

Town and Country Planning Act 1990

Appeal Ref: Secretary of State Appeal

Local Planning Authority: Mid Sussex District Council

Local Authority Ref: AP/26/0023

Planning Application Ref: DM/25/0445

Appeal by: Miller Homes Ltd

Appeal Site: Land at Colwell Farm, Lewes Road, Haywards Heath West Sussex

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

Written CIL Justification by West Sussex County Council

Date: 10th April 2026

1. West Sussex County Council Requirements

West Sussex County Council ("WSCC") were consulted by Mid Sussex District Council ("MSDC"), acting as Planning Authority, on planning application DM/25/0445. WSCC considered the implications of the proposed development upon the highway network, and assessed the level of contributions required to mitigate the impact of the development upon the local County Council infrastructure. The WSCC consultation response dated 24th March 2025 was forwarded to MSDC and provided advice on levels of contributions required at the site. The following contributions were identified to be secured by way of a Section 106 planning obligation:

- (a) Primary Education – amount to be confirmed;
- (b) Secondary Education - amount to be confirmed;
- (c) Libraries Contribution - amount to be confirmed;
- (d) Transport (TAD) - amount to be confirmed;
- (e) Travel Plan and monitoring fee of £3,950;
- (f) TRO for speed reduction £10,205.

It is assumed that CIL is **not** adopted at the time of the Appeal and the Local Planning Authorities existing Section 106 policies are still in force.

2. Education

2.1 Schools within the locality of Haywards Heath

The Appeal Site falls within the education locality of Haywards Heath – see section 2.3 for an explanation of a “locality”.

There are eighteen Local Authority maintained primary schools in the Haywards Heath locality, all of which teach children in the key years Year R to Year 6.

There are two Local Authority maintained secondary schools here – Oathall and Warren Park, neither of which has sixth-form facilities. These two secondary schools accept pupils from all of the Primary schools within the locality and are considered to be their main feeder schools.

2.2 School Capacity Levels

WSCC calculates the need for development to provide additional primary and secondary school places by measuring the total Net Capacity of schools within a planning area against current pupil levels plus forecast future demands. A planning area is a group of one or two secondary schools and the primary schools that feed into them. WSCC consider a school planning area to be full when 95% of its net capacity has been occupied, in line with guidance from the Department for Education (“DfE”, formerly known as the Department for Children, Families and Schools). Guidance on the level of school place capacity was published by the DfE in June 2009. This approach has been considered and upheld at various local Appeals including APP/Y9507/A/11/2163374.

Section 2.4 shows that the local primary schools will be overcapacity at 105% occupation, and the local secondary schools will be overcapacity at 121% occupation, by 27/28, which is the furthest projected year that we have accurate data regarding pre-school age children. We will request contributions once capacity levels reach 95%. However, housing targets for

MSDC continue beyond 27/28 for the lifespan of the Local Plan and when the children numbers from strategic sites and windfall planning applications, which provide the housing numbers for MSDC, and which will come forward after 27/28, are added to the known levels up to 27/28 then capacity levels are further affected. Consequently contributions are being sought for both levels of education.

2.3 Calculation of capacity in West Sussex

The forecast future demands are calculated by adding all known committed residential planning applications (unless they are sheltered housing for the elderly, or other such developments which will produce no additional children) to the occupancy levels of the schools in the planning area.

“Committed” refers to all current planning permissions that have not yet commenced, and these figures are also used for the annual housing returns to central government for monitoring the level of house building in the region. The housing targets of the District and Borough Councils (LPA’s) are based on these returns so the numbers are accurate and robust, and subject to scrutiny by Central Government. The accuracy of the housing data has been upheld at various local Appeals (APP/C3810/A/10/2132014 for example). The figures from the current application are based on data from March 2025, the most recent year that the survey was completed, and data compiled for the annual central government returns. Survey work for housing completed up to March 2026 will shortly be launched and is expected to show similar trends, being based on the housing requirements for the district as detailed in the Local Plan.

The net capacity of the eighteen primary schools in the Haywards Heath locality is measured by adding the current number of children on the school roll to the pupil projections for the next three years. Three years is considered to be the maximum length of time in which robust figures can be established, and is based on several factors such as enrolment at local GP surgeries, applications for child benefit, and other factors.

The school-roll figures for the current application are based on data from January 2025, following updates after the new school year of September 2024 when accurate numbers of pupils attending the local schools are finalised. This is when school census returns are completed and returned and accuracy of pupil numbers are therefore at their greatest. Data for January 2026 is currently being confirmed but there is no early indication that numbers have decreased significantly.

Much of the housing is due to be built after the three year period that can provide accurate pupil numbers from the existing population. Consequently the additional housing beyond 2027/28 must then be considered in order to know the complete pupil numbers by the time all committed housing is completed, as highlighted in Section 2.2.

As stated above, WSCC consider schools to be full when they have reached 95% of capacity across all the schools within a locality (as supported by the DfE guidance in the level of school place capacity guidance above). This applies in the locality of Haywards Heath when the pupil numbers expected from the current development are added to the forecast figures for pupil numbers in this locality.

2.4 The net capacity of the locality

The net capacity of the eighteen primary schools in the locality is shown in the following table measured against the forecast future demand.

School	Forecast including child product from committed development	Permanent Net Capacity
Balcombe	166	140
Blackthorns	194	180
Bolney	110	112
Bolnore	421	420
Handcross	242	210

Harlands	432	420
Holy Trinity Cuckfield	438	418
Lindfield	643	630
Northlands Wood	407	420
St.Augustines	106	75
St.Giles Horsted Keynes	148	140
St.Josephs RC	421	420
St.Marks Staplefield	114	105
St.Peters Ardingly	112	110
St.Wilfrids CE	400	420
Twineham	60	15
Warden Park Primary Academy	384	387
Woodgate	158	105
Total	4956	4727
% of Locality capacity that is occupied	105%	

It can be seen from the table above that the Haywards Heath locality is projected to be short of primary school places when school age children numbers are added to committed housing developments. The sustainable option is to increase capacity at these schools.

The capacity of the two secondary schools is shown against forecast rolls in the table below.

School	Forecast including child product from committed development	Permanent Capacity	Net
Oathall	1386	1268	
Warden Park	1830	1380	
Total	3216	2648	
% of Locality capacity that is occupied	121%		

Again, the table shows that the Haywards Heath locality is likely to be short of secondary school places when school age children numbers are added to committed housing developments. The sustainable option is to increase capacity at these schools.

Therefore, the two tables show that both levels of education are likely to be over-capacity in the Haywards Heath locality when adding known committed development to our school net capacity levels.

2.5 Level of Contribution

The housing mix is not known at this stage, therefore WSCC apply the insertion of a formula into any legal Agreement in order that the school infrastructure contribution may be calculated at a later date. The formula consists of:

DfE Figure x TPR = School Infrastructure Contribution where:

Note: x = multiplied by.

Total Places Required (number of school places the Development will generate) = Average Child Product (ACP) x Year Groups

ACP (Additional Child Product) = The estimated additional number of school age children likely to be generated by the development calculated by reference to the total number of dwellings, less any allowance for affordable dwellings, as approved by a subsequent reserve matters planning application. The following criteria are used to generate a child product:

Dwelling Size		Occupancy	
		House	Flat
1 bed	=	1.5	1.3
2 bed	=	1.9	1.9
3 bed	=	2.5	2.4
4+ bed	=	3.0	2.8

Using the above occupancy rates to determine an overall population increase the following factors are applied. There are 14 persons per 1000

population in each school year group for houses and 5 persons per 1000 population in each school year group for flats (2021 Census data).

Year Groups - there are 7 year groups for primary (years R to 6) and 5 for secondary (years 7 to 11).

The population increase is then multiplied by the base cost multiplier for each level of education.

DfE Figure = Department for Education (DfE) school building costs per pupil place (for pupils aged 4 to 16) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2025/26 are – Primary £23,108, Secondary £31,783, Further Secondary £31,783), updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

2.6 **How the Contributions will be used**

The Primary Education contribution generated by this proposal shall be allocated towards **additional facilities at Northlands Wood Primary Academy**, or another primary school in the planning area of Haywards Heath, should this be more suitable at the time that the contribution is made.

The Secondary Education contribution generated by this proposal shall be allocated towards **additional facilities at Oathall Community College**, or another secondary school in the planning area of Haywards Heath, should this be more suitable at the time that the contribution is made.

2.7 **Statutory tests**

This methodology satisfies the three statutory tests in the Community Infrastructure Levy Regulations (SI 2010/948), and endorsed in Paragraph 56 in the NPPF (2018) in the following ways:

- (i) *Necessary to make the development acceptable in planning terms* – the current school facilities in the locality of the Appeal Site require expansion to cope with the extra demand from an increasing population
- (ii) *Directly related to the development* – The contributions will be applied to extend and expand the primary and secondary schools in the locality of the Appeal Site
- (iii) *Fairly and reasonable related in scale and kind to the development* - as demonstrated above in the formula-based approach to calculating the contribution.

3 Libraries Contribution

3.1 Library services within Haywards Heath

Library facilities in larger towns with populations in excess of 30,000 are provided by means of a major library within the town centre in an accessible location, which is in line with the standards laid out by the International Federation of Library Associations and Institutions and set out within MSDC's Supplementary Planning Document ("SPD"). For the residents of the new development the nearest major library is located at Haywards Heath, which serves the town of Haywards Heath plus its surrounding population.

As a result of proposed development within Haywards Heath and surrounding areas, the library will need expanding in order to cope with the higher demands placed on it by a larger population. The current size of the library does not have the space to cope with the development proposed at the Appeal Site. The recommended level of space required is 30m² per 1000 population in the SPD and the aim of WSCC is to expand the facilities at the existing library in order to cope with the extra demand.

Consequently, contributions towards the costs of expanding the library building are sought from residential developments of 6 or more dwellings,

in line with Mid Sussex District Council's SPD. The County Council adopts a formula-based approach to calculating the new space required from developments of this size, and larger.

3.2 Level of contribution

The housing mix is not finalised at this stage, therefore WSCC apply the insertion of a formula into any legal agreement in order that the library infrastructure contribution may be calculated at a later date. The Library Contribution shall be calculated by reference to the following formula:

$L/1000 \times AP = \text{Library Contribution}$ where:

Note: x = multiplied by.

$L/1000$ = Extra library space in sq.m per 1,000 population x the library cost multiplier applicable at the date the Library Contribution is paid (which currently for the financial year 2025/2026 are 30 sq.m and £6,621 per sq.m respectively).

AP (Adjusted Population) = The estimated number of additional persons generated by the Development calculated by reference to the total number of Housing Units/Dwellings as approved by a subsequent reserve matters planning application.

WSCC use the latest published occupancy rates from census statistics published by the Office for National Statistics. The current occupancy rates are given below as a guideline only:

Dwelling Size		Occupancy	
		House	Flat
1 bed	=	1.5	1.3
2 bed	=	1.9	1.9
3 bed	=	2.5	2.4
4+ bed	=	3.0	2.8

Using the above occupancy rates to determine an overall population increase the cost multiplier is applied to obtain the level of contribution required.

3.3 **How the contribution will be used**

The contribution will be used towards **additional facilities at Haywards Heath Library** to cope with the demands of a growing population from development.

3.4 **Satisfying the statutory tests**

This methodology satisfies the three statutory tests in the Community Infrastructure Levy Regulations (SI 2010/948), and endorsed in Paragraph 204 in the NPPF (2012) in the following ways:

- (i) *Necessary to make the development acceptable in planning terms* – the current library facilities in Haywards Heath and its surrounding towns cannot cope with the extra demand from an increasing population.
- (ii) *Directly related to the development* – the Haywards Heath library is the nearest library for the Appeal Site
- (iii) *Fairly and reasonable related in scale and kind to the development* – as demonstrated above in the formula-based approach to calculating the contribution.

4 **Highways (TAD) contribution**

4.1 **TAD Methodology**

TAD is based on a formula to improve transparency and predictability. The TAD methodology formula has two elements that consider total access to and from a development. An **Infrastructure Contribution** is required in

respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The **Sustainable Transport Contribution** is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport:

TAD = Infrastructure contribution + Sustainable Transport contribution

Infrastructure Contribution

Contributions for Infrastructure are determined by the net increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle known as the Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2025/26 was £1,687 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier.

Sustainable Transport Contribution

This is derived from the net car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£842 at the time of the consultation).

Sustainable transport contr. = (net car parking – occupancy) x 842

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floor space as determined by WSCC.

Given that this is an outline application with all matters reserved, the calculation for the TAD contribution cannot be calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003. It is recommended that the s106 agreement includes the TAD formula to enable the contribution to be calculated once the details have been confirmed through the reserved matters application.

Total Access Demand Contribution = Sustainable Access Contribution + Infrastructure Contribution, where:

Sustainable Access Contribution = (C – D) x E, where:

C (Total Access) = A (number of Dwellings) x B (Occupancy per Dwelling) for which the County Council use the latest published county wide occupancy rates from census statistics published by the Office for National Statistics). The current occupancy rates are given below as a guideline only:

Dwelling Size		Occupancy	
		House	Flat
1 bed	=	1.5	1.3
2 bed	=	1.9	1.9
3 bed	=	2.5	2.4
4+ bed	=	3.0	2.8

D = parking spaces provided by the residential element of the Development

E = Standard multiplier of £842

Infrastructure Contribution = D x F, where:

D = parking spaces provided the residential development element of the Development

F = Standard multiplier of £1,687

4.2 How the contribution will be used

Paragraph 29 of the NPPF (2012) states that, “the transport system needs to be balanced in favour of sustainable transport modes”. The purpose of the TAD Contribution is therefore to be used to achieve measures that would promote and influence travel patterns for new residents of the proposed development. Such improvements would also potentially confer a wider benefit to the surrounding community. The scheme identified below fulfils this criterion.

The Highway Authority has identified a sustainable project within the vicinity of the Appeal Site that could be delivered by way of contributions from development:

The Scaynes Hill to Lindfield cycle/pedestrian improvements and/or the South Road Haywards Heath pedestrian improvement scheme.

These projects would provide improved pedestrian and cycle facilities to encourage less car dependency and the use of sustainable transport modes. This is in accordance with the NPPF.

4.3 Satisfying statutory tests

This methodology satisfies the three statutory tests in the Community Infrastructure Levy Regulations (SI 2010/948) and endorsed in Paragraph 204 in the NPPF (2012) in the following ways:

- (i) *Necessary to make the development acceptable in planning terms* - the proposed TAD contribution would enable the provision of improved infrastructure at identified locations, which would encourage and promote the use of sustainable transport modes.
- (ii) *Directly related to the development* – the identified scheme will be situated close to and would directly benefit future residents of the proposed development, should the appeal be permitted.

- (iii) *Fairly and reasonable related in scale and kind to the development*
 - the contribution is based upon a formula and is hence influenced by the size of the proposed development.

5 Travel Plan and monitoring fee

5.1 Justification for the requirement

The requirement for a Travel Plan is considered to accord with both national and local planning policy. Paragraph 113 of the National Planning Policy Framework states, “All developments that will generate significant amounts of movement should be required to provide a travel plan.” The Mid Sussex District plan 2014-31, under Policy DP21: Transport, states, “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” It is therefore considered to be policy compliant, and in accordance with both national and local planning policy to seek a Travel Plan in this instance.

The Travel Plan auditing fees reflect the amount of local authority officer time required to evaluate the initial plan, assess the monitoring data and participate in on-going review and agreement to any amended plans in the future, including post planning once the development is built out and occupied. The costs have been benchmarked against fees charged by other Local Authorities and are considered to be proportionate and reflective of the costs incurred.

5.2 Satisfying statutory tests

Based on the information above WSCC, as Highway Authority, considers that the need to produce a Travel Plan Statement, to promote and encourage active and sustainable transport and the monitoring fee to cover the additional resource implications placed on the Highway Authority for the ongoing review on this travel plan statement, through

the lifetime of the plan satisfies the three statutory tests in the Community Infrastructure Levy Regulations (SI 2010/948) and endorsed in Paragraph 58 in the NPPF (2024) in the following ways:

(i) necessary to make the development acceptable in planning terms – the proposed Framework Travel Plan will increase sustainable travel within the development and encourage and promote the use of sustainable transport methods;

(ii) directly related to the development – the Framework Travel Plan will directly benefit occupants and carers of the Appeal Site; and

(iii) fairly and reasonably related in scale and kind to the development – the Framework Travel Plan requirements are proportionate to the size and type of the development and benchmarked against other local authorities.

There is a clear planning policy basis for the request; the Framework Travel Plan is directly related to seeking to mitigate the impact of travel to and from the development and therefore directly related to the development and the scale of the travel plan statement and the auditing fee have been benchmarked with other authorities and therefore is considered to relate to the scale of the proposals.

6 TRO for speed reduction

6.1 Justification for the requirement

The applicant has proposed relocating the existing 30mph/40mph speed limit transition further east of the site access in order to improve pedestrian safety and ease of crossing on Lewes Road. This measure is considered necessary because the proposed access arrangement does not allow for the provision of a formal pedestrian crossing or refuge island, owing to physical constraints on both sides of the carriageway.

The location will function as the primary and only crossing point for pedestrians travelling between the site and the northern side of Lewes Road. This route provides onward connections to Haywards Heath town centre, and direct access to Public Right of Way 29CU, which in turn offers a key walking route to the local primary school, Northlands Wood. All pedestrian footfall generated by the development will therefore be required to cross Lewes Road in order to connect to the existing footways.

In the absence of formal crossing infrastructure, reducing vehicle speeds through the relocation of the speed limit would contribute significantly to creating a safer crossing environment. Lower approach speeds would improve driver awareness, reduce stopping distances, and enhance pedestrian confidence when crossing the road, thereby mitigating the constraints of the site layout and supporting safer, more sustainable travel from the development.

6.2 Satisfying statutory tests

This methodology satisfies the three statutory tests in the Community Infrastructure Levy Regulations (SI 2010/948) and endorsed in Paragraph 204 in the NPPF (2012) in the following ways:

- (iv) *Necessary to make the development acceptable in planning terms* – reducing vehicle speeds through the relocation of the speed limit would contribute significantly to creating a safer crossing environment, which would encourage and promote the use of sustainable transport methods.
- (v) *Directly related to the development* – The proposed site access and informal crossing point on Lewes Road will operate as the primary access to the development, resulting in an unavoidable increase in walking and wheeling activity at this location. The proposed reduction and relocation of the speed limit is necessary, directly related to the development, and proportionate, reducing vehicle speeds immediately outside the site to improve safety and

support walking and wheeling in the absence of formal crossing infrastructure.

The speed limit change is directly related to the development, and it supported by,

NPPF paragraph 115(b): safe and suitable access for all users

NPPF paragraph 117, which states that development should:

a) give priority to pedestrian and cycle movements within the site and to neighbouring areas, and support access to public transport;

b) address the needs of disabled people and those with reduced mobility in relation to all transport modes;

c) create safe, secure and attractive places that minimise pedestrian–vehicle conflict and respond to local character and design standards.

- (vi) *Fairly and reasonable related in scale and kind to the development*
– The proposed speed limit reduction is fair and reasonably related in scale and kind because it is a tightly defined, proportionate measure that directly mitigates the increased pedestrian safety risk arising from the development at the site access.

7. Conclusion

WSSC contends that the infrastructure contributions and obligations set out are in full accordance with the requirements set out in the National Planning Policy Framework (2012) and in Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 and, as such, requests that the Inspector includes these requirements, should it be determined that planning permission is granted.