy AS2 of the ASNP states;

'Development proposals are expected to demonstrate that they would not result in the coalescence with any neighbouring settlement either individually or cumulatively or result in the perception of openness being unacceptably eroded between the following areas:

• Ansty and Burgess Hill

• Brook Street and Cuckfield

• Ansty and Cuckfield Planning permission will not normally be granted for development which:

Contributes towards the ad hoc or isolated development of dwellings outside the built-up area, including infilling of built-up frontages or linear development along roads.'

- 12.12 Policy CP3 of CNP deals with coalescence between Cuckfield and Haywards Heath and states;

'Development will not be permitted outside the Built Up Area Boundary, as defined on Map 2 – Cuckfield Built Up Area Boundary , if individually or cumulatively it would result in increasing the coalescence between Cuckfield and Haywards Heath or reducing their separate identity by:

- a) *Reducing the gap between Cuckfield and Haywards Heath or,*
- b) *Increasing the density of development within existing curtilages.'*

12.13 Policy CNP5 of CNP relates to the protection and enhancement of the countryside, and states;

'Outside of 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 CNP 6 (a) and (b) or would be in accordance with Policies CNP 10, CNP 14 and CNP 17 in the Neighbourhood Plan or other relevant planning policies applying to the area, and

b) It would not have a detrimental impact on, and would enhance, areas identified in the Cuckfield Landscape Character Assessment (summarised in Table 1) as having major or substantial landscape value or sensitivity, and

c) It would not have an adverse impact on the landscape setting of Cuckfield and

d) It would maintain the distinctive views of the surrounding countryside from public vantage points within, and adjacent to, the built up area, in particular those defined on Map 5, and

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

12.14 There are no other relevant policies in the District Plan, any other Development Plan documents such as the Site Allocations document, or the Neighbourhood Plans that would explicitly support the residential development of this site, within the designated Countryside. The principle of the application therefore conflicts with the Development Plan, in terms of what type of development is allowable under Policies DP6 and DP12.

12.15 As the site is not allocated for residential development in the Development Plan, the application is in conflict with policies which are central to the principle of development at this location, and your Planning Officer considers that the proposed development does not accord with the Development Plan, when read as a whole. As per planning legislation, a decision must be made in accordance with the Development Plan unless there are any material planning considerations which indicate otherwise. It is therefore necessary to consider other material planning considerations which outweigh this conflict with the Development Plan.

12.16 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF.

12.17 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states:

'For decision-taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless:*
 - i. *The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'*

- 12.18 Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in the NPPF (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change. Notwithstanding that the site is within the setting of the High Weald AONB (National Landscape), it is not considered to fall within any of these categories and therefore footnote 7 does not apply.
- 12.19 Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the Local Planning Authority (LPA) cannot demonstrate a five year land supply of delivery housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75%) of the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.
- 12.20 Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the amendments which were made to the NPPF in December 2024, which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five-year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.
- 12.21 In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance, and permission should be granted unless the application of policies within the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development as indicated in paragraph 11(d)(i). If there are no such policies (i.e. policies falling within fn 7) the Local Planning Authority should only refuse permission if the adverse impacts of the proposed development would “significantly and demonstrably outweigh the benefits” when assessed against the policies in the NPPF as a whole, having particular regard to “key policies for directing development to sustainable locations, making

effective use of land, securing well-designed places and providing affordable homes, individually or in combination” , in accordance with paragraph 11(d)(ii).

- 12.22 While the site is located within the setting of High Weald Area of Outstanding Natural Beauty (also know as National Landscapes) it is not located within it and as such it is not considered para 11(d)(i) is engaged. Therefore para (d)(ii) is considered relevant in the determination of this application.
- 12.23 In carrying out the balancing exercise required by para 11(d)(ii), it is necessary to consider the weight to be given to policies of the development plan. Paragraph 232 of the NPPF clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 12.24 As outlined above, Policies DP4 and DP6 are among the most important policies for the purposes of deciding whether this application accords with the development plan as a whole. However, as the Council can no longer demonstrate a 5YHLS, these must be considered out of date in so far as they seek to prevent development outside Built-Up Area Boundaries BUABs). Similarly, the three criteria in policy DP6 are out of date in terms of restricting development to certain locations. In terms of the settlement hierarchy identified in DP6, this is still relevant when considering applications in terms of whether they are in a suitable sustainable location. As such, these policies can be given limited weight in the determination of the application. Similarly, policy AS1 of ASNP (New Housing Development), is a policy that restricts development outside BUABs, can be considered out-of-date and given limited weight in the determination of the application.
- 12.25 Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it does also allow development meeting certain criteria and as such the weight that can be afforded to this policy is moderate.
- 12.26 Policy DP13 (Preventing Coalescence) seeks to protect the separate identify of settlements and as such does seek, alongside policy DP12, to restrict certain forms of development. As with DP12, for the same reasoning as above, the weight that can be given to this policy is moderate.
- 12.27 Policy AS2 of ASNP (Preventing Coalescence) is similar in ethos to policy DP13 in looking to protect the separate identify of Ansty and Cuckfield and as such seeks to restrict certain forms of development. For the same reasoning as above, the weight that can be given to this policy is moderate.
- 12.28 Policies CNP3 (Preventing Coalescence between Cuckfield and Haywards Heath) and CNP5 (Protect and Enhance the Countryside) are similar to policies DP12 and DP13 of the District Plan. As such, it is not considered that these policies directly relate to the supply of housing however, for the same reasoning as above, the weight that can be given to these policies is moderate.
- 12.29 The following sections of the report will consider the relevant matters associated with the proposed development in the context of the Development Plan and other material considerations, including the NPPF in order to undertake the necessary tilted balance assessment outlined above.

Housing

12.30 Policy DP30 of the MSDP deal with housing mix and states:

'To support sustainable communities, housing development will:

- Provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- Meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and*

On strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time: or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurate with the overall scale of residential development proposed by the strategic; and serviced plots for self-build homes where a need for such accommodation is identified. If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the Council.'

12.31 Policy DP31 of the MSDP deals specifically with affordable housing and states:

'The Council will seek:

- 1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace¹⁴ of more than 1,000m²;*
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 – 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*
- 4. a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and*
- 5. free serviced land for the affordable housing.*

All affordable housing should be integrated with market housing and meet national technical standards for housing including "optional requirements" set out in this District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.

Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document. The policy will be monitored and kept under review having regard to the Council's Housing Strategy and any changes to evidence of housing needs.'

12.32 Policy DP33 of the MSDP refers to the provision of Gypsies, Travellers and Travelling Showpeople pitches/plots, and states, inter alia;

'To ensure that a sufficient amount of permanent culturally suitable housing for settled Gypsies, Travellers and Travelling Showpeople is delivered to meet identified needs within an appropriate timescale, the Council makes provision for...

The provision of such pitches on strategic sites (Policy DP30: Housing Mix refers)..'

12.33 The application states that 30% of homes provided will be within affordable tenures which is in accordance with Policy DP31. The scheme would provide 25% affordable ownership (in the form of First Homes) and 75% affordable rent, which is again in line with the requirements of Policy DP31. As the development is proposed to be phased, each phase must include 30% affordable housing, split 25% First Homes/75% social rented or affordable rented housing.

12.34 Should the maximum number of 1,450 homes be provided as part of future reserved matters application, this would mean a total of 435 affordable homes; 109 of these would be affordable ownership and 326 would be affordable rented tenure.

12.35 The comments of the Housing Officer are summarised at the start of the report and the full version can be found on the planning file. In order to meet a range of housing need, the overall size mix of the affordable housing will need to comprise approximately:

- 26% (113) to 30% (130) x 1B/2P flats, Flats over garages (FOGS), maisonettes, or bungalows at a minimum size of 50m² (excluding the staircase and entrance hall in the case of any FOGS or maisonettes or 58m² including them). Maisonettes should each have their own private garden area.
- 50% (217) to 46% (200) x 2B/4P houses and flats (the rented units are ideally all to be houses) at a minimum size of 79m² in the case of houses (2 storey) and 70m² in the case of flats (excluding the staircase and entrance hall in the case of any FOGS or maisonettes or 79m² including them). Maisonettes should each have their own private garden area.
- 15% (66) x 3B/5P houses at a minimum size of 93m² (2 storey) or 99m² (3 storey).
- 5% (22) x 4B/6P houses at a minimum size of 106m² (2 storey) or 112m² (3 storey).
- 4% (17) x wheelchair accessible dwellings for rent in the form of:

- 8 x 1B/2P bungalows or flats at a minimum of 60m² and each with access to its own individual private garden area.
- 2 x 2B/4P bungalows, flats or houses at a minimum size of 84m² and each with access to its own individual private garden area in the case of flats and bungalows and at a minimum of 103m² in the cases of houses,
- 5 x 3B/5P houses at a minimum size of 121m²
- 2 x 4B/6P houses at a minimum size of 138m².
- All wheelchair accessible dwellings must comply with the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) for wheelchair accessible dwellings as contained in category 3 - wheelchair user dwellings of schedule 1 of the Building Regulations 2010 as amended.

12.36 The affordable housing requirements will be secured in the s106 Legal Agreement and with this it is considered that the scheme would provide a policy compliant level of affordable housing. The final details of the affordable dwellings would be submitted and determined at a subsequent reserved matters application.

12.37 In terms of specialist housing, the proposals include up to 90 residential care units. The need for specialist housing for older people is recognised in the Council's Strategic Housing Market Assessment (SHMA), where it is identified that there is a particular need for specialist housing for those aged over 75. The inclusion of the proposed residential care units is therefore supported – further details will be required as part of any future reserved matters applications.

12.38 Furthermore, it is proposed that the development will provide up to 30 self-build units, as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

12.39 Policy DP30, as set out above, identifies that development will need to meet the current and future needs of different groups within the district, including those who wish to build their own homes. This reflects the requirements of paragraph 63 of the NPPF of ensuring that local policies meet the established need within an area. Moreover, paragraph 73(b) of the NPPF that local planning authorities should:

'b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing.'

12.40 The Local Planning Authority must grant "suitable development permissions" in respect of enough serviced plots of land to meet the demand for self-build and custom housing building in the authority's area.

12.41 The Council are required to keep a Self and Custom-Build Register and as of 24th October 2024 (date of last publication) there were 23 applicants on the 'MSDC Self and Custom Build Register of Interest', of whom 21 had an evidenced local connection to Mid Sussex. Nine of the applicants out of the 23 has listed Cuckfield in their top 10 location choices for a plot and a further three have listed Ansty. The

nearby towns of Haywards Heath (13) and Burgess Hill (7) also appear prominently in terms of preferred location.

- 12.42 The proposals provision of up to 30 self/custom build dwellings is a material consideration in the determination of the application, which is supported by planning policy. This provides a positive benefit to the proposed development.

Gypsy and Traveller Provision

- 12.43 As set out above, policies DP30 and DP33 refers to the provision for development on strategic sites to contribute towards the provision of permanent pitches for Gypsy and Travellers to meet the identified need, as evidenced by the Mid Sussex Gypsy and Traveller Accommodation Assessment (GTAA). Policy DP30 makes it clear that development on strategic sites can meet the policy requirements by either on-site provision or via a financial contribution (in certain circumstances). The level to be provided by the site will be commensurate with the overall scale of the residential development proposed by the strategic development.
- 12.44 This development proposal is considered strategic, as it consists of more than 500 dwellings. The development of this site generates the need for three Gypsy and Traveller pitches.
- 12.45 Based on the Council's 2022 Gypsy and Traveller Accommodation Assessment (GTAA) there is a residual need for 3 permanent pitches to meet the Council's need between 2021 to 2038, taking into account existing commitments.
- 12.46 The applicants have accepted that their development generates a need to contribute towards Gypsy and Traveller pitches, but do not consider that there is sufficient capacity within the development site to accommodate the pitches required to achieve the wider policy compliance and requirements of both the District and County Councils. In particular, they highlight the challenges they have experienced in trying to achieve an optimal layout that allows for appropriate access into the site, along with the provision of on-site facilities such as the school, local centre, sports facilities, and allotments, along with the necessary quantum of dwellings, commercial space, and public open space.
- 12.47 It is clear that the policy does not require Gypsy and Traveller provision on site and providing there are other sites which can be delivered in an appropriate timescale, and a contribution is taken towards them, the officers are content that the policy is satisfied.
- 12.48 The Council is exploring the possibility of expanding existing sites within the district and it is also recognised that the proposed significant site Policy DPSC3: Land to the South of Reeds Lane, Sayers Common of the emerging Mid Sussex District Plan (2021-2039) includes a requirement to deliver six permanent Gypsy and Traveller pitches. While limited weight can be given to the latter, it does demonstrate that options are being explored to provide sites to meet this need. Officers are therefore satisfied that there are sufficient options for provision to be made off-site, and that there are other suitable, available and achievable sites within the district, which could be delivered within an appropriate timescale and, as such, an off-site contribution, which will be secured via a s106 Legal Agreement, is an appropriate mechanism to deal to with the development requirements with regard to this issue.

- 12.49 Having regard to all of the above, it is considered that the application makes provision for a suitable housing mix, including specialist housing and with the securing of the affordable housing and the Gypsy and Traveller contribution within a s106 Legal Agreement, the application complies with policies DP30, DP31 and DP33 of the MSDP.
- 12.50 In summary, the proposal would comply with the relevant policies in respect of the provision of housing and affordable housing, and this should be afforded significant positive weight in the determination of this application.

Leisure and Community Provision

- 12.51 Policy DP24 of the MSDP deals with the provision of leisure and cultural facilities, including allotments, all formal leisure provision, open space and play areas, and states, in part;

'Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported.

The on-site provision of new leisure and cultural facilities, including the provision of play areas and equipment will be required for all new residential developments, where appropriate in scale and impact, including making land available for this purpose. Planning conditions and/o

planning obligations will be used to secure such facilities. Details about the provision, including standards, of new leisure and cultural facilities will be set out in a Supplementary Planning Document.

Sites for appropriate leisure and cultural facilities to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.

Proposals that involve the loss of cultural facilities, open space, sports and recreational buildings and land, including playing field, will not normally be supported unless:

An assessment has been undertaken which clearly shown the cultural facility, open space, sports land or recreational building to be surplus to requirements; or

The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'

- 12.52 Policy DP25 deals with community facilities, including education facilities, healthcare facilities, shops and community centres, and states, in part;

'The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported...

The on-site provision of new community facilities will be required on larger developments, where practicable and viable, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure on-

site facilities. Further information about the provision, including standards, of community facilities will be set out in a Supplementary Planning Document.

Community facilities and local services to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.'

- 12.53 In terms of community and leisure facilities, the application proposes the following, to be secured and delivered through a S106 agreement:
- (1) New Primary School
 - (2) New Special Educational Needs (SEND) School
 - (3) A Health Hub including new GP surgery
 - (4) New village centre with local facilities and workspace
 - (5) New sports and recreation facilities
- 12.54 The proposal will also provide for a site, and an appropriate level of funding in relation to need generated from the development, for a new Special Education Needs (SEND) school.
- 12.55 The Planning Statement accompanying the application states that the schools have been positioning on the western side of one of the flattest parts of the site to improve accessibility for existing Ansty residents and new residents, and to enable the associated sports facilities to be laid on appropriate level terrain.
- 12.56 The proposed primary school would provide a two and a half form entry. This sizing would be sufficient for the expected number of pupils arising from the development, having regard to the Department for Education's pupil yield calculator. The provision of a primary school and provision of a site for a SEND school as part of the scheme is considered to be a significant benefit of the scheme.
- 12.57 With regard to the siting of the schools in this western part of the site, the County Council Education Department have raised a number of concerns. As set out in the visual impact section of this report, the western part of the site forms the boundary with the High Weald AONB. In order to ensure an appropriate transition and visual impact from the HWAONB, a buffer zone is included along the western edge. The application states that this will also serve as a wildlife corridor where existing hedges and trees will be retained. The inclusion of this buffer zone within the school sites would constitute a constraint on the use of the site, reducing the useable area for educational purposes. Schools are secured by weldmesh fencing and therefore it is not possible for this part of the boundary to act as a wildlife corridor.
- 12.58 In addition, the noise modelling submitted with the application shows that areas of the school, including a significant amount of the playground would experience noise levels from 55 to 69db. This exceeds the Department for Education's Building Bulletin 93 standards which require school playgrounds to have a baseline less than 55db and outdoor teaching less than 50db. The application notes this and states that noise barriers could be used as design solutions to reduce noise. However, it is unclear how these barriers could be incorporated given the need for this part of the site to provide a visual transition to the AONB and to act as a wildlife corridor, all whilst meeting the need for free flow access to outside space for pupils.

- 12.59 Given this, whilst the provision of the schools is given significant weight, it is not considered that these facilities are appropriately sited, as shown on the submitted plans. It is unlikely that the development of schools in this location would meet the competing requirements of this part of the site. However, these issues can be resolved at reserved matters stage, given the outline nature of the planning application. To achieve this, Officers propose to exclude the submitted parameter plans from the list of approved plans if permission is granted, and to require the submission of revised parameter plans via planning condition.
- 12.60 The proposed local centre is intended to provide a mix of uses including a potential local food store, flexible Class E uses (such as a café/retail/offices), other community uses (such as a creche/shared workspace/ small gym) and a health hub (to include a range of healthcare services, including a potential GP surgery). The submitted plans show the location of the local centre to the north-east of the school site and care home but note that the final location will be subject to the reserved matters submissions. Little detail is known about these elements at present; however, this is acceptable at outline stage as further details will be secured through the reserved matters applications. The applicant has indicated that the provisional intention is that the local centre would comprise of three buildings and could provide two floors of space, as well as be divided into smaller units. The applicant has confirmed that the local centre will be funded and delivered by the development, and this requirement will be secured, along with relevant minimum specification for such facilities, within any s106 Legal Agreement. The provision of the GP surgery and Health Hub is a benefit of the scheme, afforded significant weight.
- 12.61 In terms of the proposed sports and recreation facilities, these are intended to be primarily provided on the northern part of the site, having similarly sought to make use of a more level part of the site. The Planning Statement also states that this location has been selected to enable easy access for residents of Haywards Heath, Cuckfield, and those travelling from further afield should they wish to use the facilities. Hockey and tennis facilities are proposed as the focus for this sports provision. In summary, the following provision is proposed:
- Delivery of an on-site Sports Hub comprising a pavilion building, 2 x hockey pitches (floodlit), 4 x outdoor tennis/netball courts and 4 x covered padel courts. The Hub would also provide an opportunity for delivery of 4 x indoor tennis courts subject to additional Lawn Tennis Association funding.
 - Community use of the sports pitches to be delivered at the new schools to be built as part of the proposed development. Access would be secured via Community Use Agreements.
 - Off-site investment to improve the condition and Carrying Capacity of pitches at Beech Farm Field.
- 12.62 Sports England have provided comment on the planning application, in their role as a non-statutory consultee. In coming to their conclusions, they have consulted with the Lawn Tennis Association (LTA) and England Netball, who both support the proposals.
- 12.63 England Netball support the proposed facility mix, preferably as a combination of indoor and outdoor courts shared with tennis.

- 12.64 The LTA identify Haywards Heath as a target location for indoor tennis due to the lack of provision in Mid-Sussex. The provision of a floodlit outdoor court would also help to meet the level of demand in the area.
- 12.65 The Football Foundation (FF) have commented that there would be a high demand for a multi-pitch facility arising from a development of this scale and therefore raises concern about the lack of on-site provision. The applicant proposes to improve the facilities at Beech Farm Field, however the FF do not consider this to be the most appropriate location for off-site enhancement.
- 12.66 In summary, in terms of outdoor sports provision, Sport England commented that further indoor provision for tennis and netball should be considered and the additional demand for football and other pitch sports that will be generated by the development should be catered for on-site. If adequate sports pitch provision cannot be made within the application site, then further justification should be provided for the improvement of Beech Farm Fields and a costed feasibility assessment for its improvement. Ideally, if off-site provision is the only solution, this should be improvement of an identified priority site such as Whiteman's Green.
- 12.67 In response to these comments, the Applicant submitted a further letter, explaining that on-site provision to meet demand is not practically feasible due to the constraints of the site and that the proposals would be adequate to serve the new and existing population.
- 12.68 The Council's Community Facilities Project Officer has also provided comment on the planning application and considers that the formal sport provision, including an off-site financial contribution towards drainage improvements for Beech Farm Field, would enable the developer to comply with the quantity requirement for outdoor sports, as outlined in Appendix A of the Development and Infrastructure SPD.
- 12.69 The Council's Community Facilities Project Officer also supports the proposed provision of three LEAPs, a NEAP and MUGA on site, along with the community hall to be provided within the sports hub building. On the latter, the Officer considers that this should be subject to further consultation with the local community and must complement the newly constructed Ansty Village Hall.
- 12.70 In terms of informal open space, the Council does not lay down standards for the provision of informal open space on development sites.
- 12.71 The provision of the sport and recreation facilities will be funded and delivered by the development and again this will be secured within the s106 Agreement. The Council have expressed an interest to take transfer of a number of the community facilities proposed by the development, to ensure that their future management remains for all residents of the district. This is a matter for further discussion as part of the s106 Legal Agreement and the 'Infrastructure' section of the report sets out officers' intentions in this regard.
- 12.72 Taking into account these comments, the sports and leisure provision proposed is acceptable and in accordance with Policies DP24 and DP25. The details of the facilities, including on-site play and off-site sports contributions, will be secured through the s106 Legal Agreement and planning conditions. Overall, the sports and leisure provision is a benefit of the scheme, afforded significant weight in the planning balance.

Visual and Landscape Impact

- 12.73 One of the objectives of achieving sustainable development is to ensure that proposals *'contribute to protecting and enhancing our natural, built and historic environment'* (para 8, NPPF).
- 12.74 Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. The policy states that The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.
- 12.75 Policy DP13 seeks to ensure that development reflects the district's distinctive towns and villages, retains their separate identity and character and prevents coalescence. Development will only be permitted where it does not result in the coalescence of settlements; as coalescence harms the separate identity and amenity of settlements and has an unacceptably urbanising effect on the area.
- 12.76 Policy AS2 of the ASNP seeks to prevent coalescence between Ansty and Cuckfield, stating that:
- "Development proposals are expected to demonstrate that they would not result in the coalescence with any neighbouring settlement either individually or cumulatively or result in the perception of openness being unacceptably eroded."*
- 12.77 Policies CNP3 and CNP5 of the CNP (Set out in earlier section) seek to prevent coalescence between Cuckfield and Haywards Heath (CNP3) and protect the enhance the countryside setting of Cuckfield and maintain the distinctive views of the surrounding countryside from public vantage points within, and surrounding, the village (CNP5). The CNP describes the distinctive character of Cuckfield as resulting from its elevated position on the Weald, which allows visual connectivity to the surrounding landscape from public vantage points.
- 12.78 Para 187 of the NPPF requires proposals to contribute to and enhance the natural and local environment by *'recognising the intrinsic character and beauty of the countryside'*. It is, however, important to note that the site and the surrounding landscape do not fall within any national designation, such as a National Landscape (AONB).
- 12.79 Para 189 of the NPPF goes further and sets out that great weight should be given to conserving and enhancing landscape and scenic beauty within National Landscapes. However, the High Weald National Landscape (or AONB) is located immediately to the west/north-west of the site, with the boundary defined by the A272 corridor, which forms the north-western boundary of the site. The site therefore lies outside of the National Landscape, but within its setting, where para 189 states;
- 'development in their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated (National Landscape) areas.'*

- 12.80 The application is supported by an Environmental Statement, and Volume 3 relates to Landscape and Visual Impact Assessment (LVIA). This Assessment provides an appraisal of the visual effects of the proposed development.

Landscape character

- 12.81 In terms of impact on landscape character, the LVIA concludes that whilst the proposals would introduce built form to a green field site and be visible in some views, the development would be of a high quality and reflect the characteristics of Ansty, Mid Sussex, the High Weald and the surrounding area. It is reported that this design quality would moderate the adverse significance of effect. The report therefore concludes that the site is visually well contained and overall, the assessed landscape and visual receptors are not considered to experience residual effects of major adverse significance as a result of the proposed development.
- 12.82 This LVIA has been reviewed by the Council's Landscape Consultant. The Consultant concludes some of the judgements in relation to value, susceptibility, sensitivity, and magnitude underestimate the likely effects of the proposed development on landscape character and visual amenity. The Landscape Consultant concludes that the development would result in the irreversible change to part of a landscape that is considered important at both a National and European level for its intimate, agricultural character, tranquillity and beauty.
- 12.83 The Council's Consultant states that there would be significant adverse effects on the immediate site and its setting and that the development would create the perception of coalescence between Ansty and Cuckfield.
- 12.84 It is clear that with any green field development there will be a significant change from that of an undeveloped landscape to a housing development, more so given the scale of the proposed development. Your Planning Officers agree with the Council's Landscape Consultants conclusions on the impact of the proposals on the landscape character of the site and impact on resultant impact visual amenity. Furthermore, a development of this scale will clearly have an impact on the identity of Ansty. Given the visibility of the development when travelling along the A272 Cuckfield bypass, there will be a perceived reduction in the separation between the two villages. The introduction of built form of this scale would render Ansty visible in views from Cuckfield, where it is currently not readily visible. This will reduce the perception of separation, impacting the identity of the villages and resulting in the perception of coalescence. As such, the proposal is contrary to MSDP policies DP12 and policy DP13, policy AS2 of the ASNP, and policies CNP3 and CNP5 of the CNP.

Impact on the setting of the HWAONB

- 12.85 The site forms part of the setting of the HWAONB National Landscape.
- 12.86 Local Plan policy DP16 relates to the HWAONB and states, in part, that:
- “Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.”*
- 12.87 The Countryside and Rights of Way Act 2000 (CROW) places a statutory duty on all relevant authorities, including a local planning authority such as Mid Sussex District

Council, that in *'exercising or performing any functions in relation to, or so as to affect, land in an AONB, they must seek to further the purpose of conserving and enhancing the natural beauty of the AONB'*. This includes land both within the landscape designation and within its setting.

- 12.88 Section 84(4) of the CROW confirms the powers of local planning authorities to *'take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'*.
- 12.89 Section 89 of the CROW requires local authorities to *'prepare and publish a plan which formulates their policy for the management of the area of outstanding natural beauty and for the carrying out of their functions in relation to it'*. The High Weald AONB Management Plan has been adopted by Mid Sussex District Council, and it is a material consideration in the planning process including decisions on planning applications.
- 12.90 Furthermore, paragraph 189 of NPPF states that:
- 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'*
- 12.91 The LVIA states that effects on the setting of the AONB will be moderated by the new built form and open space to the east of Ansty and the High Weald AONB, the positioning of the proposed school playing fields, retention of open fields alongside the A272 and the introduction of new tree belts.
- 12.92 The LVIA includes four Visually Verified Montages (VVMs), which it is argued is an appropriate number based on the visibility of the site.
- 12.93 The LVIA concludes there would be Minor Adverse residual visual effects on the setting of the AONB due to the role of the topography and vegetation in filtering and screening views of the proposed development from publicly accessible locations within the AONB
- 12.94 The Council's Landscape Consultant states that the report does not offer a full assessment of the effects on the HWAONB and its setting. The VVMs provided do not appear to relate to the baseline images and do not reflect the extent and potential effect that the scheme would have on the landscape and HWAONB.
- 12.95 Notwithstanding this concern, the Council's Consultant offers comment on the four views provided within the LVIA. In relation to VVM1, this indicates that the roofscape of the development would clearly be visible in the landscape and would introduce urbanising features in the rural landscape. VVM2 (from Cuckfield Road looking south) would likely result in a moderate adverse impact due to the change of view from trees to buildings. VVM 3 is of most concern, representing a major change from rural vista to urban character over a large part of the view. VVM4 does not appear to show the site, and it is therefore unclear why this view was selected in the LVIA.

- 12.96 The High Weald National Landscape Unit (HWNLU) have reviewed the application and consider that while views may be 'limited to those in close proximity' or 'filtered' through trees, and be restricted to those from the eastern edge of the AONB, that this does not diminish the importance of intervisibility, or the potential for harm.
- 12.97 The development would be visible in a number of vantage points, particularly along the western boundary (the A272 corridor) – the northerly section of which forms the boundary of the HWAONB.
- 12.98 The HWNLU have identified a number of objectives within the High Weald AONB Management Plan (set out in para 11.15 of this report) and consider in summary that by virtue of the very large scale and its proximity to the High Weald National Landscape (HWLN), the proposal would result in a significant and discernible extension of built development into the surrounding countryside, creating a large new urbanisation adjacent to and abutting the HWNL, and would introduce an abrupt change of landscape character in close proximity to the HWNL, and a loss of natural landscape contiguous with the HWNL. Further, it would adversely impact on perceptual qualities of the HWNL of tranquillity and rurality, due to the level of noise, activity and lighting that would inevitably be associated with a development of such large scale, in such close proximity to the HWNL.
- 12.99 The HWNLU raise further concerns with regard to the urbanising effect of proposed street lighting on the AONB. Concerns were raised regarding a proposed Toucan crossing on the A272, but this element has now been removed from the scheme in response to the HWNLU's comments.
- 12.100 It is evident that the proposed development will have a degree of impact on the setting of the HWAONB, particularly in respect of Management Plan objectives S1, S2 and DS1, and as such there is conflict with policy DP16 of the MSDP. However, while para 189 of the NPPF states that development within the setting of the FWAONB to be sensitively located, the requirement to "avoid or minimise adverse impacts" clearly recognises the possibility that some adverse impacts may arise.
- 12.101 The submitted plans show the provision of an undeveloped 'buffer' along the site's western boundary, although in part this is shown to include play areas/pitches for the proposed school, and does not extend into the north-western edge of the northern parcel (adjacent to the Cuckfield roundabout). It is considered that the purpose of this buffer, and the extent of it within the northern parcel, could be better defined. Furthermore, the comments from the HWNLU regarding the scale (height) of potential 3-storey development in proximity to the site boundary is also noted. In response to these points, and others identified within the other sections of this report, Officers are not proposing to approve the parameter plans submitted to support this application. Instead, revised parameter plans can be secured via a planning condition to further address and mitigate the concerns raised.
- 12.102 It has been established through the courts (R (Ardleigh Parish Council) v Tendring District Council [2024] EWHC 648) that in the context of paragraph 189 of the NPPF, in regard to the protection afforded to AONBs, that development within the setting of an AONB should be located and designed to avoid impacts on the designated area. However, it does not seek to protect or enhance the landscape and scenic beauty of the setting of an AONB for its own sake.
- 12.103 Furthermore, in respect of the duty placed upon the Council to seek to further the statutory purposes of protected landscapes (i.e. the HWAONB) government

guidance sets out the duty is an active duty, not passive, which means (amongst other things);

- A relevant authority should take appropriate, reasonable and proportionate steps to explore measures which further the statutory purposes of protected landscapes
- As far as is reasonably practical, relevant authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of protected landscapes.

12.104 Having regard to the above, the removal of the proposed toucan crossing alleviates some of the potential urbanising impacts on the setting of the HWAONB and, in order to further the purpose to conserve and enhance the natural beauty of the AONB, revised parameter plans are to be secured (via condition) to provide for better defined and additional buffer zones along the site's western boundary and to allow further consideration of the scale of development in proximity to the western boundary. If these steps are taken, your Planning Officer is satisfied there is no conflict with paragraph 189 of the NPPF and that the Council will have met its statutory duty with regard protected landscapes.

12.105 Overall, a development of the size proposed will result in some harm to the adjacent protected landscape and as such there would be a conflict with policy DP16 of MSDP. However, steps have been taken to the minimise the impact on the setting of the AONB, and there is scope for this to be further reduced at the detailed application stage. In the circumstances, your Planning officer considers there is no conflict with para 189 of the NPPF.

Layout and Design

12.106 Policy DP26 of MSDP deals with 'Character and Design' and states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high-quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on*

privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);

- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- incorporates well integrated parking that does not dominate the street environment, particularly where high-density housing is proposed;*
- positively addresses sustainability considerations in the layout and the building design;*
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- optimises the potential of the site to accommodate development.'*

- 12.105 The Council's Design Guide is also of relevance and a number of sections relate specifically to layout and design features within a proposed development, specifically sections 3, 4, 5, 6 and 8.
- 12.106 Section 12 of the NPPF sets out the governments approach to achieving high quality design and creating beautiful and sustainable places and buildings.
- 12.107 The application submission has been supported by a number parameter plans and proposed Design Code, that would be used to inform, and assess, future reserved matter applications on the site.
- 12.108 The application has been reviewed by the Council's Urban Designer. The Urban Designer notes that, as the scheme is in outline (apart from access), few details are provided, and it is difficult to assess the design merits in detail. Nonetheless, the Urban Designer raises concerns regarding the overall form and quality of the indicative layout.
- 12.109 With regard to access, the Council's Urban Designer has suggested some improvements including a signalised crossing to connect the proposed pedestrian footpath to the existing footpath on the north-west side of the A272, which should itself be widened. In addition, it is suggested that the direct connection to Ansty, defined by the PRoW, should be improved, and its legibility enhanced through thoughtful design. These comments are noted, and the detailed matters associated with the design of the access points and connectivity with the existing highway and PRoW network have been considered by the Local Highway Authority, which is dealt with in a separate section of this report.
- 12.110 With regard to the masterplan and issues of layout, the Council's Urban Designer comments that the presence of village greens is characteristic of High Weald villages and recommends that a central 'common' is provided within the site, directly off the PRoW and adjacent to Ansty. At present, the proposed school backs onto the proposed shared open green space, which diminishes the quality of this feature.
- 12.111 The Council's Urban Designer is generally supportive of the location of the local centre but believes that more could be done to create a more meaningful space with visual connections to the new Commons linking two settlements, encouraging people to approach from the Ansty direction and, ultimately, ensuring the success of

the new settlement. Concerns are also raised regarding the proposed “Zone for Flexible Residential/Commercial Ground Floor Use” running along the entirety of the primary routes. The Urban Designer states that it would be beneficial to concentrate those uses closer to the local centre, with a clear and well-defined streetscape created through the use of carefully chosen materials, robust detailing, a strong ‘street line,’ clear demarcation, hard boundary treatments, and a repetitive linear arrangement. This new, dense street could begin at the currently proposed ‘flexible space’ and extend eastwards, framing the buffer zone to the north of the listed building. The Urban Designer states that the scale, massing and density should increase here together with an increase in height. This creates a natural sense of place and help people to gravitate towards key services located there. The success of the local centre relies heavily upon the services which are to be provided and how these relate to the needs of the surrounding community.

- 12.112 With regard to the proposed Design Code, the Urban Designer states that the partial sections and CGIs are insufficient to fully understand the form of development proposed and how the form will define street ratios, establish hierarchy of the streets, mark corners, and frame views. It is also unclear how these elements will contribute to the legibility and sense of identity of each place.
- 12.113 All the Urban Designer’s comments are noted. As discussed in earlier sections of this report, conditions are recommended to secure alternative parameter plans prior to the submission of any reserved matter submission and it is considered that these revised details could help address the comments of the Urban Designer in relation to scale, appearance, layout and landscaping. Further information would also be required at reserved matters stage to ensure that these matters are acceptable.
- 12.114 It should also be noted, that given the concerns expressed regarding the Design Code it is not recommended that this is considered for approval as part of this application. A suitable Design Code can be secured via condition, alongside alternative parameter plans.
- 12.115 While the concerns of the Urban Designer are noted, given the outline nature of the application and the fact that suitable alternative parameter plans and Design Code can be secured via conditions (prior to the submission of any reserved matters application), it is considered at this stage there is no reason why a suitable high-quality design and layout cannot be achieved on the site, through the reserved matter process. As such, it is considered that application complies with policy DP26 of the MSDP and the relevant part of the NPPF in respect of this issue.

Impact on Heritage Assets

- 12.116 The LPA is under a duty by virtue of s.66(1) of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects listed building in exercise of planning functions):

‘In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’

- 12.117 Policy DP34 of the MSDP states, in relation to Listed Buildings and other heritage assets, the following:

'Listed Buildings

Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage

Assets Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'

12.118 Policy DP35 of the MSDP relates to Conservation Areas and states:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- *New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*

- *Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- *Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- *Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- *Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- *New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'

12.119 Policy CNP1 of the CNP deals with the Design of New Development and Conservation states, in relation to designated heritage assets, the following:

New development in accordance with the Neighbourhood Plan will be permitted where it:

a) Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 – Conservation Areas and Character Areas, by way of:

i. height, scale, spacing, layout, orientation, design and materials of buildings,

ii. the scale, design and materials of the public realm (highways, footways, open space and landscape), and

b) Is sympathetic to the setting of any heritage asset and

c) Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan

12.120 Section 16 of the NPPF is of particular relevance in relation to the application and the most relevant paragraphs are set out below:

'207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed

using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

208. Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal of heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'

'210. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) Grade II listed buildings, or Grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, Grade I and II* listed buildings, Grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*

d) *the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

216. *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

12.121 A total of thirteen designated heritage assets have been identified as being adjacent to the site.

12.122 There are two Grade II listed buildings in the middle of the site, but which have been excluded from the application boundary. These are:

- The Barn House and
- The associated Old Place

12.123 The remaining eleven designated heritage assets adjacent to the outer boundaries of the site include:

- Harvest Hill House
- Upper Ridges
- West Riddens Farm
- Mount Noddy Cottage
- Old Place
- Mackerell's Farm Cottage
- Lodge Farm
- Highbridge Mill
- Holy Trinity Church
- Cuckfield Park
- Cuckfield Lodge
- Cuckfield Conservation Area

12.124 A total of two separate non-designated heritage assets have been identified as being adjacent to the site, and these are:

- Laines Farm

- Court House Farm

12.125 As the proposals involve the potential impact on significance of Grade I and II* listed buildings, Historic England have been consulted. They did not wish to offer any comments, instead suggested that views of the Council's specialist be sought.

12.126 The following paragraphs set out your Conservation Officer's position with regard to the identified heritage assets.

Old Place and The Barn House

12.127 This pair of Grade II listed buildings, which lie at a short distance to the east of Ansty along a track which is also a PROW, constitute the former farmhouse and barn of Ansty Farm, which is recorded in the West Sussex Historic Farmstead and Landscape Character Assessment as a historic farmstead of the post medieval period. The former farmstead also includes a number of surviving outbuildings which are likely to be regarded as curtilage listed.

12.128 In considering the significance of the heritage asset your Conservation Officer has stated:

'The former farmhouse is likely to be considered to possess architectural value based on its construction and craftsmanship, as well as historical illustrative value as a good example of a Sussex farmhouse of its period, and aesthetic value based on the use of vernacular materials viewed within the landscape from which they were drawn. The buildings within the farmstead also share group value with each other.

The Grade II listed former barn, which has now been converted for residential use, is likely to possess similar values as a good example of an agricultural building of its type and period.

The curtilage listed former farm buildings within the farmstead would also possess similar values.

As such, the surviving rural setting of the listed and curtilage listed buildings, which lies to all sides of the farmstead, makes a strong positive contribution to the special interests of the buildings and how these are appreciated. The application site completely surrounds the farmstead, and is in essence this rural setting. The fields and woodlands of the site also currently provide separation between the farmstead and Ansty, creating a sense of rural isolation. The above mentioned PROW runs eastwards from Ansty along the entrance track to the farm, and then continues east further into countryside also forming part of the proposed development site.

The character of the development site affects a wide range of shorter and longer distance views and vistas looking between the former farmstead and the surrounding landscape, including from PROWs. There are also currently reciprocal views between the farmstead and the mill group at Highbridge Mill (see below) across the site.'

12.129 It is identified that the proposed development would impact Old Place and The Barn House and their current setting by means of the following:

- In respect of the proximity of the proposed development, it will completely encircle the listed and curtilage listed buildings within the historic farmstead. It will therefore fundamentally alter and urbanise the existing rural setting around

the farmstead. This will impact the character of views of the listed buildings and their settings; block views between the farmstead and other elements of the historic landscape (such as Highbridge Mill); remove the existing sense of separation between the farmstead and Ansty to the west; and result in a loss of the current and historic sense of rural isolation.

- Along the PROW situated east-west across the southern side of the farmstead, the proposed development will impact the character of the approach to the listed buildings. It will also affect the setting of the listed and curtilage listed buildings as they are currently appreciated in glimpsed kinetic views from the PROW.

12.130 It is considered that the resulting harm to the setting of Old Place and The Barn House is a high level of less than substantial harm and as such paragraph 215 of the NPPF is relevant.

Harvest Hill House

12.131 Harvest Hill House is a Grade II listed early 19th century country villa located in a rural position between Ansty and Burgess Hill. From historic map regression the grounds appear to include a number of outbuildings which may be regarded as curtilage listed.

12.132 In considering the significance of the heritage asset your Conservation Officer has stated:

'The house is likely to be considered to possess architectural interest based on its design, construction and craftsmanship, as well as historical illustrative value as a good example of an early 19th century country villa of some pretension, and aesthetic value. It may also have group value with the potentially curtilage listed outbuildings within the grounds.'

As such, the surviving rural setting of the house, which is to all sides of its grounds, is likely to be considered to make a strong positive contribution to its special interest and the manner in which this is appreciated. The application site is a short distance to the north east of the listed building. There is a PROW running eastwards from Burgess Hill Road which passes to the north of the listed building and along to the south of the site, in close proximity to it, before turning to the north to run through the proposed development.'

The application site constitutes much of the wider rural setting to the north of the listed building, and also affects the character of the approach to it from the north along Burgess Hill Road and the above mentioned PROW.'

12.133 It is identified that the proposed development would impact on Harvest Hill House and its current setting by means of the following:

- In respect of the relative proximity of the proposed development (including a spine road, access roads and bus route), this will result in a noticeable increase in busyness, noise and light levels, which will cumulatively impact the current sense of rural isolation of the listed building.
- In respect of the proposed spine road and bus route, this will affect the character of the approach to the listed building along Burgess Hill Road, as well as the degree of separation from Ansty village.

- In respect of the associated proposed built form and roundabout, these will act as particularly urbanising features.

12.134 It is considered that the resulting harm to the setting of Harvest Hill House is a low to high level of less than substantial harm and as such paragraph 215 of the NPFF is relevant.

Upper Ridges

12.135 Upper Ridges is a Grade II listed early 17th century timber framed building in an isolated rural position to the southeast of Ansty.

12.136 In considering the significance of the heritage asset your Conservation Officer has stated:

'The building is likely to be considered to possess architectural value based on its construction and craftsmanship, historical illustrative value as a good example of a modest rural Sussex cottage of its period, and aesthetic value based in part on the use of vernacular materials v

ewed within the landscape from which they were drawn.

As such, the surviving rural landscape all around the building will be considered to make a strong positive contribution to its special interest and how this is appreciated. The application site constitutes a large part of the wider rural setting to the northwest of the cottage, and affects the character of the approaches to it along PROWs from the north and west, including vistas looking southwards towards the listed building.'

12.137 It is identified that the proposed development would impact on Upper Ridges and its current setting by means of the following:

- Given the proximity of the application site, this will bring noticeable increases in busyness, noise and light levels. It will therefore have a cumulative impact on its current and historic sense of rural isolation.
- In respect of the parts of the application site closest to Upper Ridges and various nearby PROWs, which are shown as development blocks or public open space, this will affect key approaches to the listed building.

12.138 It is considered that the resulting harm to the setting of Upper Ridges is a mid-level of less than substantial harm and as such paragraph 215 of the NPFF is relevant.

West Riddens Farm

12.139 West Riddens Farm is a Grade II listed 16th century former farmhouse with associated historic farmstead, which will include a number of buildings which would be regarded as curtilage listed. The farmstead is included in the West Sussex Historic Farmstead and Landscape Character Assessment as a historic farmstead of the Medieval period. The farmstead is located in a rural position to the south of Ansty.

12.140 In considering the significance of the heritage asset your Conservation Officer has stated:

'The farmhouse is likely to be considered to possess architectural value based on its construction and craftsmanship, as well as historical illustrative value as a good example of a Sussex farmhouse of its period, and aesthetic value based on the use of vernacular materials viewed within the landscape from which they were drawn. The buildings within the farmstead also share group value with each other.'

The curtilage listed former farm buildings within the farmstead would be likely to possess similar values as examples of agricultural buildings of their type and period. As such, the surviving rural setting of the farmhouse and farm buildings, which is likely to include the former farmlands associated with the farmstead, makes a strong positive contribution to the special interest of the heritage assets and how this is appreciated. The application site is located in very close proximity to the farmstead, and occupies much of the land to the north, northeast, and east of it, affecting the character of views from the farmhouse and farmstead in these directions, as well as longer distance views towards the farm from the PROW running eastwards from Ansty, looking across the intervening valley.'

12.141 It is identified that the proposed development would impact on West Riddens Farm and its current setting by means of the following:

- In respect of the south part of the proposed development (with a series of development blocks with a spine road, access roads and bus routes), this will create direct intervisibility with the farmstead which has a relatively open aspect to the north and east. This will result in a very significant impact on the rural character of views looking north, north-east and east from the farmhouse and its immediate setting.
- Given the proximity of the south part of the application site, the proposed development will increase busyness, noise and light levels. This will constitute a loss of the agricultural character of farmland, historically associated with the farmstead, as a functional whole. Additionally, the proposed development will block views of the farmstead, including the listed farmhouse, currently visible from the northern approach along Burgess Hill Road.

12.142 It is considered that the resulting harm to the setting of West Riddens Farm is a mid – high level of less than substantial harm and as such paragraph 215 of the NPPF is relevant.

Mount Noddy Cottage

12.143 Mount Noddy Cottage is a Grade II listed 18th century or earlier cottage, located within Ansty towards its southern end, to the east side of Cuckfield Road. Historical map regression shows that the cottage was built in a rural setting divorced from the hamlet to the north, but that development has spread south along Cuckfield Road during the later part of the 20th century, to surround the listed building and connect it with Ansty.

12.144 In considering the significance of the heritage asset your Conservation Officer has stated:

'The listed building is likely to be considered to possess architectural interest based on its construction and craftsmanship, as well as historical illustrative value as a good example of a rural Sussex 18th century cottage, and aesthetic value based in part on the use of vernacular materials.'

As such, the surviving rural setting to the east, west and south of the house makes a positive contribution to the special interest of the building and the manner in which this is appreciated. The application site constitutes the rural setting to the east and south - although this is not a direct relationship due to the modern development around the cottage, the fields to the south along Cuckfield Road make a strong contribution to the character of the approach to the listed building from this direction.'

12.145 It is identified that the proposed development would impact Mount Noddy Cottage and its current setting by means of the following:

- In respect of the proposed development along Burgess Hill Road (including built form and a new road junction), this will impact the rural setting of the Cottage, particularly along the southern approach of Burgess Hill Road. This will in turn impact the manner in which the Cottage is appreciated as a rural Sussex building.

12.146 It is considered that the resulting harm to the setting of Mount Noddy Cottage is a low – mid level of less than substantial harm and as such paragraph 215 of the NPPF is relevant.

Mackrell's Farm Cottage

12.147 Mackrell's Farm Cottage is a Grade II listed 17th century former farmhouse, located in an isolated rural position to the south of Cuckfield. Mackrell's Farm is recorded in the West Sussex Historic Farmstead and Landscape Character Assessment as a historic farmstead of the post medieval period, although there are no apparent surviving outbuildings.

12.148 In considering the significance of the heritage asset your Conservation Officer has stated:

'The farmhouse is likely to be considered to possess architectural

alue based on its construction and craftsmanship, as well as historical illustrative value as a good example of a former Sussex farmhouse of its period, and aesthetic value based on the use of vernacular materials viewed within the landscape from which they were drawn.

As such, the surviving rural setting which lies all around the listed building will be considered to make a strong positive contribution to its special interest and the manner in which this is appreciated. The application site lies in close proximity to the north, west and south west of the Cottage, and constitutes a large part of its direct and wider rural setting, influencing the character of views from the listed building and its immediate setting. It also influences the character of the approaches to the farmstead along adjacent PROWs, and views from them.'

12.149 It is identified that the proposed development would impact Mackrell's Farm Cottage and its current setting by means of the following:

- In respect of the proximity of the proposed development, it will impact and urbanise the immediate and wider rural setting of Mackrell's Farm Cottage. There will likely be direct intervisibility between the proposed development and the listed building and/or its immediate setting.

The proximity of the proposed development (including the proposed spine road/road bridge) will also impact the existing and historic sense of rural isolation of the farmstead, arising from the increase in busyness, noise and light. It will also entail a loss of the agricultural character of the historic farmstead, which may include part of the former farmlands associated with the farm, thereby increasing the impact on the setting and special interest of the listed building.

- From an adjacent PROW, the proposed development will also impact the character of the approaches to the Mackrell's Farm including kinetic views looking towards the listed building.

12.150 It is considered that the resulting harm to the setting of Mackrell's Farm Cottage is a mid to high level of less than substantial harm and as such paragraph 215 of the NPPF is relevant.

Lodge Farm

12.151 Lodge Farm is a Grade II listed 15th or early 16th century former farmhouse located in a rural position towards the western end of Copyhold Lane, a short distance to the west of the proposed development site. The former farmstead survives to the south of the house, and is recorded in the West Sussex Historic Farmstead and Landscape Assessment as a historic farmstead of the medieval period. The farmstead includes a range of buildings around a yard including a former barn, which if not regarded as curtilage listed would be likely to be considered as Non-Designated Heritage Assets (NDHAs).

12.152 In considering the significance of the heritage asset your Conservation Officer has stated:

'Lodge Farm is likely to be considered to possess architectural value based on its construction and craftsmanship, as well as historical illustrative value as a good example of a former Sussex farmhouse of its period, and aesthetic value based on the use of vernacular materials viewed within the landscape from which they were drawn. The buildings within the former farmstead would be likely to be considered to possess similar values as examples of buildings of their type and period - more information would be needed to determine if they would be regarded as curtilage listed, and if not their level of value as NDHAs within the local context.'

As such, the surviving rural setting of the house and former farmstead would be considered to make a strong positive contribution to the special interests (or local heritage value) of the various assets at Lodge Farm, and how these are appreciated. Part of the site is in particularly close proximity to the north of the

house, the remainder is a short distance to the west, and will have a significant effect on the character of the wider setting of Lodge Farm and the approaches to it along adjacent PROWs.'

12.153 It is identified that the proposed development would impact Lodge Farm and its current setting by means of the following:

- In respect of the proximity of the proposed development to the north-west of Lodge Farm, where a public park is proposed, this will remove the agricultural character of the surrounding fields which form part of the former farmlands associated with the listed building. This will impact their positive contribution to the listed building's setting and how it is appreciated.

- In respect of the proximity of the proposed development to the north and west of Lodge Farm, it will increase busyness, noise and light levels within the setting of the listed building, thereby impacting the current and historic sense of relative rural isolation. It will also impact the rural character of approaches to the farmstead in views along PROWs from the north and west.

12.154 It is considered that the resulting harm to the setting of Lodge Farm is a low to mid-level of less than substantial harm and as such paragraph 215 of the NPPF is relevant.

Highbridge Mill

12.155 Highbridge Mill is a Grade II listed early 19th century former watermill, with attached later granary, located in a rural position to the east of Cuckfield Road. The Mill was a corn mill (hence the granary building) and would have served the surrounding farms.

12.156 In considering the significance of the heritage asset your Conservation Officer has stated:

'The Mill is likely to be considered to possess architectural value based on its construction, craftsmanship, and any surviving internal features relating to its function, as well as historical illustrative value as a good example of a water powered cornmill of its period, altered in the later 19th century by the addition of a granary, and aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn. The building may also have some communal value as a historical focus of activity of the local farming community.'

There [are] a pair of cottages to the west of the Mill, which appear to date originally from the late 19th century, and may have provided accommodation for mill workers. These cottages may be regarded as curtilage listed, or if not are likely to be considered NDHAs due their group value and historical association with the mill itself - more information would be needed to confirm either way. The also possess group value with the Mill, and contribute positively to its setting and to the narrative of its development and functioning.

As such, the surviving rural setting all around the Mill group will be considered to make a strong positive contribution to its special interest and the manner in which this is appreciated.

The Mill will have a particularly strong relationship with the adjacent millstream and sluice, and any the surviving elements of the mill pond (now drained) which was located immediately to its northwest, however the building was a functional part of the local rural economy and dependent on surrounding farms for its business, as they were on it for production of flour. The broader rural landscape of fields and farmsteads around the Mill therefore also makes a strong contribution to its significance, particularly those parts of its interest which are drawn from historical illustrative and aesthetic values.

The application site surrounds the Mill group to the north, east, south and west, with the exception of the existing entrance track from the northwest and adjoining belts of woodland. The site is in close proximity to the Mill and forms the greater part of its immediate and wider rural setting. There are views towards and over various parts of the site to the north, south and east, both from the upper storeys in

particular of the buildings within the group, and from their immediate settings. From the upper floor of the Mill Cottages there are reciprocal views across the site towards Old Place historic farmstead, which reinforce the likely historic relationship between this farmstead and the corn mill which is likely to have served it.'

- 12.157 It is identified that the proposed development would impact Highbridge Mill, the associated NDHAs and their current setting by means of the following:
- In respect of the location of the proposed development, it will almost encircle and be highly visible to the group of buildings at Highbridge Mill. This will impact the character of views from the listed building and its immediate setting including extensive skyline views from the Mill; views from the entrance track (especially on the approach from Cuckfield Road) and views between the Mill and other elements of the historic landscape (such as Old Place and The Barn House). The proposed development will also increase busyness, noise and light levels within the setting of the historic buildings.
 - In respect of the proposed development blocks to the south-west, north and north-east and the spine road to the east (where the Mill stream runs) this will be situated in the greater part of the surviving rural setting. It will therefore fundamentally alter and urbanise the rural character of the setting of the listed building and the NDHAs, impacting their special character and how they are appreciated within the rural landscape.
- 12.158 It is considered that the resulting harm to the setting of Highbridge Mill is a high level of less than substantial harm and as such paragraph 215 of the NPPF is relevant.
- 12.159 It is also considered that the proposed development will result in harm to Non-Designated Heritage Assets, namely the two cottages associated with the Mill, and as such paragraph 216 of the NPPF is relevant.

Holy Trinity Church

- 12.160 Holy Trinity Church is a Grade I listed mid 13th century parish church located to the southern edge of Cuckfield village. The building is set in an extensive churchyard which includes a significant number (20+) of Grade II listed tombs, as well as two Grade II listed lychgates and associated walls.
- 12.161 In considering the significance of the heritage asset your Conservation Officer has stated:

'The Church is likely to be considered to possess architectural value based on its design, craftsmanship, construction and decoration, as well as historical illustrative value as an exceptional example of a 13th century rural Sussex parish church, aesthetic value based in part on the use of vernacular materials viewed against the backdrop of the landscape from which they were drawn, and communal value as an historic focus of Cuckfield village life.

The tombs and lychgates may possess architectural value based on their design, craftsmanship, construction and decoration, as well as aesthetic value based again in part on the use of vernacular materials, and likely communal value in relation to the local people commemorated by the tombstones.

The church, tombs and lychgates also have group value with each other.

As such, the surviving rural setting to the south of Cuckfield, which is clearly visible in wide reaching views from the immediate churchyard surrounds of the church and the tombs to the south, will be considered to make a strong positive contribution to the special interests of the various listed buildings within the churchyard, in particular those parts of those interests which are drawn from historical illustrative and aesthetic values.

The application site forms a significant part of that rural setting, in particular affecting the character of views to the southwest, as well as the character of the approach to the churchyard from the south along the PROW which runs northwards from the site across the A272 and into the village.

The church, in particular its spire, is a prominent local landmark due its height and its elevated position. There are numerous views looking towards the north from PROWs within the site, which reinforce its nature as a landmark building, and historical focus of the local community.'

12.162 It is identified that the proposed development would impact Holy Trinity Church, associated tombs and lychgates and their current setting by means of the following:

- In respect of the location of the proposed development, it will constitute a very significant part of the wider rural setting of the Church group and a key element of the vistas looking south from the churchyard. There will also be various views from PROWs running through the proposal site towards the Church and its landmark spire.
- In respect of the proposed development blocks and sports facility closest to the Church, this will fundamentally alter and urbanise the setting of the heritage assets, which are currently viewed and appreciated within the setting of a rural village. It will also alter the long views of open countryside from the Church and churchyard, which will likely contain views of the southern extent of the proposed development.

12.163 It is considered that the resulting harm to the setting of Holy Trinity Church and associated tombs and lychgates is a mid to high level of less than substantial harm and as such paragraph 215 of the NPPF is relevant.

Cuckfield Park and Cuckfield Lodge

12.164 Cuckfield Park is a Grade II* 16th century country mansion located in an extensive parkland setting to the south-west of Cuckfield village. The house has a formal garden around it which includes a Grade II* listed 16th century gatehouse and walls, and Grade II listed gazebo with further walling. The group also includes a Grade II listed c.1860 lodge house alongside the entrance driveway from South Street to the east.

12.165 In considering the significance of the heritage asset your Conservation Officer has stated:

'Cuckfield Park is likely to be considered to possess architectural value based on its design, construction, craftsmanship and decoration, as well as historical illustrative value as a very good example of a country mansion of its period, and aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn.

The associated gatehouse, walls and lodge are likely to possess similar values as very good or good examples of structures of their period and type.

They also possess group value with each other and the house.

As such, the parkland and wider rural setting of the house and associated buildings will be considered to make a strong positive contribution to the special interests of the listed buildings and the manner in which those are appreciated, in particular those parts of those interests which are drawn from historical illustrative and aesthetic values. The application site is located a short distance to the south of the group, and although intervisibility may be limited, the development will affect the character of the approach to the buildings along the A272 and Cuckfield Road leading on to South Street.'

- 12.166 It is identified that the proposed development would impact Cuckfield Park, Cuckfield Lodge and their current setting by means of the following:
- In respect of the proximity of the proposed development to the south of Cuckfield Park, it will partly erode the current and historic sense of the Park as the historic centre of a country estate in a rural, edge of village location.
 - In respect of the proximity of the proposed development along the southern road approaches to the Park, it will impact the character of these approaches.
- 12.167 It is considered that the resulting harm to the setting of Cuckfield Park and Cuckfield Lodge is a low level of less than substantial harm and as such paragraph 215 of the NPPF is relevant.

Cuckfield Conservation Area

- 12.168 Cuckfield Conservation Area covers the historic centre of the village, which has medieval origins, centred on the High Street, South Street and Holy Trinity Church, and extending to the east along Courtmead Road.

- 12.169 In considering the significance of the heritage asset your Conservation Officer has stated:

'The Council has an adopted character appraisal for the Area, which notes that: 'An important characteristic of the conservation area is its relationship with the countryside. T

e western and southern boundaries of the historic core of the village abruptly meet parkland and countryside. A number of footpaths radiate from the village to the countryside. This interface of historic settlement and countryside is unusual in Sussex where more modern development has usually encircled the settlement.'

The appraisal continues: 'The churchyard (which is identified as a distinct character area) is a quiet space for contemplation. There are magnificent views of the Downs to the south ... Attractive open countryside is never far from the conservation area approached by a number of footpaths.'

The management proposals also contained in the appraisal include the protection of views into and out of the Conservation Area.

In my opinion, the fundamental significance of the Area, as discussed in the Appraisal, lies in its nature as the historic core of a rural Medieval settlement, which

has grown up over many centuries in close connection with the surrounding countryside. As such, the surviving rural setting of the Area, and in particular the surviving close relationship between the Area and the countryside to the south and west, including the far reaching views from the churchyard, make a strong positive contribution to the significance of the heritage asset and how this is appreciated. This will include not only views out of the Area, but also views looking towards it from roads and footpaths to the south and south west, and the character of the approaches to it along these routes, including the key road entry into the Conservation Area (and village) from the south along South Street.

The proposed development site constitutes a significant part of the wider rural setting to the south and south west of the Conservation Area, and in particular affects views looking south-west from the churchyard, far reaching views and vistas looking back towards the village from rural footpaths to the south of the A272, and the character of the approaches to the village along roads and footpaths from the south.'

12.170 It is identified that the proposed development would impact the Cuckfield Conservation Area and its current setting by means of the following:

- In respect of the location of the proposed development, it is situated in a significant part of the rural setting of the Conservation Area. It will impact reciprocal views between the Conservation Area and the surrounding countryside, as well as the character of views from PROWs from the south and from Cuckfield Road. In some cases, views from PROWs may be partially or entirely blocked.

Overall, this will impact the appreciation of Cuckfield Conservation Area as a historic rural Sussex village. Additionally, the historic separation between Cuckfield village and Ansty to the south will be eroded.

12.171 It is considered that the resulting harm to the Cuckfield Conservation Area and its setting is a mid to high level of less than substantial harm and as such paragraph 215 of the NPPF is relevant.

Laines Farm and Court House Farm

12.172 As advised by the Conservation Officer, Laines Farm and Court House Farm are considered Non-Designated Heritage Assets. These buildings are set to either side of a track (which is also a PROW) running south from Newbury Lane, just to the south of Cuckfield village. Formerly all part of Laines Farm, the farmstead (which is still in use) includes an attractive 19th century stone faced former farmhouse (now known as Court House Farm), with to the opposite side of the track a range of characterful farm buildings set around a courtyard (now Laines Farm). Some of these buildings from their appearance and a brief historic map regression exercise are likely to date from the 19th century or earlier. The farmstead is also recorded in the West Sussex Historic Farmstead and Landscape Character assessment as a historic farmstead of the post medieval period.

12.173 In considering the significance of the heritage asset your Conservation Officer has stated:

'Based on their architectural character, apparent age, and the surviving coherent form of the historic farmstead, I would consider the surviving 19th century or earlier buildings forming part of the farmstead as an NDHA, of architectural and historical interest within the local context.

As a farmstead, the surviving rural setting of the buildings, including the fields to the east and west of the track, which are still in use as part of the farm, and the wider rural setting to the south, is considered to mak

a strong positive contribution to the significance of the N H DA within the local context.

The application site, which lies a short distance to the south of the farmstead on the opposite side of the A272, constitutes a large part of the wider rural setting of the farmstead. It influences not only the character of views from and to the farmstead, including along the PROW which runs through the farm and on southwards through the site, but also the character of the approach to it from the south along that PROW.'

12.174 It is identified that the proposed development would impact Laine Farm, Court House Farm and their current setting by means of the following:

- In respect of the location of the proposed development in a large part of the wider rural setting of the historic farmstead, it will affect the character of views from the buildings and their setting and the character of the southern approach from an adjacent PROW.
- In respect of the proposed sports provision (including buildings and pitches), spine road and, further west, residential development in proximity to the farmstead, this will remove the positive contribution of NDHAs' setting by introducing an urban character.

12.175 As advised by the Conservation Officer, Laine Farm and Court House Farm are considered as NDHAs of low to mid-level historic interest. It is considered that the resulting harm to the NDHAs and their setting is a mid-level of harm and as such paragraph 216 of the NPPF is relevant.

12.176 Chapter 13 (Built Heritage) of the ES has considered the development in combination with other committed schemes within a 5 km radius from the boundary of the site. Due to the separation distances and intervening development / landscaping between the proposed development and identified neighbouring schemes, there are unlikely to be any cumulative effects.

12.177 ES Chapter 13 and the applicant's Heritage Statement (ES Volume 4 Appendix 1) also considers the effect of the proposed development on designated heritage assets. It is noted that the Council's Conservation Officer disagreed with the results of this analysis in all respects including the assessment of the significance of the assets and impacts of the proposal.

Assessment of Impacts on Heritage Assets

12.178 It is important to note that your Conservation Officer identified that the proposals will cause 'less than substantial harm' to the significance of designated heritage assets and their settings, although the degree of harm varies. As such the balancing exercise set out in paragraph 215 of the NPPF will apply. The proposal is also identified to cause harm to Non-Designated Heritage Assets, where paragraph 216 of the NPPF is relevant.

12.179 It is also important to note that the applicant's submission differed in its assessment of harm to designated heritage assets, whereby the proposal was considered to

have a 'neutral effect' on the significance of all neighbouring heritage assets. Non-Designated Heritage Assets were not identified.

- 12.180 Your Planning Officer agrees with the assessment of the Conservation Officer in respect of the impact of the proposal on the setting of the designate heritage assets. It is considered that the proposal would result in less than substantial harm to the setting of the above-mentioned heritage assets. In accordance with case law, it is necessary to give this 'less than substantial harm' significant weight in the planning balance to properly reflect the fact as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, that special regard should be given to the desirability of preserving listed buildings and their settings.
- 12.181 It will be necessary for this issue to be assessed again at the reserved matters stage when the proposed layout for the scheme is determined. It is your officer's view that at the outline stage sufficient information has been submitted for a reasoned conclusion to be drawn that the scheme will cause less than substantial harm to the setting of the heritage assets.
- 12.182 Where a finding of less than substantial harm is found, paragraph 215 of the NPPF requires that this harm should be weighed against the public benefits of the proposal. The public benefits of the proposal are as follows:
- The provision of new housing (including a policy compliant level of affordable housing and provision of specialist C2 units and self/custom build plots).
 - The provision of a primary school and land for a SEND school.
 - The provision of sports facilities, a local centre (including health, retail and community uses), substantial area of public open space, and community allotments.
 - Economic benefits arising from additional spending in the locality post construction from new residents.
- 12.183 It is your Planning Officer's view that these are important benefits and should attract significant weight in the planning balance. Taken together, your Planning Officer considers the public benefits outlined above outweigh the less than substantial harm to the setting of the heritage assets outlined above, notwithstanding the fact that this harm should be given considerable importance and weight in accordance with the relevant provisions of the 1990 Act. Therefore, whilst there is a conflict with policies DP34 and DP35 of the MSDP because there will be harm (classified as 'less than substantial' under the NPPF) and this weighs against the scheme, the NPPF is an important material planning consideration and in the balance between the less than substantial harm and the public benefits of the proposal, it is considered the public benefits do outweigh this harm.
- 12.184 In terms of the non-designated heritage assets, paragraph 216 of the NPPF requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. It is considered that in the context of the development with surrounding buildings, and the separation of the proposal from these non-designated heritage assets that the scale of harm is low that impact will not result in significant harm or loss to these non-designated heritage assets and that the harm that would be caused is outweighed by the benefits outlined above..

Archaeology

12.185 In relation to archaeology, Policy DP34 in the MSDP states (inter alia):

Other Heritage Assets

- *Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.*
- *The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.*
- *Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.*

12.186 Paragraph 218 of the NPPF is of relevance, and states;

'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'

12.187 The Council's Archaeological Consultant has confirmed that the submitted desk-based assessment and the West Sussex Historic Environment Record (HER) establishes that the site lies in an area with the broad potential for multi-period archaeological remains to survive.

12.188 The Council's consultant states:

'Multiple significant archaeological finds have been recovered from within or close to the proposed development site, including prehistoric flintwork, a Bronze Age axe, a Roman cremation burial, medieval pottery sherds and evidence of post-medieval bloomery and iron making activity.

However, the lack of substantial previous archaeological investigations within, or close to the proposed development site, makes accurately determining the potential archaeological impact of the proposals a difficult prospect. As suggested by the submitted desk-based assessment, any archaeological remains that do survive on the proposed development are likely to be in a good state of preservation, given the minimal amount of past disturbance.

Accordingly, this office agrees with the suggestion of the submitted desk-based assessment, namely that a programme of geophysical survey is undertaken on the proposed development site, followed by a targeted archaeological trial-trenching evaluation. These investigations will assess the presence of archaeological remains and allow a determination to be made on the impact of the development's groundworks upon them, and the need for and scope of any mitigation.'

- 12.189 In light of the above, your officers are content that with appropriate conditions, any archaeological remains can be conserved, and recorded, in the manner appropriate to their significance.
- 12.190 The development has been considered in combination with other committed schemes and projects. Each of these schemes has been considered acceptable in relation to the impact on any heritage asset, where appropriate in relation to any of the given schemes. The development would not result in cumulative archaeological impacts with these developments, over and above those already considered above.
- 12.191 Chapter 7 of the ES identifies that as a result of the construction phase of the development there will be a permanent effect on any yet undiscovered archaeological remains, however with the implementation of appropriate mitigation through a programme of archaeological evaluation trenching followed by mitigation excavation and recording, the residual effect will be negligible in ES terms.
- 12.192 Having regard to the above, and with the securing of appropriate mitigation, the development accords with policy DP34 of the MSDP in respect of archaeological matters, and the relevant section of the NPPF.

Transport

- 12.193 Policy DP21 in the MSDP states;

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- A high-quality transport network that promotes a competitive and prosperous economy;*
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- Access to services, employment and housing; and*
- A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- 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);*
- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*

- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *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.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

12.194 With regard to the NPPF section 9 deals with 'promoting sustainable transport' and paragraphs 115 – 118 directly relate to the 'consideration of development proposals', and they are set out below;

'115. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.*

116. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

117. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope*

for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

118. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a vision-led transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored.'

- 12.195 The application has been supported by a Transport Assessment, and appendices which include five Transport Technical Notes dealing with different aspects of the proposal. Transport Addendums were also submitted in November 2024 and May 2025. This document has been carefully considered by National Highways, the Local Highway Authority (LHA) (West Sussex County Council), Mid Sussex District Council and Active Travel England (ATE), and their comments can be found in full on the planning file.
- 12.196 There are several differing transport elements that need to be considered when determining this application; Access arrangements; Impact on highway network; Sustainable transport; Parking; and Public Rights of Way. All these elements will be considered separately in the following paragraphs.

Access

- 12.197 The plans show that there are three proposed vehicular access points to the site:
- (1) Access 1 – On the northern edge of the site onto the A272. The site arm provides a tiger crossing (similar to Zebra but with peds and cycles separated) connecting the internal network with the proposed shared footway/cycleway on the southern side of the A272 leading to Haywards Heath. A signalised crossing is also proposed to provide a connection to a footway leading to PRow 8aCU (which provides a link for pedestrians only towards Cuckfield).
 - (2) Access 2 – On the western edge of the site onto the A272, anticipated to cater for a higher volume of vehicles, provides a two-lane entry and exit. The junction is shown to only provide for on road cyclists.
 - (3) Access 3 – On the south-western edge of the site onto the B2036 Harvest Hill.

These three access points will each be served by three-arm roundabouts, with the northern and southern junctions adopting 4.5m width entry and 4.5m width exit lanes on each arm and an Inscribed Circle Diameter (ICD) of between 28m and 100m. The western roundabout is intended to cater for the highest volume of traffic, incorporating two-land entry/exits on the two A272 arms of the junction and with an ICD of 36m to accommodate additional traffic demand.

- 12.198 On the technical details of the proposed access arrangements, the Local Highway Authority have confirmed that the junctions have been designed in line with Design Manual for Roads and Bridges (DMRB) guidance, vehicle tracking for articulated

HGV provided and stage 1 Road Safety Audit (RSA) undertaken. Visibility splays can be provided in line with a 60mph design speed as per DMRB standards.

- 12.199 Based on the technical evidence submitted and the LHA's assessment, the vehicular access arrangements are considered to comply with Policy DP21 of the Mid Sussex District Plan. The design demonstrates appropriate provision for vehicular movement and connectivity, and meets the policy's requirements in relation to access infrastructure.

Highway Network

- 12.200 The application is supported by a detailed transport evidence base assessing the impact of the proposed development on both the strategic and local highway networks. This includes junction modelling, trip generation analysis, select link analysis, traffic flow diagrams, and a trip monitoring strategy aligned with a "decide and provide" approach.
- 12.201 The scheme has been reviewed by both the local and strategic highway authorities, who have engaged with the applicant throughout the pre-application and application stages. Both authorities have provided detailed feedback and previously requested further clarification on specific modelling inputs and assumptions. Their final responses confirm that, subject to conditions and mitigation, neither authority objects to the proposed development.
- 12.202 In relation to the strategic network, the submitted modelling and supporting evidence have been reviewed and found to be acceptable by National Highways. Junction assessments indicate that the development would not result in a severe residual cumulative impact. While a mitigation scheme was proposed at one junction, it has been confirmed that this is not required in policy terms. A condition is recommended to safeguard the strategic network during the construction phase.
- 12.203 For the local highway network, trip generation has been derived from the strategic highway model (used in the District Plan review process), with reductions applied for internalisation and home working. A trip monitoring strategy has been proposed to track actual trip rates post-occupation, with phased surveys and potential interventions secured via planning obligation. Junction modelling has been undertaken for key locations in Ansty, Cuckfield, Haywards Heath and Burgess Hill. While some junctions are forecast to operate near or over capacity in future scenarios, mitigation schemes have been proposed and reviewed. These include improvements to roundabouts and off-site junctions, as well as speed limit reductions in line with road safety recommendations.
- 12.204 The junctions which are forecast to operate near or over capacity in future scenarios are;

A272/Tylers Green/Broad Street Roundabout

Whilst the junction would be approaching capacity in a 2039 scenario on the A272 Tylers Green approach with an RFC of 0.88 in both the AM and PM peak, the addition of development trips would only result in the addition of two seconds to the average delay and as such would not result in a severe impact.

A272/Tylers Green/Issac's Lane Roundabout

The modelling of the junction, with proposed mitigation, still results in the junction operating over capacity on the B2272 Butlers Green Arm Road in the PM peak with queues of 75 vehicles and delays of 2 minutes and 2 seconds however these are

comparable to those of the do nothing scenario with the existing arrangement and given the overall significant improvement to the junction (with the proposed mitigation), the delays are considered acceptable.

B2036 London Road/ Ardingly Road Mini Roundabout

The Whitemans Green arm operates over its existing theoretical capacity and with proposed mitigation delivers a nil detriment situation (i.e. does not make the situation any worse).

- 12.205 Separate from the proposed three accesses to the site, the following off-site works (including the promotion of speed limit reductions) are proposed to mitigate highway capacity and safety matters;
- Improvements to A272/Tylers Green/Issac's Lane Roundabout
 - Improvements to B2036_London Road/ Ardingly Road Mini Roundabout
 - Speed limit reduction on B2036 Harvest Hill to 40mph
 - Speed limit reduction on A272 to 50mph
 - Speed limit reduction on South Street, Cuckfield to 30mph.
- 12.206 On the basis of the submitted evidence and the formal responses from the relevant highway authorities, the application is considered to comply with Policy DP21 and the relevant provisions of national planning policy, which require that development should not result in a severe impact on the transport network. Subject to the recommended conditions and mitigation, no such severe impact has been identified.
- 12.207 The test in both policy DP21 in the MSDP and paragraph 116 of the NPPF, of development only being prevented or refused on highway grounds if the residual cumulative impacts, following mitigation would be severe, is a high bar. Your Planning Officer agrees with the comments of the LHA, that the proposed development would not result in a severe impact on the highway network that would justify a refusal of planning permission. The LHA are the statutory body responsible for the road network in Mid Sussex and their views should be afforded significant weight in the decision-making process.
- 12.208 National Highways is responsible for the Strategic Road Network (SRN). They have considered the impact of the development on the nearby A23 and the cumulative impact from other committed developments and have raised no objection to the proposal, subject to conditions. It is therefore considered that the development would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the SRN in the vicinity of the site (A23).

Sustainable Transport

- 12.209 The applicant's submission provided a transport vision for the site in their site, which outlines the desire to create a high-quality, sustainable, residential-led neighbourhood, where people want to live and spend time. The Transport Assessment (TA) refers to providing genuine opportunities for future residents to access local facilities and services via sustainable modes, encouraging travel by active modes through the provision of offsite improvements and good on-site layout design and minimising the need to travel through on-site infrastructure. The strategy provides opportunities for multi-modal travel, and the site is therefore accessible to a range of key facilities, services and amenities catering for everyday journey purposes.

- 12.210 The NPPF defines a Travel Plan as *'A long-term management strategy for an organisation or site that details how agreed sustainable transport objectives are to be delivered, and which is monitored and regularly reviewed car and cycle parking.'* The applicants have provided a Framework Travel Plan (FTP), which has been assessed by the LHA.
- 12.211 Ansty is a category 4 settlement as defined in the settlement hierarchy in the MSDP. Category 4 settlements are defined as small village with limited services, often only serving the settlement itself.
- 12.212 The application includes a package of sustainable transport measures aimed at supporting modal shift and reducing reliance on private car use. These proposals have been set out in the submitted Transport Assessment and supporting technical notes and have been reviewed by the relevant statutory consultees.
- 12.213 The site benefits from proximity to a number of existing Public Rights of Way (PRoWs), including FP62CR, FP69CR, FP8aCU, and others, which provide connections to Ansty, Cuckfield, Warden Park Academy, and the wider countryside. These routes pass through or close to the site and are proposed for enhancement, including upgrades to bridleway status where appropriate.
- 12.214 The development proposes a range of on-site services and facilities to support sustainable travel, including a car club, mobility hubs, and cycle/scooter parking. These facilities are intended to be integrated throughout the site and will be secured via planning conditions and/or the s106 Legal Agreement. The car club provision is expected to reduce car ownership and support short-distance travel alternatives.
- 12.215 The site is currently not well served by existing bus services, with only the 89 service passing by along the A272 with a single am and pm service. Nearby Cuckfield benefits from the 31 and 271 services providing links to Haywards Heath and Crawley, as well as a school service. Bus service improvements are proposed, including enhancements to existing services and infrastructure to improve connectivity to Haywards Heath, Burgess Hill, and other nearby settlements. Specifically, the applicant proposes the provision of the following to serve the site:
- Two buses per hour between the site and Haywards Heath – It is intended that this service will also both Ansty Village (subject to suitable location of bus stop being identified and agreed) and Cuckfield.
 - One bus per hour between Haywards Heath and Burgess Hill serving the site – It is intended that this route would also serve Cuckfield.
- 12.216 This would provide a total of 3 buses per hour to Haywards Heath and a single service per hour to Burgess Hill. The exact details of the service would be secured via a S106 public transport strategy. The LHA found that the provision of the proposed bus service in conjunction with the other aspects of sustainable transport provision would provide an opportunity for the service to be successful. It should also be recognised that the provision of these additional bus services will provide benefits for the wider community (particularly existing Ansty and Cuckfield residents) with increased access to public transport routes that currently do not exist. This should be given significant positive weight.
- 12.217 Access to the site via active travel modes (including walking and cycling) will be possible from 10 locations:

- Via northern and southern multi-modal accesses, provided through new road junctions;
- Via a uncontrolled crossing point as part of the western access point over the A272;
- Via Public Right of Way (PRoW) 62CR into Ansty;
- Via PRoWs 103CR, 69CR and 71CR on the eastern boundary of the site; and
- Via 72CR, 73CR and 74CR on the southeastern Boundary of the site.

12.218 Cycle and PRoW improvements form a part of the transport strategy. FP62CR is to be upgraded to a bridleway, and surface improvements are proposed for several other PRoWs within the red line boundary. WSCC has confirmed that these improvements are acceptable, subject to conditions and further detail to be agreed with the PRoW team. Connectivity for equestrians is also being addressed through alternative routing proposals within the site boundary. The principal improvements proposed are summarised below;

- Cycle link to Haywards alongside the A272 (including, but not limited to, a new 3m shared use path from the sites northern access to the A272/Broad Street/Tylers Green Roundabout)
- Route to Cuckfield provided by a new crossing point to the southwestern arm of the A272/B2036 roundabout. Facilities to enable cyclist to rejoin carriageway where a 30mph speed limit is proposed (pedestrians would continue along existing footway).
- Route to Ansty via upgrading of footpath 62CR across the site to a Bridleway (it's noted that it is not possible to provide an equestrian friendly at the A272 roundabout in Ansty, however it is considered that the benefits of the PRoW upgrade to Bridleway would be a benefit of the scheme and outweigh the lack of crossing provision for equestrians).

12.219 The submitted Travel Plan outlines a framework for promoting sustainable travel behaviour and includes phased monitoring of trip generation. A full Travel Plan will be secured via condition or Section 106 agreement, with targets to be agreed with the local planning and highway authorities. Active Travel England has reviewed the proposals and confirmed conditional support, subject to the implementation of planning conditions and obligations relating to active travel infrastructure, site permeability, and mobility hub provision.

12.220 All proposed services, facilities, and infrastructure improvements will be secured either through planning conditions or via the Section 106 legal agreement, as appropriate.

12.221 Active Travel England has not objected to the application, confirming that the proposed sustainable transport measures are acceptable subject to conditions. WSCC LHA has similarly confirmed that the sustainable transport strategy is acceptable and aligns with local policy objectives.

12.221 It is acknowledged by your Planning Officers and the LHA that the site is in a rural location and that there are limited facilities in the immediate vicinity of the site to

provide for the everyday needs of future residents. Paragraph 110 of the NPPF states;

'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'

12.222 In reaching a conclusion on sustainable transport aspect of the development, the LHA state;

'In providing a primary school, community and retail facilities on site, pedestrian and cycle routes to the nearest secondary school in Cuckfield, and Public Transport and a cycle link to Haywards Heath where higher order services, employment and a railway station can be accessed (and a public transport link to Burgess Hill) it is considered that the proposals would meet the NPPF requirements. It would be beneficial that the LPA secure these internal facilities at an early stage of the development to embed sustainable travel habits.'

12.223 All proposed services, facilities, and infrastructure improvements will be secured either through planning conditions or via the Section 106 legal agreement, with appropriate trigger points for delivery.

12.224 Overall, while transport is a sensitive issue locally, the evidence submitted by the applicant has been thoroughly reviewed by both relevant highway authorities. No objections have been raised, and there is no alternative evidence before officers that would justify refusal on transport grounds. The application is considered to comply with Policy DP21 and the relevant provisions of the NPPF, including paragraphs 115–118, which require that appropriate opportunities to promote sustainable transport are taken and that significant impacts are mitigated to an acceptable degree. No severe impact has been identified.

Residential amenity

12.225 Policy DP26 in the MSDP seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

12.226 Policy DP29 of the MSDP deals with lighting and noise pollution, while policy SA38 deals with air quality. The issues of noise and air quality will be considered separately, but in respect of light pollution, DP29 states inter alia:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Light pollution:

- *The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- *The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*

12.227 Further guidance on how design and layout of the scheme can impact on residential amenity can be influenced by the design and layout of scheme can be found within the Design Guide SPD, specifically principles DG45 (Privacy of existing and future residents), DG46 (external amenity space), DG47 (Provide homes with sufficient daylight and sunlight) and DG48 (Design to minimise the impact on noise, air and light pollution). The latter three principles are aimed at the amenity of future residents.

12.228 The application seeks outline planning permission for all matters, apart from access. The impact on residential amenities will therefore be considered for these two elements, excluding noise impacts and air quality, as these matters are addressed later in this report.

Outline Elements

12.229 The proposed development covers a total of approximately 100ha of arable farmland, woodland and waterways immediately east of the settlement of Ansty and approximately 1km south-west of the settlement of Cuckfield.

12.230 While the exact form of development within the residential element of the proposal is not yet known, the Council need to be satisfied at this stage that an acceptable scheme can be achieved without causing significant harm to existing residential amenities. The issue will need to be reconsidered at any reserved matter stage when the layout, scale and appearance of the proposals are known and the exact relationship with existing properties can be assessed.

12.231 It is accepted that the outlook from existing properties will change dramatically, from one of an open field, to one of a housing development.

12.232 However, there are few locations where the proposed development is in relative proximity to existing residential properties. These locations are limited to the short row of residential properties on the east side of Harvest Hill in Ansty; and the few dispersed properties between Ansty and Cuckfield (including West Riddens Farm, Mackerel's Farm Cottage and Copyhold Farm).

12.233 The submitted parameter plans show that development blocks are positioned in locations where existing residential properties are separated by at least one existing field or a notable buffer of trees and/or vegetation.

12.234 For the existing residential properties between Ansty and Cuckfield, the masterplan boundary has been drawn to exclude these properties including their curtilages and existing boundary features (such as mature trees and vegetation). This therefore limits impacts on residential amenity.

12.235 In respect of light pollution, a lighting assessment has been submitted in support of the application. This primarily focuses on the impact of the proposed lighting from the proposed on-site sports facility and its associated pitches. The assessment demonstrates that the proposed external lighting will comply with the requirement

for an E2 zone as outlined in Guidance Note 01/21 produced by the Institute of Lighting Professionals. Light from these sports pitches is therefore unlikely to affect the amenity of either existing residents or future local residents. On this basis, your Environmental Protection Officer has not raised an objection. Your Planning Officer agrees with this assessment.

- 12.236 Having regard to the above, your Planning Officers are content that an acceptable form of development can be achieved that will not cause likely significant harm to the residential amenities of existing, or future residents, by means of loss of privacy, overlooking, loss of light, by noise and disturbance or light pollution.
- 12.237 Furthermore, consideration of the details contained within a reserved matters submission will consider how the design and layout of the scheme will impact on residential amenity, both existing and future, including the interaction between the residential and proposed community uses.

Detailed element for approval

- 12.238 The detailed element of the scheme for approval under this application is access.

Access

- 12.239 There are three vehicle accesses into the proposed development site with associated roundabouts: 1) Northern Access on A272/ Cuckfield Bypass; 2) Western Access on A272/ Cuckfield Road; and 3) Southern Access on B2036/ Harvest Hill.
- 12.240 There is a notable separation between each of these accesses and the nearest residential properties, particularly for the Northern and Western Accesses that are situated in open countryside. For the Southern Access, there is a buffer of mature woodland which separates it from the nearest residential properties.
- 12.241 Having regard to the separation distances and the existing form of enclosure to these properties, it is not considered that there would be a significant adverse impact on the amenities of these properties in respect of outlook and amenity.
- 12.242 Overall, on these matters it is considered that application complies with policies DP26 and DP29 of the MSDP.

Noise and Vibration

- 12.243 Policy DP29 of the MSDP states, inter alia,

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide;

- *An assessment of the impact of noise generated by a proposed development;*
or
- *An assessment of the effect of noise by an existing noise source upon a proposed development.'*

- 12.244 Policy DP26 of the MSDP states that development will not cause significant harm to residential amenities of existing nearby residents and future residents of new dwellings, including taking account of impact on noise, air and light pollution.
- 12.245 Volume 2, Chapter 9 and Volume 4 Appendix E of the submitted Environmental Statement relates to noise and vibration.
- 12.246 The assessment notes that the site is exposed to noise and vibration from the surrounding roads, the Cuckfield Sewage Treatment Works, the public footpaths and aircraft noise. Noise monitoring has been undertaken to establish the baseline noise levels of the site.
- 12.247 Modelling has then been undertaken to model the 'worst-case' noise level during each phase of construction, operational traffic, and noise emitted by mechanical plant, users of the sports pitch and users of the school playground. The report then analyses the suitability of the site in terms of internal noise levels and external noise levels for both the residential and educational uses.
- 12.248 In terms of construction noise, the report considered that the noise impact would be greatest during enabling and substructure activities. The closest existing noise sensitive receptors are within 15m of the proposed development. The assessment identifies the potential for moderate adverse impacts at residential dwellings on the private access road intersecting the Site, Highbridge Mill and Cottages 1 & 2, and future occupiers of Phase 1 and 2, due to their close proximity to the works. There is also potential for minor adverse effects at Mackerel Farm Cottage, Old Furnace, dwellings off B2036 and on Mount Noddy, dwellings on the private access road intersecting the Site and West Riddens Farm and Oak Tree Farm. There will be a negligible effect at all other receptors. Officers agree with this assessment.
- 12.249 Noise arising during the construction phase of development is not unexpected, as construction by its very nature, will result in noticeable noise at various stages, to various individuals, throughout the build. This, however, will not result in a significant long-term effect.
- 12.250 In terms of vibration, surface compaction is assumed to be the greatest potential source of vibration. Overall, the report concludes that the effect of vibration is likely to be negligible at all receptors. Officers agree with this assessment.
- 12.251 It is however sensible to put the onus on the developers to consider proactive measures to minimise complaints, design their timetable with best practicable means in place, meet with residents and have complaint handling systems in place

in order to minimise disruption. It is therefore recommended that a Construction Environmental Management Plan (CEMP) is required.

- 12.252 In terms of the operational phase of the development, final details on any proposed external plant are not currently available. It is recommended that a condition is applied to ensure that the proposal complies with noise limits set out in Table 9.17 of the ES. If these limits are complied with, plant noise will not cause a nuisance to future residents.
- 12.253 With regard to operational road traffic noise resulting from the operation of the site, the report concludes that long term negligible effects are predicted along all existing roads. Officers agree with this assessment.
- 12.254 In terms of the suitability of the site for residential use, the ES concludes that design mitigation measures can be employed to ensure acceptable internal noise levels. It states that double glazing will be sufficient protection for living rooms facing the road and bedrooms facing away from it. Your Environmental Health Officer considers that this approach is acceptable for bedrooms – noting that there would likely be an exceedance of BS8233 and WHO internal noise standards but there would be compliance with Part O of the Building Regulations. However, with regard to living rooms your Environmental Health Officer considers that living rooms facing roads will approach the upper limit of acceptability in terms of noise, if the windows are opened. Your Environmental Health Officer therefore highlights the importance of designing to ensure that overheating does not occur and recommends a condition to ensure that an overheating assessment is submitted as part of any future reserved matters application, to address this concern.
- 12.255 The ES states that the impact of noise levels from the school playgrounds on proposed local residents will be negligible. Nonetheless, there may be occasional instances when children's sounds are audible. In terms of noise from the sports pitches, your Environmental Health Officer considers that, although this may be negligible it may still be noticeable. It is therefore recommended that a noise management plan is secured by condition to ensure appropriate mitigation measures are put in place.
- 12.256 Unscreened private gardens and public open spaces close to the local road network are likely to exceed the upper BS 8233 guideline level for external amenity areas of 55 dB LAeq,T – this is assessed in the ES as a moderate adverse impact.
- 12.257 With regard to the sewage treatment works, this is assessed within the ES as likely to generate noise 5db above background noise level, 24 hours a day. As this would be perceptible to residents and could lead to complaints which affect the operation of the sewage treatment works, the Environmental Health Officer recommends that a condition be applied to ensure the implementation of measures to protect the sewage plant from future noise complaints.
- 12.258 The closest façade of the school buildings proposed in the illustrative masterplan is located approximately 80m away from the road. The ES concludes that the internal ambient noise can be controlled through the use of MVHR and façade design. With regard to the outside educational spaces, the ES finds that half of the area designated within the masterplan for the school, adjacent to the A272, is likely to exceed the BB93 recommended limit. The education authority have separately raised a concern regarding the location of the school site due to noise impacts.

- 12.259 The application states that noise barriers could be used as design solutions to reduce noise. However, it is unclear how these barriers could be incorporated given the need for this part of the site to provide a visual transition to the AONB and to act as a wildlife corridor, all whilst meeting the need for free flow access to outside space for pupils. Therefore, as discussed in the 'Leisure and Community' section of this report, the area of the site proposed for the school in the current masterplan is not considered acceptable as students would be subject to a level of noise which exceeds national standards. A condition is therefore recommended to secure an alternative location for the school where the environmental conditions are better suited to this use.
- 12.260 In summary, your Environmental Protection Officer has not raised an objection to the application, subject to conditions.
- 12.261 The development has been considered in combination with other committed schemes and projects – the closest of which is 1.5km away. Each of these schemes have been considered acceptable in relation to noise and vibration impacts generated from their proposals, and it is assumed that these will have to adhere to their own CEMP in accordance with best practice. Construction traffic flow levels from the development and the cumulative developments would therefore result in negligible, insignificant road traffic noise effects. During the operational phase of the development, the effect of noise impacts from the traffic associated with the development combined with cumulative traffic was assessed as being negligible and insignificant.
- 12.262 Given this, subject to condition, the proposal is considered to accord with policies DP26 and DP29 of the MSDP.

Ecology & Biodiversity

- 12.263 Policy DP38 in the MSDP states:

'Biodiversity will be protected and enhanced by ensuring development:

- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- Promotes the restoration, management and expansion of priority habitats in the District; and*
- Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of*

Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

12.264 Policy CNP4 of the CNP is entitled 'Protect and Enhance Biodiversity' states:

'Proposals should protect and enhance biodiversity by:

- a) Protecting designated sites, protected species and ancient or species-rich hedgerows, grasslands and woodlands, and*
- b) Preserving ecological networks, and the migration and transit of flora and fauna, particularly between urban areas, and*
- c) Protecting ancient trees or trees of arboricultural value, and*
- d) Promoting the mitigation, preservation, restoration and re-creation of wildlife habitats, and the protection and recovery of priority species and*
- e) Providing a net gain in flora and fauna, in particular those defined on Map 6 - Biodiversity, and*
- f) Adopting best practice in Sustainable Urban Drainage.'*

12.265 Paragraph 187 of the NPPF sets out the ways planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 193 of the NPPF states:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that*

make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

12.266 The Environmental Act 2021 has amended section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and places a general duty on a public authority to conserve and enhance biodiversity. A public authority must, in exercising its functions, have regard, as far as is consistent with the proper exercise of those functions, to the purpose of conserving and enhancing biodiversity.

12.267 In support of the application, the applicant has submitted various ecological surveys that form the basis of the consideration of the relevant chapter (chapter 11) within the ES.

12.268 On the proposed development site:

- In terms of international designated sites with 10km of the site, none have been identified.
- With regard to the local designations within 2km of the site, there are five Local Wildlife Sites and three designated verges, including Great Wood & Copyhold Hanger Local Wildlife Site (LWS) which lies immediately adjacent to the south-east boundary. The full list of local designated sites within 2km is provided in Table 11.4 of the ES Chapter 11.
- The Site contains approximately 7.3 ha of Ancient Woodland and 16.3 ha of Priority Woodland and is well connected to similar habitat within the surrounding area.

Site baseline

12.269 To assess the impact of the proposed development on the ecology/biodiversity value of the site, it is first important to understand the baseline value. The following section sets out a summary of this in terms of habitats and species, respectively.

Habitats

12.270 The Site comprises mostly of arable fields, with multiple parcels of woodland and tall grassland. The fields are separated by hedgerows which, for the most part, are Priority Hedgerows – these are native species-rich and provide high value green corridor habitat throughout the Site.

Species

Bats

- 12.271 Bat surveys have identified that the site is subject to bat activity, predominantly from common and soprano pipistrelle bats but observations were also made of brown long-eared bat, an unknown Myotis species, noctule, serotine, barbastelle and nathusius' pipistrelle. The surveys identified the areas used by the bats, and this included in certain built structures in the centre of the site as well as locations identified in walkover surveys.
- 12.272 Given the assemblage of bat species and their levels of activity on the site, the populations of bats using the site are of regional importance.

Badgers

- 12.273 Two active badger setts were identified in site surveys, along with multiple badger latrines indicating foraging and commuting of badgers across the entire Site.
- 12.274 Given the small badger population on site, it is considered that the badgers using the site are of local importance.

Breeding birds

- 12.275 In respect of breeding birds, the survey included eight red listed species and 13 species listed under section 41 of the Natural Environment and Rural Communities Act 2006 or Schedule 1 of the Wildlife and Countryside Act 1981. In addition to the rarity of the species on-site, the abundance is worth noting, with peak numbers of 55 woodpigeon, 40 blue tit and 17 song thrush of particular note.
- 12.276 Given the size of the site, the range of habitats present and the bird species recorded, the site is considered to be important for the conservation of birds at the local level.

Dormice

- 12.277 Two dormice were found on the northern hedgerow boundary, along with a further four nests, a starter nest and habitat that would support dormice across the site.
- 12.278 Given the survey findings and the relatively restricted recorded distribution of this species within the site, habitats are likely important for the conservation of dormice at a local level.

Great Crested Newts

- 12.279 A small population of great crested newts has been recorded at the Site.
- 12.280 Although targeted surveys for common toads were not undertaken, this species was recorded on-site in low numbers and should be assumed present in all suitable habitat.
- 12.281 Given the above, the site is considered important for the conservation of both great crested newts and common toads at a local level.

Reptiles

- 12.282 One likely 'large' population of grass snakes was identified on site. Given relatively large numbers involved and the large extent of suitable habitat at the Site, the site is considered important to the conservation status of grass snake at the local level.

Riparian based species

- 12.283 Crayfish, water voles and otters are likely absent from the site.
- 12.284 Given the aquatic invertebrate assemblage of species identified and reasonable water quality, the site is considered important for these species at a local level.

Avoidance, Mitigation and Enhancement Features

- 12.285 In terms of enhancement on the proposed development site and The Parkland Reserve Site, new areas of publicly accessible green space will be created. This will provide an alternative place for recreation to the adjacent LWS and other designated sites within the local area, thereby reducing visitor impacts.

Construction Phase Avoidance & Mitigation Features

- 12.286 On the proposed development site, the following will be delivered in the construction phase:
- For priority habitats, the proposed development has been designed to avoid habitat losses where possible. As an exception, the applicant has proposed two bridges through woodland as “essential” – these have been located to take the “path of least resistance which avoids the most valuable features within the woodland (such as native mature trees) and designed with a minimal footprint.
 - Construction phase measures will be implemented to avert damage to priority habitats, to be detailed in a Construction Environmental Management Plan and a Landscape and Ecology Management Plan secured by planning condition.
 - For badgers, construction phase measures will be implemented to avert damage to avoid direct impacts on existing known badger setts. This will be detailed in a Construction Environmental Management Plan as secured by planning condition.
 - For bats, the majority of valuable habitats will be retained, including the buildings at the centre of the site where bats have been identified in surveys.

Where trees with bat roost features cannot be retained (including at the bridge crossing locations), precautionary felling will be used at an appropriate time of year and a European Protected Species licence obtained if necessary.

The proposed development will also incorporate a ‘sensitive lighting plan’, secured by condition.

- For breeding birds, construction works, woody vegetation removal and felling of single trees will be programmed with regard to breeding season. Heras fencing will be erected to protect all nesting bird habitat throughout construction.
- For dormice, the majority of habitat will be retained. Where hedgerow removal is required, the applicant will secure a European Protected Species Licence.
- For great crested newts and other amphibians, habitat removal will be limited to the loss of field margins and small areas of woodland and hedgerow. A Mitigation Licence from Natural England or a District Licence from the NatureSpace Partnership will be obtained to undertake works.

- For reptiles, the majority of habitat will be retained, with the exception of field margins which are of high value for grass snakes. Habitat manipulation will be implemented to encourage reptiles away from construction zones and minimise the risk of killing or injuring any individuals is proposed.
- For riparian wildlife, construction measures will be detailed in the Construction Environmental Management Plan (to be secured by condition) to ensure that construction run-off (such as sediment) into watercourses is avoided.
- To avoid the spread of invasive non-native species (including rhododendron and cherry laurel), a strict disposal protocol will be implemented during construction, as well as precautionary measures such as cleaning of machinery.
- To avoid the impacts of invasive non-native species (including rhododendron and cherry laurel), native planting schemes will be adopted and residents notified about the risks of inappropriate green waste disposal.

12.287 On the proposed development site, the following will be delivered in the operation phase:

- For priority habitats, public access to all ancient woodland will be prevented using native thorny shrub planting. Clear educational signposting, footpaths and information boards will be implemented outside of these areas. Additionally, there will be ongoing monitoring and maintenance for signs of human damage, such as littering.

These measures will be detailed in a Landscape and Ecology Management Plan secured by planning condition.

- For badgers, a 20 mph vehicle speed limit will be implemented where possible. Setts locations will be fenced off to prevent public access, but enable badger movements.
- For bats, there will be a 'sensitive lighting plan', secured by condition.
- For breeding birds, no less than 500 bird nesting features will be incorporated to ensure nesting opportunities for house martin, swallow, house sparrow, starling and common garden birds. Additionally, every home will incorporate a 'built in' swift brick near the eaves.

These measures, monitoring and maintenance will be detailed in a Landscape and Ecology Management Plan secured by planning condition.

- For dormice, thorny planting will be incorporated to reduce the effects of domestic cat predation, and new habitats favourable to dormice will be introduced.

There will also be a 'sensitive lighting plan', secured by condition.

- For great crested newts and other amphibians, habitats and design features will be established and managed, as detailed in a Landscape and Ecology Management Plan and secured by planning condition. Existing ponds will also be managed to avoid pollution, with remedial action taken where necessary (a licence will be required to undertake these works).

- For reptiles, grassland habitat measures will be detailed in a Landscape and Ecology Management Plan secured by planning condition.
- For riparian wildlife, surface water drainage controls, Sustainable Drainage Systems (SuDS) and other measures will be implemented and monitoring on an ongoing basis.

12.288 The Council's Ecology Consultant is satisfied that sufficient ecological information has been submitted with the application to provide certainty on the likely impacts on designated sites, protected and priority species and habitat and with appropriate mitigation measures secured, the development is acceptable. They have not raised an objection.

12.289 Having regard to the above and on the basis of the evidence provided, your Planning Officer is satisfied that the application complies policy DP38 of the MSDP, CNP4 of the CNP, and the relevant sections of the NPPF.

Biodiversity Net Gain

12.290 As set out above, policy DP38 of the MSDP requires development to 'protect existing biodiversity, so that there is no net loss of biodiversity', while also on the other hand requires biodiversity to be protected and enhanced by ensuring development provides a net gain' in biodiversity. While policy CNP4 of CNP requires developments to protect and preserve designated sites/habitats and protected species and enhance biodiversity by providing a net gain in flora fauna. It is important to note that neither of these policies set a specific figure for net gain.

12.291 As such, to comply with policy DP38 and CNP4, the development needs to ensure that it provides a 'net gain' in biodiversity.

12.292 In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The Environment Act 2021 makes provision for BNG to be delivered in the following ways:

- On-site
- Off-site (on registered sites)
- Biodiversity credits (purchased nationally)

The BNG can be delivered via a blend of the above measures, as appropriate.

12.294 This application was submitted before the national requirement for 10% biodiversity net gain came into effect. Therefore, it is under policy DP38 of MSDP that biodiversity net gain is required, and this policy does not specify a minimum net gain; the only requirement is that there is a gain.

12.295 In support of the application BNG metric has been submitted that does show that there is a net loss on the development site itself (post development) of -8.79% habitat units, but a 10.70% gain in hedgerow units. However, it is proposed that mitigation will be provided off-site, on land in the control of the applicant (which is not specifically restricted by policy), and it is considered that this is an acceptable means of ensuring that a net gain is achieved in accordance with policies DP38 and CNP4.

- 12.296 The applicant proposes a Biodiversity Net Gain of 18.04% in Habitat Units and a small net gain of 0.89% in Linear Units, which will be secured by way of condition. The off-site land identified for Biodiversity Net Gain by the applicant is part of the site contained within The Parklands Reserve Site (application ref: DM/23/2867), which is reported elsewhere on this agenda. This site can be secured by planning condition and/or a s106 Legal Agreement to ensure a link between the proposals. As both sites are within the same ownership, then this is an acceptable way to deal with the matter.
- 12.297 The Council's Ecology Consultant is content that BNG gain can be secured via a planning condition, and they have not raised an objection to this element of the scheme.
- 12.298 Overall, the development has been considered in combination with other schemes and projects. Each of the committed schemes have been considered acceptable in relation to the impact on biodiversity. These schemes are situated far enough from the site that in-combination impacts associated with development activity (such as dust deposition, pollution and noise impacts) are not anticipated. It is also assumed that these will have to adhere to their own CEMP in accordance with best practice.
- 12.299 Taking the proposed development, and the creation of The Parkland Reserve Site in totality, the ES predominantly identifies 'likely positive' residual effects at a local level including for biodiversity value, priority habitats, bats, breeding birds, dormice and great crested newts and other amphibians. It also identifies 'likely negligible' residual effects including for designated sites and badgers.
- 12.300 There is no objection from the Council's Ecology Consultants to the proposed development, and your officers are satisfied that there are no ecology or biodiversity reasons to refuse this application. As such, it is considered that the proposal complies with policy DP38 of the MSDP, policy CNP4 of the CNP and the relevant sections of the NPPF

Trees

- 12.301 Policy DP37 in the MSDP states:

'Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*

- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

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.'

12.302 Paragraph 136 of the NPPF states:

'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined⁽⁵²⁾, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

(Footnote 52: Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate)'

12.303 The submitted information includes an Arboricultural Impact Assessment (AIA) and Tree protection plans. There are 943 surveyed trees or groups of trees on or near the site. Of these, 20 are 'A' (high quality) category, 412 trees or groups of trees are 'B' (moderate quality) category, 451 trees or groups of trees are 'C' (low quality) category, 56 trees are 'U' (unsuitable for retention quality) category, and 4 have not been categorised as they are dead, i.e. trees 255, 450, 619 & 892.

- 12.304 In order to facilitate the development shown on the shown on the submitted plans, a total of 116 trees will be removed to allow or facilitate development. Of these 116 trees, 14 are 'B' (moderate quality) category, 98 are 'C' (low quality) category, and 4 are 'U' (unsuitable for retention) category.
- 12.305 Your Assistant Tree Officer has provided comment on the proposals and raises an objection, stating that the Category B trees are a constraint to development and should be retained.
- 12.306 Development of this scale will inevitably lead to a degree of loss which could, in part, be mitigated by replacement tree planting secured through the landscaping details submitted at reserved matters stage. The number of Category B trees that are proposed to be removed (no.14 in total) to facilitate the development, is small compared to the total number of 'B' trees on the site (no. 412) and it is your Planning Officer's view that this level of loss can easily be mitigated and the overall size of the development site provides the potential to ensure that any future landscaping scheme can actually provide enhancements (in respect of tree quality/species). This process is in the control of the Council and if suitable landscaping details are not provided (to included appropriate replanting at the reserved matters), then those details do not have to be approved.
- 12.307 Having regard to the above, while there is a conflict with policy DP37 of MSDP, it is considered that this should only attract minimal negative weight in the overall planning balance.

Sustainability

- 12.308 Policy DP39 of the MSDP is titled 'Sustainable Design and Construction, and states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;

- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- Use renewable sources of energy;*
- Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

- 12.307 Paragraph 164 of the NPPF seeks to ensure that new developments are planned to help 'reduce greenhouse emissions, such as through its location, orientation and design'. Paragraph 166 expects new development to, 'take account of landform ,layout, building orientation, massing and landscaping to minimise energy consumption.'

- 12.308 It is important to recognise that in respect of policy DP39 of the District Plan, whilst the wording of the policy is supportive of improving the sustainability of developments, there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.
- 12.309 Sustainability measures for the development are included in the applicant's Energy & Sustainability Statement (May 2025) and Framework Travel Plan (December 2024). These include:
- A commitment to reducing CO₂ emissions by more than 50% than required in Part L of the Building Regulations. This will be achieved by:
 - Reducing energy demand in proposed homes and buildings through passive design measures.
 - Installing renewable energy including a mix of Air Source Heat Pumps, solar water heating, solar PV panels and Ground Source Heat Pumps.
 - Electric vehicle charging will be delivered in line with Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.
 - Details on public and sustainable transport options for new residents will be provided through a Travel Plan Welcome Pack at the point of first occupation.
 - Cycle parking will be integrated into the development through minimum sizing of properties' garages to accommodate cycles, garden cycle stores and communal secure cycle storage areas.
 - Water efficient measures (including sanitation measures, washing machines and dishwashers) will be delivered in properties in line with the policy DM 39 and Building Regulations Approved Document G: Sanitation, hot water safety and water efficiency.
- 12.310 The design of the housing, school and neighbourhood centre, including the inclusion of relevant energy efficiency and renewable energy measures, are matters of detail that will be considered further as part of any relevant reserved matters submission.
- 12.311 Having regard to the above, it is considered that the application complies with policy DP39 of MSDP and the relevant paragraphs of the NPFF.

Flood Risk and Drainage

- 12.312 Policy DP41 of the MSDP states;

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development²² unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

12.313 Paragraph 181 of the NPPF states:

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment (63). Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

Footnote 63: A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.'

- 12.314 The application is accompanied by a Flood Risk Assessment and Outline Drainage Strategy and a Flood Risk Sequential Testing Report. This information has been assessed by WSCC Lead Local Flood Authority (LLFA) whose final comments are awaited at the time completing this report. It is not anticipated that there will be any in principle objections from the LLFA and members will be provided with an update at the Committee meeting.

Flood Risk

- 12.315 G Flood zones are classified in the PPG as follows:

'Zone 1 Low probability : Land having a less than 0.1% annual probability of river or sea flooding. (Shown as 'clear' on the Flood Map for Planning – all land outside Zones 2, 3a and 3b)

Zone 2 Medium probability: Land having between a 1% and 0.1% annual probability of river flooding; or land having between a 0.5% and 0.1% annual probability of sea flooding. (Land shown in light blue on the Flood Map)

Zone 3a High probability: Land having a 1% or greater annual probability of river flooding; or Land having a 0.5% or greater annual probability of sea. (Land shown in dark blue on the Flood Map)

Zone 3b The Functional Floodplain This zone comprises land where water from rivers or the sea has to flow or be stored in times of flood. The identification of functional floodplain should take account of local circumstances and not be defined solely on rigid probability parameters. Functional floodplain will normally comprise:

- land having a 3.3% or greater annual probability of flooding, with any existing flood risk management infrastructure operating effectively; or*
- land that is designed to flood (such as a flood attenuation scheme), even if it would only flood in more extreme events (such as 0.1% annual probability of flooding)'.*

- 12.316 The site is mostly located in Flood Zone 1, with a linear area of Flood Zone 3 present along the Copyhold Gill in the north of the site and in a drain in the southern part of the site. The proposed indicative development areas, as shown on the submitted parameter plans, are all located within Flood Zone 1 and there is a low risk of flooding from fluvial, surface water, groundwater, sewer and catastrophic sources to the proposed development areas. As noted with the application submissions, residential development is classified as 'more vulnerable' regarding flood risk, but all development types are permissible in Flood Zone 1.

- 12.317 Having regard to the apparent low flood risk present, the application does not propose any specific mitigation measures, other than the implementation of a Sustainable Drainage Strategy (SuDS) to mitigate any potential increase in off-site flood risk and the suitable design of infrastructure, which intersects water features and surface water flow paths. These matters can be secured via appropriately worded conditions.
- 12.318 Your Planning Officer does not anticipate that the LLFA will raise an objection to the application and while their final comments are awaited, and will be available at the meeting, your Officers are content that on the basis of the information submitted there is nothing that indicates that the proposed development will either be at risk of flooding or increase the risk elsewhere.
- 12.319 It should also be noted that the Environment Agency has not objected to the application subject to all properties being located within Flood Zone 1 and the details of the required crossing of Copyhold Gill (and no net loss of flood plain compensation as a result of the crossing).
- 12.320 The application is considered to comply with policy DP41 of MSDP.

Surface Water Drainage

- 12.321 The submitted Drainage Strategy sets out that the site is currently greenfield and has no impermeable surfaces and therefore no areas which are positively drained. As such runoff from the site post development will need to be controlled to the equivalent low return period greenfield rate.
- 12.322 The submitted information includes an outline SuDS strategy for the site. The main components of the scheme are ponds and large grassland swales that would be located downgradient of the proposed development areas. The submitted information outlines that strategy is a suitable means of disposing of the water in the area and that there is sufficient space for the required attention and treatment of runoff water, prior to its disposal. Furthermore, a preliminary assessment of the proposed performance of the SuDS system under the 1 in 30 year plus 40 % climate change storm has been undertaken and showed that the strategy can accommodate the required stormwater runoff volumes.
- 12.323 The details of the surface water strategy will evolve with the final layout of the scheme, and this can be secured with appropriately worded conditions, which can also secure the appropriate management and maintenance arrangements for the SuDS scheme for the lifetime of the development.
- 12.324 Your Planning Officer does not anticipate that the LLFA will raise an objection to the application and while their final comments are awaited, and will be available at the meeting, your Officers are content that on the basis of the information submitted there is nothing that indicates that the proposed development cannot be adequately drained.
- 12.325 The application is considered to comply with policy DP41 if the MSDP.

Foul Drainage

- 12.326 Southern Water have confirmed that there is insufficient capacity in nearby wastewater treatment works to accommodate flows from the proposed

development. A condition is requested to restrict the occupation of the development until such time as adequate wastewater treatment facilities exist to effectively drain the development. Furthermore, Southern Water have also identified that some network reinforcement work will be required to ensure that additional flows do not increase the risk of foul flooding from the sewer network. This would be provided by Southern Water, in liaison with the developer, within 24 months of consent being granted. A further condition is requested to phase the occupation of the development in conjunction with the network reinforcement works.

- 12.327 As Members will know, the Supreme Court has confirmed that a developer could connect into a sewerage system as of right, even when that system did not have sufficient capacity. The Court indicated that where this situation arises an LPA may impose a negatively worded condition when granting planning permission, which would require details of the sewage system proposal to be approved in consultation with the sewerage company before the development commences and for those approved proposals to be implemented before homes are occupied. It would not be appropriate for an LPA to refuse a planning application on the basis that there is insufficient capacity because the matter is dealt with by other legislation (the water Industry Act 1991).
- 12.328 The details of the foul drainage scheme can be secured by appropriately worded conditions, which can be secured alongside those requested by Southern Water to ensure that sufficient capacity to treat the foul water alongside the proposed levels of occupations.
- 12.329 The application is considered to comply with policy DP41 of MSDP.

Water Supply

- 12.330 Policy DP42 states in part that proposals that increase the demand for offsite service infrastructure will be permitted where the applicant can demonstrate that there is adequate water supply to serve the development.
- 12.331 South East Water, the water suppliers for the area, were consulted on the application but have not provided any comments. As such, there is no evidence before the Council to show that an adequate water supply cannot be provided to the site.
- 12.332 Overall, with regard to flood risk and drainage matters, the proposals have been carefully considered by the LLFA and the Southern Water, and while the final comments of LLFA are awaited it is not anticipated that any objections will be raised to the outline proposals. As such, your Planning Officers are content that for the purpose of this outline application, the proposed development will not result in any increase floor risk and can be adequately drained. As such the application complies with policies DP41 and DP42 of the MSDP and the relevant section of the NPPF.

Air Quality

- 12.333 Policy SA38 in the SADPD states:

'The Council will require applicants to demonstrate that there is not unacceptable impact on air quality. The development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a

redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.

Where sensitive development is proposed in areas of existing poor air quality and/ or where major development is proposed, including the development types set out in the Council's current guidance (Air Quality and Emissions Mitigation Guidance for Sussex (2019 or as updated)) an air quality assessment will be required.

Development proposals that are likely to have an impact on local air quality, including those in or within relevant proximity to existing or potential Air Quality Management Areas (AQMAs), will need to demonstrate measures/ mitigation that are incorporated into the design to minimise any impacts associated with air quality. Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the Council's Air Quality Action Plan and be consistent with the Council's current guidance as stated above.

Mitigation measures will be secured either through a negotiation on a scheme, or via the use of planning condition and/ or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.

In order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to result in increased traffic may be expected to demonstrate how any air quality impacts, including in combination impacts, have been considered in relation to the Ashdown Forest SAC. Any 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 for any potential adverse effects.'

- 12.334 Chapter 8 of the Environmental Statement relates to air quality and odour, and considers the anticipated impacts on future site users, by identifying potential sources and sensitive receptors. This included the effects of dust deposition during the construction phase, accounting for proposed mitigation measures, and odour generation from the nearby Cuckfield Wastewater Treatment Works (WWTW). It also considers the air quality impact from the construction phase, and once the development is fully operational.
- 12.335 In respect of construction impacts, construction activities have the potential to generate fugitive dust emissions which may give rise to annoyance due to the soiling of surfaces or which can damage vascular plant species. Emissions of this nature can also pose a risk of human health due to the increase in exposure to PM10 concentrations. The applicants consider that implementation of measures with a Construction Environmental Management Plan (CEMP), including a Dust Management Plan, and Construction Logistics Plan (CLP) will reduce emissions and their potential impacts.
- 12.336 In terms of operational impacts, air quality impacts could arise from on-site sources of combustion such as individual boilers and vehicles. The ES suggests that a suitably worded planning condition be applied to ensure the heating, cooling and hot water demands are met solely by air source and ground source heat pumps. Transport related emissions will be minimised by the implementation of active travel routes and encouraging sustainable modes of transport.
- 12.337 Overall, the ES concludes that the assessment of effects when the development is fully operational has been assessed as being not significant on human receptors. Future Site users are not predicted to be exposed to poor air quality when the development becomes operational.

- 12.338 Sussex-Air require all 'Major' developments to minimise their operational phase emissions through mitigation measures commensurate to the cost of the Proposed Development's air quality related 'damages'. The Defra Emissions Factor Toolkit v11.0 is to be used to determine the total transport related emissions that would be generated by the proposed development. The ES explains that, due to the outline nature of the application, it has not been possible to undertake damage costs and to quantify the cost of mitigation measures at this stage.
- 12.339 Your Environmental Protection Officer has reviewed the submitted ES and Addendum and is satisfied that the impacts will be acceptable, subject to the relevant conditions. This includes a recommended condition requiring the calculation of 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.
- 12.340 On the WWTW, Southern Water advised that a 500m buffer should be applied so that no sensitive development is located within this buffer.
- 12.341 In light of the above the above conclusions it is reasonable to conclude that the proposal will not have a significant impact on air quality odour, and with the use of appropriate conditions, the application complies with policy SA38.

Contaminated Land

- 12.337 In respect of the NPPF, paragraph 196 states:

'Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*

- 12.338 The application has been supported by Phase 1 Land Quality Desk Study. All the submitted information has been considered by the Council's Contaminated Land Officer, who states;

'The report is to a good standard and the conceptual site model shows but they're all complete linkages from potential contaminants from sources such as infield quarries, historical landfills, contaminants from agricultural use and potential offsite contamination from the sewage treatment works which have the potential the impact on future site users

As such, the report makes it clear that if planning permission is granted that further intrusive investigation will be necessary in order to better understand the risks and whether remediation is necessary in order to protect future site users. This is also highlighted in ES Volume 2, Chapter 3: EIA Methodology, paragraph 3.3.31. I would

recommend this is conditioned and additionally that a discovery strategy is also conditioned so in the event that additional contamination is found during groundworks that was not previously identified in the desktop study or intrusive investigation, the works can stop until such time that it has been reviewed and appropriate mitigation put in if required..'

- 12.339 In light of the evidence provided, the views of the Council's Contaminated Land Officer are accepted, and suitably worded conditions are suggested in Appendix A to secure further investigation, a suitable remediation strategy and to address the discovery of unexpected contamination during construction works. Officers are content that the application complies with paragraph 196 of the NPPF.

Impact on Ashdown Forest SPA/SAC

- 12.340 Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority – in this case, Mid Sussex District Council – has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).
- 12.341 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.
- 12.342 A Habitats Regulations Assessment has been undertaken for the proposed development.

Recreational disturbance

- 12.343 Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.
- 12.344 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.
- 12.345 The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

- 12.346 Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen

may detrimentally affect the composition of an ecosystem and lead to loss of species.

- 12.347 The proposed development is a windfall site and while large, it is a significant distance from the Ashdown Forest and in close proximity to the north/south strategic road network. As part of the District Plan Review work, the site was looked at as part of the Reg 18 HRA where the modelling showed there was only a very slight difference in forecast impacts (i.e. slightly greater) to option finally pursued, which concludes that the Mid Sussex District Plan will not result in adverse effects on the integrity of the Ashdown Forest SPA/SAC regarding atmospheric pollution, either alone or in combination with other plans or projects. It is not considered that there have been any change in circumstances since that work which would result in any material change in the outcomes. It is considered that the development would not have, either individually or in in combination a significant effect on the Ashdown Forest SAC.

Conclusion of the Habitats Regulations Assessment

- 12.348 The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.
- 12.349 No mitigation is required in relation to the Ashdown Forest SPA or SAC.
- 12.350 A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Agricultural Land

- 12.351 Policy DP12 states, inter alia, that:

“Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.”

- 12.352 The supporting text to Policy DP12 identifies that Grade 1, 2 and 3a agricultural land should be protected from development due to its economic importance and geological value.
- 12.353 Volume 4 of the submitted Environmental Statement relates to Agriculture and Soils. The Agricultural Land Classification states that the land is graded as follows:

Grade	Area	Percentage of total site area
Grade 1:	1.6Ha	2.1%
Grade 2	6.6Ha	8.6%
Grade 3a	5Ha	6.5%

Grade 3b	63.5Ha	82.8%
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- 12.354 Therefore, 13.2ha (17.2%) of the land is graded as Grade 3a and above. The assessment sets out that the majority of the site is limited by wetness and that there is no limiting factor for the small area of fine sandy loam in the northeast corner of the site.
- 12.355 Given this classification of this proportion of the land, the proposed development is technically non-compliant with the requirements of Policy DP12. However, it is acknowledged that 63.5ha (82.8%) of the land to be built on is classified as Grade 3b, which is low value agricultural land. Given this, minimal weight is attributed to the non-compliance with Policy DP12 in this respect.

Minerals

- 12.356 The application site occupies a large area (~99ha), within which are identified branches of underlying safeguarded building stone mineral resource both along the northern and southern site boundaries. Further, an identified area of brick clay (Wadhurst Clay formation) is located partially within the southeastern site boundary (albeit only a minor incursion into the application site). The application site is therefore partially located a Mineral Safeguarding Consultation area for both brick clay and building stone - as such WSCC as the Mineral and Waste Planning Authority have been consulted on the application. Policy M9 of the West Sussex Joint Minerals Local Plan (WSJMP) states:

'Soft sand (including potential silica sand), sharp sand and gravel, brick-making clay, building stone resources and chalk reserves are safeguarded against sterilisation. Proposals for non-mineral development within the Minerals Safeguarded Areas (as shown on maps in Appendix E) will not be permitted unless:

(i) Mineral sterilisation will not occur; or

(ii) it is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or

(iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.'

- 12.357 The application is supported by a Preliminary Mineral Resource Assessment (MRA). The submitted MRA discusses the potential viability of the prior extraction of the safeguarded mineral resources, as required by Policy M9 of the Joint Minerals Local Plan. Ultimately, the MRA concludes that, owing to the environmental constraints around the site (including areas of trees/Ancient Woodland and existing watercourse), when coupled with the sparse coverage of identified deposits of the building stone, the level of mineral sterilisation that would occur as a result of the development would be insignificant when considered within the context of the available resource and that already being worked within the wider county.
- 12.358 Having reviewed the report, WSCC agree with these conclusions noting the indicative layout requirement of the non-mineral development in respect to existing landscape features around the site. As such, they raise no objection to the application.

12.359 Given the views of the Minerals and Waste Authority, officers are content that mineral sterilisation will not occur, and as such the application proposals complies with policy M9 of WSJMP.

Socio-Economics

12.360 This section is provided for completeness and summarises the findings of the socio-economic chapter of the Environmental Statement (vol. 2) submitted by the applicant. The formal assessment of matters such as housing, sustainability, infrastructure, education, healthcare, and community provision is addressed in dedicated sections elsewhere in this report.

12.361 The applicant's socio-economic assessment considers both construction and operational phase impacts, including employment, expenditure, housing delivery, education, healthcare, crime, and open space provision. The assessment is based on recognised methodologies and national datasets and includes consideration of cumulative effects.

12.362 The applicant identifies that receptors in the local area are particularly sensitive to changes in worker and residential expenditure, and demand for early years and SEND education. This is attributed to a limited retail offer and constrained capacity in early years and SEND provision.

12.363 The assessment concludes that:

- Construction worker expenditure is expected to have a major beneficial effect locally.
- The provision of housing, including affordable and specialist accommodation, is considered to have a major beneficial effect at the district level.
- Additional expenditure from residents and workers is expected to support the vitality of the local retail centre, also assessed as a major beneficial effect.
- Effects on local jobs and skills, crime and community safety, and healthcare are considered negligible.
- The provision of early years and SEND education is expected to result in moderate beneficial effects, while primary education is assessed as negligible and secondary education as minor adverse prior to mitigation.
- Open space and play space provision is assessed as moderate beneficial, with the scheme delivering over 28ha of accessible green space.

12.364 The applicant proposes embedded mitigation measures including the provision of a health hub, primary and SEND schools, a nursery, community space, and open space. Financial contributions are proposed to address residual impacts on secondary education and healthcare.

12.365 The socio-economic assessment aligns with the overarching objectives of the National Planning Policy Framework (NPPF), particularly paragraph 8 (sustainable development), paragraph 92 (promoting healthy and inclusive communities), and paragraph 104 (ensuring appropriate infrastructure). Subject to the delivery of

proposed mitigation, no residual socio-economic impacts have been identified that would justify refusal of the application.

Residual Effects and Effects Interaction

- 12.366 The submitted ES highlights the following adverse residual effects (those that remain following mitigation) during construction, which are considered significant;
- Effects on Landscape and Visual:
 - Effect on landscape character (moderate-minor adverse to moderate-major adverse).
 - Effect on natural landscape receptors (moderate-minor adverse to moderate adverse).
 - Effect on cultural / social landscape receptors (major adverse).
 - Effect on perceptual and aesthetic landscape receptors (major adverse).
 - Effect on landscape character receptors (moderate to major adverse).
 - Effect on views for residential receptors (minor adverse to major adverse).
 - Effect on views for transient from transport corridors receptors (neutral to moderate adverse).
 - Effect on views for transient from public rights of way receptors (neutral to major adverse).
 - Effect on views for receptors using visitor attractions and areas of open space (minor adverse-negligible to moderate-minor adverse).
 - Effects on Ecology and Biodiversity:
 - Effect on biodiversity value (moderate adverse).
 - Effect on priority habitat woodland and hedgerows (moderate adverse).
 - Effect on badgers (moderate adverse).
 - Effect on bat roost features (moderate adverse).
 - Effect on suitable skylark breeding habitat (moderate adverse).
 - Effect on common dormice (moderate adverse).
 - Effect on great crested newts and other amphibians (moderate adverse / minor adverse).
 - Effect on riparian wildlife (moderate adverse).
- 12.367 The ES states that the adverse Landscape and Visual Impacts will be temporary in nature as they are limited to construction only. Officers disagree with this conclusion. As concluded in early sections of this report, Officers believe that the development would result in the irreversible change to part of a landscape that is

considered important at both a National and European level for its intimate, agricultural character, tranquillity and beauty. Officers conclude that the application conflicts with Local Plan policy DP16.

- 12.368 With regard to effects upon Ecology and Biodiversity, the ES concludes that these will also be temporary and compensation and enhancement measures will be implemented to reduce impacts.
- 12.369 Taking the proposed development and the creation of The Parkland Reserve Site in totality, the ES predominantly identifies 'likely positive' residual effects at a local level including for biodiversity value, priority habitats, bats, breeding birds, dormice and great crested newts and other amphibians. It also identifies 'likely negligible' residual effects including for designated sites and badgers.
- 12.370 During operation, the ES concludes that the following significant adverse residual effects are anticipated:
- Effects on Landscape and Visual:
 - Effect on landscape character (moderate-minor adverse to moderate adverse).
 - Effect on natural landscape receptors (minor adverse to moderate minor beneficial).
 - Effect on cultural / social landscape receptors (moderate adverse).
 - Effect on perceptual and aesthetic landscape receptors (moderate-minor adverse).
 - Effect on landscape character receptors (moderate-minor adverse to moderate adverse).
 - Effect on views for residential receptors (negligible to moderate adverse).
 - Effect on views for transient from public rights of way receptors (neutral to moderate adverse).
- 12.371 Officers consider that there will be significant adverse residual effects on landscape. As discussed earlier in this report, Officers consider that there are errors and omissions in the approach to the LVIA assessment, which means that the effect on the landscape and its function are underestimated. The magnitude of effects are likely to be greater than concluded by the ES in this regard.
- 12.372 The ES states that the significant beneficial residual effects anticipated during operation comprise:
- Effects on Socio-Economics:
 - Effect on provision of housing (major beneficial).
 - Effect on additional expenditure supported from the residents and operational workers (major beneficial).

- Effect on the demand for educations (early years) provision (moderate beneficial).
- Effect on the demand for SEND school (major beneficial).
- Effect on the provision of open space and play space (moderate beneficial).
- Effects on Ecology and Biodiversity:
 - Effect on biodiversity value (moderate beneficial).
 - Effect on priority habitats (moderate beneficial).
 - Effect on bats (moderate beneficial).
 - Effect on breeding birds (moderate beneficial).

12.373 There is potential for interactive effects between different assessment topics as follows:

- Irritation, as a result of construction noise and vibration combined with construction dust will affect nearby residential receptors.
- Potential harm to nearby ecological receptors due to construction dust and emissions.

12.374 The ES states that there will also be some significant cumulative effects when considering the Proposed Development and Parkland Reserve Site with surrounding committed developments, as summarised below.

- Significant beneficial cumulative effects will result from an increase in construction employment and spending within the local economy, as well as an increase in additional spending within the local economy.
- Significant beneficial cumulative effects will result from the proposed education facilities which can provide benefit to both the new and the existing population.
- Significant adverse cumulative effects are anticipated as a result of the loss of best and most versatile (BMV) agricultural land.

12.375 Officers agree with the overall conclusions of the ES, apart from with regard to landscape and visual effects which Officers believe are underestimated within the ES.

Infrastructure

12.377 Policy DP20 of the MSDP seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations. The Council approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions) on 25th July 2018. The SPDs were:

- A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations.
- An Affordable Housing SPD
- A Development Viability SPD

12.378 Policy DP23 encourages the incorporation of digital infrastructure, including fibre, to premises, in new major housing, employment and retail development.

12.379 Policy CNP 21 entitled Securing Infrastructure states:

‘Any development permitted will be expected to ensure provision of the necessary social, physical and green infrastructure needed to support the proposed development, or the additional infrastructure identified in the Neighbourhood Plan which can be provided in a timely manner, through developer contributions subject to an appropriate assessment of viability.’

12.380 The NPPF sets out the government's policy on planning obligations in paragraphs 56 and 58 which state:

‘56 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.’

and:

‘58 Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.’*

12.381 These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).

12.382 The Council's Development Infrastructure and Contributions SPD (2018) was revoked in July 2025 and more up-to-date evidence on infrastructure costs (by using Appendix 5 of the Submission Draft District Plan) with a mechanism to charge higher levels of contributions to help alleviate that pressure is now relied on. While revoked, the new evidence to calculate infrastructure requirements only applied to applications received after 25th July 2025, as such this application is still being considered under the 2018 document. However, members should note that the given the majority of infrastructure associated with this development will be directly delivered by the developer, the fact that the 2018 SPD is being used does not materially impact on the overall value of the infrastructure being developed.

12.383 Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the National Planning Policy Framework' the infrastructure set out below is to be secured via a planning obligation. Copies of all relevant consultation responses including the housing and leisure officer of the Council, West Sussex

County Council, NHS Sussex and the Sussex Police & Crime Commissioner are available on the planning file.

West Sussex County Council Infrastructure Requirements

Education

- Developer to construct and transfer to WSSCC a 2.5FE primary school (with early years provision) on-site.
- Transfer of land to WSSCC to enable the construction of a SEND school, with an appropriate contribution (calculated by formula based on final housing mix).
- Financial contribution towards secondary education (calculated by formula based on final housing mix).
- Financial contribution towards sixth form education (calculated by formula based on final housing mix).

WSSCC Highways

- Direct contract for bus services to Haywards Heath (3 buses per hour) and Burgess Hill (1 bus per hour) will be secured on the basis of a Public Transport Strategy and implemented from an early stage of construction for up to two years post-completion.
- Travel Plan and Travel Plan Monitoring Fees (£5,640)
- Trip Monitoring Strategy at Reserved Matters stages, in line with NPPF paragraph 110.
- Highway works following agreement of Trip Monitoring Strategy.
- Traffic Regulation Order Fee of £10,205 and works to implement the revised speed limits (signage)
- Car Clubs
- Mobility Hubs
- Cycle route to Haywards Heath - Cycle Route Improvement Plan sheets 1 and 22207280-SK05 Rev H
- Proposed Northern Access (A272) 2207280-003 Rev G
- Proposed Southern Access 2207280-005 Rev E
- Proposed Western Access 2207280-004 Rev E
- Potential roundabout Improvement 2207280-002 Rev B
- Proposed cycle connections A272 / BOLNEY ROAD / B2036 2207280-007 Rev A (noting need to revisit connection to Deaks Lane)

- PROW upgrade to Footway 8aCU towards Cuckfield – to enhance the connection to Warden Park Academy
- PROW upgrade to Footway 69CR towards Copyhold Lane – to enhance the connection onto Bridleway 67CR

Mid Sussex District Council Infrastructure Requirements

- Affordable Housing at 30% of total (up to 435 homes). 75% social rent and 25% First Homes/shared ownership.
- Up to 30 self/custom build plots
- 90 residential case units (Use Class C2)
- Developer to construct a sport facility including pavilion building, 2 x hockey pitches (floodlit), 4 x outdoor tennis courts (floodlit), 4 x covered padel courts (floodlit) 4 x indoor tennis courts and potential transfer to MSDC.
- Developer to construct an on-site village centre to include a mix of the following uses – a local food store / Flexible Class E uses (such as a café, retail, offices) / Health hub (to include a range of healthcare services) / other community uses (such as a creche, shared workspace and small gym) and potential transfer of some or all of the completed units.
- An off-site formal sports contributions consisting of a financial contribution to Beech Farm Field pitch drainage improvements (estimated at £1.26m (excl. VAT)), as long as there is assurance on security of tenure and long-term community access.

If not delivered within 5-year period, the contribution will instead support sports facilities development at Cuckfield Recreation Ground and/or Whitemans Green and/or Ansty Recreation Ground and North Field.

- A financial contribution to MSDC towards the provision of off-site Gypsy and Traveller Pitches of £450,000.
- The construction and transfer of a 0.63Ha allotment site to MSDC or the Parish Council.
- The use of the part of the off-site land within the applicant's control (Parkland Reserve Site) for the provision of BNG and a BNG monitoring fee of £15,000.
- The on-site provision of three LEAPs, a NEAP and MUGA to meet the demands for children's play space.
- Sussex Police - Financial contribution of £232,142.10 for Officer recruitment, training, equipment, premises and fleet.

12.384 Officers are looking at the extent to which the proposed infrastructure is going to/intended to serve the wider community. As such officers are keen to explore with the applicant to the transfer of relevant strategic/neighbourhood infrastructure to MSDC and or its successor, to be maintained as a public amenity, with an appropriate commuted sum for maintenance. Where the applicant has already

indicated a willingness to transfer the facilities to the Council, these facilities have been identified above, however, there are other elements including the ancient woodland buffers, public open space and formal children's play space, which your Officers are keen to discuss further with the applicant as part of the s106 Legal Agreement process. If agreement can be reached with the applicant on these matters, then the Officers will secure their transfer (with appropriate commuted sum) to the Council for on-going public management.

- 12.385 It is considered that the infrastructure requirements set out above are necessary to mitigate the impact of this development, while also providing additional benefit in some case (as identified elsewhere in the report), and therefore comply with the above policies and guidance.
- 12.386 In relation to digital infrastructure, as required by policy DP23 of MSDP, details of this provision can be secured via a condition, and a suitable wording is set out in Appendix A.
- 12.387 Subject to the completion of a s106 legal agreement to secure the required infrastructure contributions and a condition regarding digital infrastructure, the development accords with policies DP20 and DP23 of the MSDP, the relevant SPDs, policy CNP 21, Regulation 122 and guidance in the NPPF.

13.0 Planning Balance and Conclusion

- 13.1 Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and Ansty and Staplefield Neighbourhood Plan (ASNP) and the Cuckfield Neighbourhood Plan (CNP).
- 13.2 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.
- 13.3 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Ansty as defined by the District Plan. As such the site is located within the defined Countryside.
- 13.4 Policy DP12 of the MSDP refers to the protection of the Countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. The proposed development does not meet all of the criteria of policy DP12 in the MSDP. In addition, the proposed development does not meet all of the criteria of policy DP6 in the MSDP and does not meet the criteria of policy DP15 of the MSDP. The proposal also conflicts with policies AS1 and AS2 of the ASNP as it is seeking development outside of the built-up area boundary and does have an impact on the coalescence between Ansty and Cuckfield and does not meet the criteria within the policy which supports specific development in the countryside, and there will be a change in the undeveloped landscape of a field to a housing development. Furthermore, the proposal also

conflicts with policies CNP3 and CNP5 of the CNP for similar reasons as those associated with ASNP policies, save for the issue of coalescence which in CNP5 case is between Cuckfield and Haywards Heath.

- 13.5 As the site is not allocated for residential development in the Development Plan, it is considered that the proposed development does not accord with the development plan, when read as a whole. In accordance with planning law, it is necessary to consider other material planning considerations when determining this planning application.
- 13.6 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF. At the present time, the Council is unable to demonstrate a five-year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF. In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development, having particular regard for the key policies indicated in paragraph 11(d)(ii) of the NPPF. The weight to be afforded to the Development Plan policies needs to be determined by considering their degree of conformity with the NPPF.
- 13.7 For the reasons set out within this report, policies DP4 and DP6 can be given limited weight, policies DP12 and DP13 can be afforded moderate weight and policy DP15 can be afforded full weight in the determination of this application. Policy AS1 of ASNP can be given limited weight, and moderate weight can be given to policy AS2 of ASNP. In respect of policies CNP3 and CNP5 of the CNP, both of these policies can be given moderate weight.
- 13.8 The application would provide 1,450 homes, including a total of 435 affordable homes; 109 of these would be affordable ownership and 326 would be affordable rented tenure. The scheme would also include 30 self-build plots and 90 residential care units. A financial contribution to 3 permanent Gypsy and Traveller pitches would also be secured through the S106 agreement. The proposal would comply with policies DP30, DP31 and DP33 of the MSDP. Given the inability of the Council to demonstrate a five-year housing land supply and the goal of national policy to significantly boost the delivery of housing, it is considered that the delivery of this residential accommodation should be afforded substantial positive weight in the planning balance.
- 13.9 In terms of community and leisure facilities, the application proposes a new Primary School, land for a Special Educational Needs (SEND) School, Health Hub including a potential new GP surgery, village centre with local facilities and workspace and sports and recreation facilities. These would be secured and funded through the S106 agreement.
- 13.10 The provision of a new primary school and land for a SEND school is given significant positive weight, however it is not considered that the indicative proposals for the location of these facilities are appropriate, as it is unlikely that the development of schools in this location would meet the competing requirements of this part of the site. However, these issues can be resolved at reserved matters stage, given the outline nature of the planning application. To achieve this, Officers propose to exclude the submitted land-use parameter plan from the list of approved plans if permission is granted, and to require the submission of a revised parameter plan via planning condition.

- 13.11 The provision of a Health Hub, including a potential GP surgery is a benefit of the scheme, afforded significant weight. Given the outline nature of the application, few details are provided at this stage and will be sought at reserved matters stage, however, the outline permission will secure the delivery of the facility, via a s106 Legal Agreement.
- 13.12 In terms of the proposed sports and recreation facilities, the proposal is acceptable and in accordance with policies DP24 and DP25. The details of the facilities, including on-site play and off-site sports contributions, will be secured through the S106 agreement and planning condition. Overall, the sports and leisure provision is a benefit of the scheme, afforded significant weight in the planning balance. Again, the outline permission will secure the delivery of these facilities, via a s106 Legal Agreement.
- 13.13 In terms of transport matters, the vehicular access arrangements are acceptable. On the basis of the submitted evidence and the formal responses from the relevant highway authorities, the application would comply with Policy DP21 and the relevant provisions of national planning policy, which require that development should not result in a severe impact on the transport network. Subject to the recommended conditions and mitigation, no such severe impact has been identified. Furthermore, the application incorporates appropriate opportunities to promote sustainable transport and in particular the proposed bus services provide public transport improvements that will benefit existing residents in Ansty and Cuckfield villages. These improvements will be secured with a s106 Legal Agreement, and it is considered that this is a benefit of the scheme that should be afforded significant positive weight.
- 13.14 The proposed development will not have an adverse impact in respect of noise pollution, light pollution and air quality. Planning conditions can be imposed to secure the required mitigation measures.
- 13.15 It is considered that planning conditions can be imposed regarding potential contamination of the site to ensure that the site is made suitable for its future use.
- 13.16 With regards to biodiversity net gain (BNG), the application is not subject to the mandatory BNG requirements, however the applicants are seeking to provide a net gain of approximately 20%, although this will be achieved through off-site enhancements. Notwithstanding that enhancements would be provided off-site, this would comply with the relevant policy and regulatory requirements. The fact that the proposal will deliver a net gain in biodiversity, should be given positive weight in the planning balance.
- 13.17 It is considered that sufficient information has been submitted to demonstrate that the development is not at risk from flooding, nor increase the risk of flooding elsewhere. Furthermore, it is considered that it has been demonstrated that the site can be satisfactorily drained. The detail of the drainage for the site would be controlled by condition and come through at a subsequent reserved matters application.
- 13.18 It is considered that the impact of the proposal on infrastructure can be mitigated by the facilities and contributions that have been set out in this report. These comply with policy DP20 in the MSDP and the Community Infrastructure Levy (CIL) Regulations and will be secured by a section 106 Legal Agreement.

- 13.19 A planning condition can be used to ensure that archaeological matters are suitably addressed.
- 13.20 Weighing against the application is the conflict with Development Plan policy in relation to policies DP6, DP12, DP13 and DP15 of the MSDP, policies AS1 and AS2 of the ASNP and policies CNP3 and CNP5 of the CNP. However, the weight to be attached to policies DP6, DP12 and DP13, as well policies AS1, AS2, CNP3 and CNP5 is reduced because the Council cannot demonstrate a five-year housing land supply. Whilst policy DP15 is considered to have full weight, this is aimed at specific types of housing (essential accommodation for rural workers, isolated new homes of exceptional quality, affordable housing rural exception sites) and therefore the conflict with this policy is not considered to be determinative in this case.
- 13.21 In terms of visual impact, the introduction of built form of this scale would render Ansty visible in views from Cuckfield, where it is currently not readily visible. This will reduce the perception of separation, impacting on the identity of the villages and resulting in the perception of coalescence. As such, the proposal is contrary to Local Plan policy DP13, policy AS2 of the ASNP, and policies CNP3 and CNP5 of the CLP. As noted above, given the Council cannot demonstrate a five-year housing land supply, the weight that can be afforded to these policies is reduced.
- 13.22 The High Weald Area of Outstanding Natural Beauty (HWAONB) is located immediately to the north-west of the site. The boundary of the HWAONB is defined by the A272 corridor, which forms the north-western boundary of the site. The site therefore lies within the setting of the HWAONB. While steps have been taken to minimise the impact, a development of this size and scale will result in some harm to the adjacent protected landscape and as such there is a conflict with policy DP16 of MSDP. The application therefore conflicts with Local Plan policy DP16. Full weight can be given to this policy.
- 13.23 Also weighing against the application is the harm that would be caused to the setting of designated and non-designated heritage assets around, and in the vicinity of the site. This results in a conflict with policies DP34 and DP35 of the MSDP. This harm would fall into the less than substantial category as defined within the NPPF. The NPPF requires a balancing exercise to be carried out between the less than substantial harm to designated heritage assets and the public benefits of the proposed development. In carrying out this balancing exercise, the decision maker should give significant weight to the less than substantial harm to properly reflect the statutory position in the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of listed buildings and their settings is desirable. The NPPF also requires a balanced judgement in relation to the impact on non-designated heritage assets.
- 13.24 It is considered that the significant public benefits of the scheme (provision of new housing, including affordable housing, specialist housing (residential care units and self/custom build plots), the provision of a primary school, sports facilities, local centre and health hub, public open space and the economic benefits including additional spending in the locality, do outweigh the less than substantial harm to the setting of the designated heritage asset in this instance and also, the non-designated heritage assets.
- 13.25 The proposal would result in the loss of some 116 trees, of which 14 would be Category B (moderate quality). The loss of 14 Category B trees is small in comparison to the overall number on the site (no.412) and this level of loss can easily be mitigated and overall size of the development site provides the potential to

ensure any future landscaping scheme can actually provide enhancements (in respect of tree quality/species). While there is a conflict with policy DP37 of MSDP, it is considered that this should only attract minimal negative weight in the overall planning balance.

- 13.26 The Agricultural Land Classification for the site states that 17.2% of the land is graded as Grade 3a and above. Policy DP12 seeks to protect Agricultural land from non-agricultural development proposals. Given this classification of this proportion of the land, the proposed development is technically non-compliant with the requirements of Policy DP12. However, it is acknowledged that 82.8% of the land to be built on is classified as Grade 3b, which is low value agricultural land. Given this, minimal weight is attributed to the non-compliance with Policy DP12 in this respect.
- 13.27 The residual effects, as set out in the Environmental Statement (ES), arising from the proposed development are those effects that remain following the implementation of identified mitigation measures. The ES concludes that significant effects during construction will occur to Landscape and Visual character, Ecology and Biodiversity. The ES states that the adverse Landscape and Visual Impacts will be temporary in nature as they are limited to construction only. Officers disagree with this conclusion. As concluded in early sections of this report, Officers believe that the development would result in the irreversible change to the landscape of this part of the district.
- 13.28 The ES also states that there will be significant beneficial residual effects during the operational phase including the provision of housing, additional expenditure supported from the residents and operational workers, the provision of a school to meet demand for education (early years) provision, and land to meet demand for a SEND school and provision of open space and play space. A moderate beneficial impact on ecology and biodiversity is also identified. These benefits are given significant weight.
- 13.29 Mitigation measures, as outlined within the ES, can be secured through the conditions as set out in Appendix A and through the legal agreement where appropriate. With such measures secured, the conclusions of the ES are considered by Officers to be reasonable and accurate apart from in respect of the magnitude of landscape impacts.
- 13.30 In summary, it is considered that the proposal complies with policies DP17, DP20, DP21, DP24, DP25, DP26, DP28, DP29, DP30, DP31, DP38, DP39, DP41, DP42 of the MSDP. However, there is a conflict with policies DP6, DP12 and DP15 in the MSDP because the proposal is for a major housing development on site that is not allocated in the Development Plan for housing. The proposal also conflicts with policies DP13, DP16, DP34, DP35 and DP37 in MSDP.
- 13.31 In relation to the ASNP and CNP it is considered that the application complies with policies AS4, AS8, AS11, AS14, CNP4, CNP8, CNP16 and CNP21. The application however conflicts with policies AS1, AS2, CNP3 and CNP5 as the site lies within the countryside and would result in perceived coalescence.
- 13.32 It is for the decision maker to consider the weight that should be attached to these issues, individually and collectively.
- 13.33 Taking all of the above into account, it is your Planning Officer's view that because the application is for a major housing development on an unallocated site, notwithstanding compliance with the policies in the development plan that have

been referred to in this report, the proposal does conflict with the Development Plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.

- 13.34 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it follows that the policies which are most important for determining the application from the Development Plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.
- 13.35 The proposal would provide up to 1,450 new dwellings (including specialist units and self/custom build plots) at a time when the Council cannot demonstrate a five-year housing land supply. There would be economic benefits from the proposal from the increased spend within the local economy once the development is occupied. There would social benefits through the provision of a primary school, land for a SEND school, the provision of an on-site sport facility and pitches, provision of local centre including a Health Hub, the provision of allotments and the creation of public open space. Furthermore, the provision of an improved bus service that will also serve the existing villages of Ansty and Cuckfield is also a social benefit of the scheme. The proposal would also result in a net gain in biodiversity. These benefits, each of which are considered to be significant, would accord with the economic, social and environmental objectives as set out in paragraph 8 of the NPPF.
- 13.36 Your Planning Officer considers that the proposal would have a neutral impact in respect of impacts on air quality, the public right of way network, the Ashdown Forest, infrastructure provision and drainage, where planning conditions and the legal agreement will mean that the impact of the development is mitigated. There would be additional vehicular movements on the highway network, but these would not result in a severe impact. There would be off site works to help mitigate the impact of the development, together with a Travel Plan.
- 13.37 The proposal would have a negative impact on the setting of a number of designated and non-designated heritage assets. The proposal would also change the character of this part of the District from a green field site to a significant housing development adjacent to the protected landscape of the HWAONB. Both are considered to be significant. The loss of 14 category B tree and loss of a small amount of Grade 3a (and above) agricultural land are negatives but are considered only to attract minimal weight.
- 13.38 It is your Planning Officer's view that having regard to para 11d of the NPPF, that the adverse impacts of granting consent (many of which will in any event be mitigated for as far as is possible) would not significantly and demonstrably outweigh the benefits of this development, as highlighted within this report. It is therefore considered that whilst the proposal is not in accordance with the Development Plan when read as a whole, there are material planning considerations of sufficient weight that would justify the approval of this scheme.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. Approval of the details of the siting, design, appearance 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, and the developments shall be carried out as approved.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission.

The development hereby permitted shall be begun before the expiration of 2 year from the date of the approval of the last of the reserved matters 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.

2. Prior to the submission of any Reserved Matters application, the following plans and documents will be submitted to and approved in writing with the Local Planning Authority;
 - Land-Use Parameter Plan
 - Green Infrastructure Plan
 - Access and Movement Parameter Plan
 - Building Height Parameter Plan
 - Density Parameter Plan
 - A Design Code

All submitted reserved matter applications shall be submitted in broad accordance with the approved plans/documents.

Reason: In order to ensure that the proposal provides for a high-quality development that is appropriate for its setting and to accord with policies DP16 and DP26 of the Mid Sussex District Plan 2014-2031.

3. Prior to the submission of any Reserved Matters application, a phasing plan shall be submitted to and approved in writing with the Local Planning Authority. The subsequent Reserved Matters, and condition discharged applications, shall be submitted having regard to the agreed phasing.

Reason: In order to ensure that the development is delivered in an organised fashion and to comply with Policy DP26 of the Mid Sussex District Plan 2014-2031.

4. Each reserved matters application shall be accompanied by a Design Principles Statement setting out how the design principles contained within the approved Design Code have been applied within the reserved matters area to which the reserved matters application relates.

Reason: In order to ensure that development complies with the agreed principles within the Design Code to achieve a high-quality development and to accord with policy DP26 of the Mid Sussex District Plan 2014-2031.

5. No works shall commence on the site hereby permitted (including site clearance or preparation) until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways). 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,
- o the anticipated number, frequency and types of vehicles used during construction,
 - o the method of access and indicative routing of vehicles during construction,
 - o the parking of vehicles by site operatives and visitors,
 - o the loading and unloading of plant, materials and waste,
 - o the storage of plant and materials used in construction of the development,
 - o the erection and maintenance of security hoarding,
 - o 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),
 - o details of public engagement both prior to and during construction works.
 - o hours of construction work and construction delivery details;
 - o measures to control noise affecting nearby residents;
 - o dust control measures;
 - o pollution incident control and site contact details in case of complaints.

Reason: In the interests of highway safety, including ensuring that the A23 Trunk Road continues to be an effective part of the national system, and the amenities of the area and to accord with policies DP21, DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

6. No development shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- o Risk assessment of potentially damaging construction activities.
 - o Identification of "biodiversity protection zones".
 - o Practical measures (both physical measures and sensitive working practices) to avoid or
 - o reduce impacts during construction (may be provided as a set of method statements).
 - o The location and timing of sensitive works to avoid harm to biodiversity features.
 - o The times during construction when specialist ecologists need to be present on site to oversee works.
 - o Responsible persons and lines of communication.
 - o The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - o Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC.

7. Prior to the commencement of any phase of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme 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 ensure an appropriate level of air quality mitigation is achieved and to comply with policy SA38 of the Site Allocations Development Plan Document 2022.

8. All mitigation measures and/or works shall be carried out in accordance with the details contained in the ecological assessments as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the following documents:
- o Dormouse Mitigation Statement (The Ecology Co-op, February 2024)
 - o Biodiversity Impact Calculation (The Ecology Co-op, October 2023) submitted November 2024 as a separate document. Already included in the ES Volume 4 Part 1 - 9 November 2023 Appendix G: Ecological Impact Assessment (Ecologic, October 2023)
 - o Volume 4 November 2023 Appendix G: Ecology and Biodiversity Ecological Impact Assessment (The Ecology Co-op, October 2023),
 - o Appendix G2: Bat trapping and Radiotracking Report (Temple Group Ltd., February 2023),
 - o ES 3 (EcoLogic LLP (undated),
 - o Appendix 6 Proposed Management Action Plan (EcoLogic LLP (February 2023))
 - o Volume 2 Chapter 2: The Site (Temple Group Ltd., November 2023)
 - o Habitat & Ecological Restoration Management Plan Rev A, (Tadorna Consulting Ltd., March 2023)
 - o Biodiversity Impact Calculation - Habitat & Ecological Restoration Management Plan Rev A, (Tadorna Consulting Ltd., March 2023)
 - o Non-Technical Summary (Temple Group Ltd., November 2023)
 - o Volume 2 Chapter 11: Ecology and Biodiversity (Temple Group Ltd., November 2023)
 - o Volume 2: Main Text (Temple Group Ltd., November 2023)

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and to accord with policy DP38 of the Mid Sussex District Plan 2014-2031.

9. Any works, within any phase, which will impact the breeding / resting place of Hazel Dormouse, shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the

Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 and to comply with policy DP38 of the Mid Sussex District Plan 2014-2031.

10. In support of each and every Reserved Matters application, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, shall be prepared by a suitably qualified ecologist in line with the recommendations of Volume 4 November 2023 Appendix G: Ecology and Biodiversity Ecological Impact Assessment (The Ecology Co-op, October 2023), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended) and to accord with policy DP38 of the Mid Sussex District Plan 2014-2031.

11. Prior to occupation within any phase, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and to accord with policy DP38 of the Mid Sussex District Plan 2014-2031.

12. In support of any Reserved Matters application, further supplementary ecological surveys for roosting bats in trees and Hazel Dormouse shall be undertaken to inform the ecological measures. The supplementary surveys shall be of an appropriate type

for the above species and survey methods shall follow national good practice guidelines.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and to accord with policy DP38 of the Mid Sussex District Plan 2014-2031.

13. Prior to the commencement of development, a Biodiversity Net Gain Plan evidencing that a measurable biodiversity net gain can be achieved for the development, shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Net Gain Plan should include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures.
- b) The completed biodiversity metric - calculation tool and condition assessments.
- c) The habitat maps for the pre and post development values.
- d) Details of the management and monitoring proposals to achieve condition targets.
- e) Details of any off-site provision to be secured by a planning obligation.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reasons: In order to demonstrate measurable biodiversity net gains and allow the LPA to discharge its duties under the NPPF 2024 and to accord with Policy DP38 of the Mid Sussex District Plan 2014-2031.

14. In support of any Reserved Matters application that include the provision of outdoor sports facilities/pitches, details of proposed external lighting, which should be in accord with the lighting report submitted by MEC Consulting Group report ref: 29283-LIGH-0401 (dated December 2024), shall be submitted to and approved in writing with the Local Planning Authority.

The scheme shall only be implemented in accordance with the approved details and retained as such thereafter.

Reason: To protect residential amenity from light pollution and to accord with policies DP26 and DP29 of the Mid Sussex District Plan.

15. The development hereby permitted shall not be occupied/brought into use until the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, have each been submitted to and approved, in writing, by the local planning authority:

- a) A site investigation scheme, based on Geo environmental and Geo technical desktop study by Campbell Reith consulting engineers, reference 13694, dated

October 2023, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

And, unless otherwise agreed in writing by Local Planning Authority,

b) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with policy DP26 of the Mid Sussex District Plan 2014-2031.

16. The development, in any phase, hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation), for that phase. Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report and thereafter maintained.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with policy DP26 of the Mid Sussex District Plan 2014-2031.

17. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the Local Planning Authority. 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 Local Planning Authority.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with policy DP26 of the Mid Sussex District Plan 2014-2031.

18. No development shall take place, within any phase, unless and until details of the existing and proposed site levels, of that particular phase, have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

19. Prior to the commencement of any residential phase of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme 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 ensure an appropriate level of air quality mitigation is achieved and to comply with policy SA38 of the Site Allocations Development Plan Document 2022.

20. To support any residential reserved matters application(s), a scheme that addresses the issues of acoustics, ventilation and overheating (AVO) shall be submitted to the Local Planning Authority to demonstrate how the proposals meet the following requirements;

Good acoustic design shall be fully integrated into the scheme. The hierarchy of good acoustic design (GAD) outlined below shall be applied in descending order and the methods utilised shall be clearly outlined in an Acoustic Design Statement (ADS):

- i. Maximising the spatial separation of noise source(s) and receptor(s).
- ii. Investigating the necessity and feasibility of reducing existing noise levels and relocating existing noise sources
- iii. Using existing topography and existing structures (that are likely to last the expected life of the noise-sensitive scheme) to screen the proposed development site from significant sources of noise
- iv. Incorporating noise barriers as part of the scheme to screen the proposed development site from significant sources of noise
- v. Using the layout of the scheme to reduce noise propagation across the site
- vi. Using the orientation of buildings to reduce the noise exposure of noise sensitive rooms
- vii. Using façade design e.g. façade barriers, balconies and winter gardens to minimise exposure to noise
- viii. Using the building envelope to mitigate noise to acceptable levels

The scheme shall;

a) outline the level of noise exposure for each property and how the noise level within any domestic living room or bedroom, with windows open for normal ventilation, shall comply with the desirable internal noise levels as outlined in Table 2.1 of BS8233:2014 and;

b) outline how the noise level within any domestic bedroom, with windows open, shall not normally exceed 42 dB(A) LAFmax between 23:00 and 07:00, in line with WHO NNGL 2007.

Where the standards in (a) or (b) above cannot be achieved following GAD and with windows open, only then shall the scheme show how those standards will be met with windows closed and how adequate ventilation and cooling will be provided.

Where windows must remain closed to achieve acceptable internal noise levels, an overheating assessment must be undertaken with accordance with CIBSE. The cooling hierarchy below shall be applied to the scheme:

1. Minimise internal heat generation through energy efficient design
2. Reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls
3. Design the properties to enable passive ventilation (e.g. cross ventilation)
4. Provide mechanical ventilation
5. Provide active cooling (ensuring they are the lowest carbon options).

The methods integrated into the design to prevent overheating shall be fully outlined in the AVO scheme and no dwelling hereby permitted shall be occupied until the approved scheme has been implemented in full for that dwelling.

If as a last resort mechanical ventilation is to be used, it must be demonstrated that it still complies with internal noise levels while providing sufficient ventilation. Any amendments to the scheme or alterations to it must be agreed in writing with the Local Planning Authority in advance.

All acoustic reports submitted in relation to the scheme shall include characterisation of uncertainty and shall demonstrate the adoption of good practice to minimise uncertainty.

Reason: To ensure that the layout of the site and the design of the proposed buildings provide a high-quality environment for future residents and to accord with policy DP26 of the Mid Sussex District Plan 2014-2031.

21. To support any Reserved Matters application containing sport pitches/courts a suitable noise management plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and operated in accordance with the approved NMP unless otherwise agreed with the Local Planning Authority.

Reason: To protect against noise pollution and to accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

22. Prior to the installation of any external lighting, within any given phase, details of lux levels and times of use together with a report to demonstrate its effect on nearby residential properties shall be submitted to and approved in writing by the Local Planning authority. It is recommended that the information be provided in a format that demonstrates compliance on the ILP Guidance Notes for the Reduction of Obtrusive Light.

The information shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect residential amenities and to accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

23. To support the submission of the relevant Reserved Matters application a scheme shall be submitted to and approved in writing by the Local Planning Authority demonstrating what mitigation will be put in place to protect proposed residents from noise from the existing sewage treatment works. The approved measures shall be

implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To protect residential amenity and to accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

24. Prior to occupation/first use of any building containing plant, a scheme shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the noise rating level (L_{Ar},Tr) of plant and machinery within the relevant part of the build shall meet with levels outlined in Table 9.17 in the Environmental Statement. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The assessment shall be carried out with the plant/machinery operating at its maximum setting.

The approved measures shall be implemented before the relevant part of the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To protect residential amenity and to accord with policies DP26 and DP29 of the Mid Sussex District Plan.

25. (i) No development or preliminary groundworks of any kind shall take place until a programme of geophysical survey has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
(ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of geophysical survey identified in the Written Scheme of Investigation defined in Part (i) and confirmed by the local authority archaeological advisors.
(iii) The applicant will submit to the local planning authority a report detailing the results of the geophysical survey, which will be used to inform a programme of archaeological evaluation.

Reason: To protect the archaeological value of the site and to accord with policy DP35 of the Mid Sussex District Plan 2014-2031.

26. (i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the local planning authority.
(iii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part 1 and confirmed by the local authority archaeological advisors.
(iii) A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.
(iv) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

(v) The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To protect the archaeological value of the site and to accord with policy DP35 of the Mid Sussex District Plan 2014-2031.

27. Prior to the commencement of development, details showing how the phasing and implementation of the development will align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development, shall be submitted to and approved in writing with the Local Planning Authority.

The development shall be occupied in accordance with the approved details.

Reason: To ensure that there is adequate wastewater capacity exists to adequately drain the development and to accord with policy DP41 of the Mid Sussex District Plan 2014-2031.

28. The development shall be carried out in accordance with the submitted flood risk assessment (Environmental Statement Volume 4, dated November 2023) and the following mitigation measures it details:

o All properties shall be located in Flood Zone 1.

o Details of the crossing of the Copyhold Gill shall be submitted for approval to the Local Planning Authority (in consultation with the Environment Agency).

o No net loss of flood plain compensation shall occur as a result of the development of the Copyhold Gill crossing. Information on flood plain compensation shall be provided for approval to the Local Planning Authority (in consultation with the Environment Agency).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure adequate flood protect and to accord with policy DP41 of the Mid Sussex District Plan 2014-2031.

29. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

Biodiversity Net Gain

Informatives

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. The applicant is advised that they must apply and obtain approval from West Sussex County Council as Highway Authority for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here <https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporary-development-signs/#overview>

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location Plan	D3012-FAB-00-XX-DR-Y-054	02	06.11.2023
Site Plan	D3012-FAB-00-XX-DR-Y-009	08	06.11.2023
Tree Survey			06.11.2023
Tree Survey			06.11.2023
Tree Survey			06.11.2023
Tree Survey			06.11.2023
Tree Survey			06.11.2023
Tree Survey			06.11.2023
Tree Survey			06.11.2023
Tree Survey			06.11.2023
Tree Survey			06.11.2023
Tree Survey			06.11.2023
Location Plan	D3012-FAB-00-XX-DR-Y-038	05	21.11.2023
Tree Survey			06.11.2023