

Adam Gailitis

From: Joseph Swift <Joseph.Swift@midsussex.gov.uk>
Sent: 12 November 2024 13:23
To: Nick Billington
Cc: Angela Moore
Subject: RE: Pre-application advice

Follow Up Flag: Follow up
Flag Status: Completed

Dear Nick,

Following my previous comments I have now received the additional information in relation to trees.

The Tree Officer has provided the additional comments:

'I was referring to the content of the survey provided.

Tree numbers 7001, 7026, and 7030, which are all native pedunculate oak trees with future veteran potential.

However, it would be useful to remember that any category B tree would be a constraint to development.

My previous comments still stand.'

I trust the above is of some assistance.

Kind regards

Joseph Swift BA (Hons) MPLAN
Senior Planning Officer
01444 477319
joseph.swift@midsussex.gov.uk
www.midsussex.gov.uk



From: Joseph Swift
Sent: 05 November 2024 12:42
To: 'Nbillington@slrconsulting.com' <Nbillington@slrconsulting.com>
Cc: Angela Moore <amoore@slrconsulting.com>
Subject: Pre-application advice

Dear Nick,

RE: Development of 80 new homes

AT: Land At Grid Reference 535186 123270, Lewes Road, Haywards Heath, West Sussex

REFERENCE: DM/24/2061

Following on from our site visit and follow up teams meeting, these notes cover what was discussed.

Legal Framework and List of Policies

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

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.'*

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.'

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.

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.

Using this as a starting point the current development plan for this part of Mid Sussex consists of the Mid Sussex District Plan 2014-2031, Site Allocations Development Plan Document and the Haywards Heath Neighbourhood Plan. The National Planning Policy Framework is an important material consideration.

Mid Sussex District Plan 2014 -2031

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

DP4 Housing
DP6 Settlement Hierarchy
DP12 Protection and Enhancement of Countryside
DP13 Preventing Coalescence
DP15 New Homes in the Countryside
DP17 Ashdown Forest
DP20 Securing Infrastructure
DP21 Transport
DP26 Character and Design
DP27 Dwelling Space Standards
DP28 Accessibility
DP29 Noise, Air and Light Pollution
DP30 Housing Mix

DP31 Affordable Housing
DP34 Listed Building and Other Heritage Assets
DP35 Conservation Areas
DP37 Trees, Woodlands and Hedgerows
DP38 Biodiversity
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage
DP42 Water Infrastructure and the Water Environment

Site Allocations Development Plan Document -SA DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

No relevant policies.

Haywards Heath Neighbourhood Plan (made December 2016)

Relevant Policies:

Policy E5: Local Gaps
Policy E6: Green Infrastructure
Policy E7: Sustainable Drainage Systems
Policy E8: Support Town Sustainability
Policy E9: Local Character
Policy E10: Visual Impact
Policy E13: Private Outdoor Space
Policy T1: Pedestrian and Cycle Connections
Policy T2: Cycle Routes
Policy T3: Parking

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.

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, 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 stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to the majority of 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.

Relevant Policies include:

DPS1: Climate Change
DPS2: Sustainable Design and Construction

DPS4: Flood Risk and Sustainable Drainage
 DPS6: Health and Wellbeing
 DPN1: Biodiversity, Geodiversity and Nature Recovery
 DPN2: Biodiversity Net Gain
 DPN3: Green and Blue Infrastructure
 DPN4: Trees, Woodland and Hedgerows
 DPN6: Pollution
 DPN7: Noise Impacts
 DPN8: Light Impacts and Dark Skies
 DPN9: Air Quality
 DPC6: Ashdown Forest SPA and SAC
 DPB1: Character and Design
 DPB2: Listed Buildings and Other Heritage Assets
 DPT1: Placemaking and Connectivity
 DPT3: Active Travel
 DPT4: Parking and Electric Vehicle Charging Infrastructure
 DPH7: Housing Mix
 DPH8: Affordable Housing
 DPH9: First Homes
 DPH11: Dwelling Space Standards
 DPH12: Accessibility

In addition to the relevant policies in the new District Plan, the following supplementary planning documents (SPDs) would also be relevant to the determination of the application:

- Affordable Housing SPD
- Development Infrastructure and Contributions SPD

Principle of Development

The Council has an up to date District Plan and in accordance with para 226 of the NPPF is able to demonstrate a 4 year land supply. Planning legislation holds that the determination of a planning application should be made in accordance with the Development Plan unless material consideration indicate otherwise.

As the proposed development is located within the countryside Policy DP12 of the District Plan applies. This states that:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the district, and:

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.*

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.

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.

Built up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded.'

Policy DP15 in part states:

'Provided that they would not conflict with Policy DP12: Protection and Enhancement of the Countryside, new homes in the countryside will be permitted where special justification exists. Special justification is defined as:

Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or

In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area; or

Affordable housing in accordance with Policy DP32: Rural Exception Sites; or

The proposed development meets the requirements of Policy DP6: Settlement Hierarchy'

The proposal is not for the purpose of agriculture and is not considered to meet any of the above special justification. However, DP6 does allow the growth of settlements and states:

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

- 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*
- The site is contiguous with an existing built up area of the settlement; and*
- The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

The developer will need to satisfy the Council that:

- The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*
- A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

While the site is contiguous with the built up area boundaries and as discussed other applications for housing within the locality have not had issues raised about sustainable location. The proposal is for more than 10 dwelling and is not allocated the proposal would not comply with the above mentioned policy.

In addition, at local level the site is designated as a local gap by the Haywards Heath Neighbourhood Plan, Policy E5 of the Neighbourhood Plan states:

'The land outside the proposed built up area is designated as a local gap between Haywards Heath and neighbouring Town/Parishes, see figure 4, to create a landscape buffer that will support and enhance ecological connectivity, maintain the landscape character of the areas and individual settlements. New development outside the built up area will only be permitted if it:

- would not unduly erode the landscape character of the area or its ecology*
- would not harm the setting of the town and*
- would retain and enhance the separate identity of communities.'*

It would be advised that in line with this policy you would need to demonstrate how the proposal would not erode the landscape character, setting of the town and would retain and enhance the separate identity of communities.

As such the principle of development conflicts with Policies DP6, DP12 and DP15 of the Mid Sussex District Plan and Policy E5 of the Neighbourhood Plan. The proposal is thus contrary in principle to the Development Plan. In accordance with the law, it is necessary to take into account other material considerations in the overall planning balance.

Design and character

The Councils Urban Designer has provided the following comments on the proposal:

- 'Site is located an unsustainable location, with public transport not easily accessible.
- Access to the site is very narrow and being located to the west end of the site will have a negative impact on the layout.
- I would encourage the applicant to explore legal options of providing main site access directly to the north of the site in a more centralised location. This would allow for the entry road and pedestrian paths to be wide enough, with clear 'view in' to the new development and clearer layout with well overlooked main open space located close to the site entry
- The movement network / layout should be future-proofed by providing streets that later phases of development can connect into at the edges of future development sites (See: MSDG Principle DG10: Anticipate future development)
- Avoid a network of cul-de-sacs accessed off a distributor route. Any cul-de-sacs ends should be connected by pedestrian routes to prevent dead ends. (See: MSDG Principle DG9: Reduce reliance on the private car)
- A wider context analysis of the pedestrian moment and desirable routes (primary school etc) would be very useful
- To optimise connections to the surrounding areas and encourage sustainable transport modes and healthy lifestyles that reduce reliance on the car, any new crossings located near the site access should be signal-controlled crossings operated by pedestrians. This is particularly important for this site considering the nature of the Lewes Road traffic (See: MSDG Principle DG9: Reduce reliance on the private car)
- Improvements to the PRoW and introduction of additional road crossings will help to optimise connections to surrounding areas and encourage pedestrian movement is very welcomed

I would not disagree with the comments of our Urban Designer in relation to design. It is noted that there are also comments about the location and accessibility, as previously mentioned other applications within the locality have not raised issues of sustainable location, however, as noted as part of the site visit there was comments made by the ward members about the crossing and footpath, it is recommended that attempts are made to get a signalled crossing and also provide details of any upgrade works to the wider network to support the proposal.

Impact on Heritage Assets

Although the Conservation Officer was unable to join us at the site meeting, they undertook a separate site visit and provided the following comments:

'The proposed development site is a series of open fields fringed with hedgerow and trees to the south of Lewes Road, on the south eastern edge of Haywards Heath. The proposed site access from the road is between North Colwell Farmhouse and 90 Lewes Road. A public right of way runs south from Lewes Road between the Farmhouse and North Colwell Barn, just to the west of the site.

There are a number of heritage assets which would be affected directly or indirectly by the proposed works on the site:

Lewes Road Conservation Area:

The proposed site access is within the boundary of the Lewes Road Conservation Area, as is a narrow strip along its northern edge. The remainder of the site, including the majority of the field areas, is outside of the Conservation Area

but within its immediate setting. Although there is not an adopted character appraisal for the Area, the Council's document 'Conservation Areas in Mid Sussex' contains a brief high level analysis of its key features:

'Lewes Road (A272) is situated on the east side of Haywards Heath, and is the main approach for westerly travelling traffic. The area is characterised by low density development, and represents the gradual transition from the countryside to the urban area. The following features make a particular contribution to the character of the Conservation Area:

- the variety of age and style of the buildings, most of which are large properties set well back from the road within spacious grounds;*
- presence of trees and hedges around and between the buildings;*
- the presence of grass verges, hedges and 'fingers' of agricultural land between dwellings which contribute to the rural character of the Area; and*
- the low density of development which creates a gradual transition from the countryside to the urban area.'*

The surviving open rural setting to the south of the Conservation Area is considered to make a strong positive contribution to its significance, in particular contributing to its transitional character, sitting at the boundary between the town and the surrounding countryside. This would include the application site, which although screened to an extent by planting along the northern edge of the fields, will be visible, and potentially prominent, from the properties within the Area, in particular from the upper floors, and in winter.

Colwell House and ancillary buildings

Colwell House, which is at 108 Lewes Road, is located just to the north of the site. This is a Grade II listed early 19th century house, which is set in fairly extensive gardens. There are a small number of surviving ancillary buildings which may be regarded as curtilage listed or as NDHAs, including in particular the former stables to the north east of the house, and a former lodge house to the north adjacent to Lewes Road.

Based on the limited information in front of us, Colwell House would 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 villa of a moderate level of pretension, and aesthetic value. It also has group value with the surviving ancillary buildings around it. When constructed, the villa would have been within a rural setting, reflecting the aspirations of the then owners to a bucolic, but comfortable and stylish lifestyle, close to but outside of the then much smaller town of Haywards Heath.

As such, the surviving rural setting to the south of the listed building would be considered to make a strong positive contribution to its special interest, in particular those parts of that interest which are drawn from historical illustrative and aesthetic values.

The application site constitutes a large part of the wider rural setting of Colwell House, and is in close proximity to it, separated from the listed building and its ground by only a narrow strip of open paddock. Although there is planting along the northern boundary of the site, development within it is likely to be visible if not visually prominent in views from the house and its gardens, particularly in winter.

North Colwell Barn

North Colwell Barn, which is just to the north west of the site is regarded by the Council as a non-designated heritage asset (NDHA). This is a U shaped 19th century or earlier stone, brick and weatherboarded former farm building, part of Colwell Farm, the farmhouse to which (now replaced with a modern dwelling) was located just to the north east. Colwell Farm is listed in the West Sussex Historic Farmstead and Landscape Character assessment as a historic farmstead dating from the 19th century. The former barn appears from the available map evidence to be one of the earliest surviving buildings in the Conservation Area, and with its former agricultural use has evidential value as to the history and development of this part of Haywards Heath. On this basis I would consider it to be of a mid level of interest within the local context.

Based on the limited information in front of us, I would consider it likely that the Barn would be considered to possess architectural value based on its construction and craftsmanship, as well as historical illustrative value as a good example of an agricultural building of its type and period, and aesthetic value based in part on the use of vernacular materials viewed against the landscape from which they were drawn. As such, the surviving rural setting to the south and south east of the barn will make a strong positive contribution to its significance, in particular those parts of that significance which are drawn from its historical illustrative and aesthetic values.

The proposed development site is directly to the south east of the barn and forms a large part of its close setting. It is also likely to constitute part of the former farmlands of the Lowlands Farm farmstead, and as such has a historical functional relationship with the NDHA, which strengthens its contribution to its significance. Although there is existing planting on the boundary between the site and the grounds of Lowlands Barn, there is likely to be some intervisibility between the two, particularly in winter. Given the proximity of the site to the NDHA, the proposal has the potential to have a marked impact on the character of its setting.

The proposed development is for up to 80 new homes with associated infrastructure, and access from Lewes Road as described above.

The development would have a fundamental impact on the character of the site, which would become suburbanised. This will remove and reverse the positive contribution which it currently makes to the settings of the heritage assets. The new access from Lewes Road is also likely to have some direct urbanising impact on the semi-rural character and appearance of this part of the Conservation Area, in terms of the street scene of Lewes Road, there may be channelled views along the access road in which the residential development beyond is visible.

I would expect that in relation to both the listed building and the Conservation Area the level of harm caused would be less than substantial- its is difficult to be more precise within this scale in the absence of a fully worked up scheme and further information including verified views from relevant viewpoints. Paragraph 208 of the NPPF will apply.

In terms of the NDHA at Lowlands Barn, although it is again difficult to be precise, I would assume the level of harm caused to be around the mid-level, to an asset of a mid-level of interest in the local context.

I note that the indicative masterplan includes mention in some areas of retained or additional planted screening. However, the weight which can be given to such screening will be limited, given that as is noted in the relevant Historic England guidance GPA Note 3 'The Setting of Heritage Assets':

'As screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets. Screening may have as intrusive an effect on the setting as the development it seeks to mitigate, so where it is necessary, it too merits careful design. This should take account of local landscape character and seasonal and diurnal effects, such as changes to foliage and lighting. The permanence or longevity of screening in relation to the effect on the setting also requires consideration. Ephemeral features, such as hoardings, may be removed or changed during the duration of the development, as may woodland or hedgerows, unless they enjoy statutory protection.'

Any formal application should be informed and accompanied by an appropriately detailed heritage statement, prepared according to relevant Historic England guidance. Such an application would be assessed against the requirements of District Plan Policies DP34 and DP35 as well as the relevant paragraphs of the NPPF.'

As such the Councils Conservation Officer considers that the proposal would have a degree of harm (mid range). In addition, I have no reason to disagree with these comments, therefore it is advised that this should be taken into account with any subsequent application.

Affordable housing

I have received the following comments from my colleague Helen Blackith regarding the affordable housing that was shown on the submitted scheme:

“The applicant is proposing to submit an outline planning application for a development of 80 units at Colwell Farm, which will give rise to a minimum on-site affordable housing requirement of 30% in accordance with District Plan Policy DP31. This equates to 24 affordable housing units. It should be noted however that if the number of units changes and the resultant number of affordable housing units is not a whole number, it must be rounded up to the next whole number as stated in the Affordable Housing SPD.

As mentioned, the affordable housing units to be provided will need to be split 25% First Homes (6 units) and 75% Social Rented or Affordable Rented housing (18 units including the wheelchair accessible dwelling referred to below), and not 25% First Homes, 57% Affordable Rent and 17% Shared Ownership. Also due to the fact that the First Homes price cap after a minimum 30% discount is £250K it is likely that the First Homes will need to comprise 2 bed flats, Coach Houses/FOGS or Maisonettes, unless a greater discount is provided in order to allow some 2 bed houses to be delivered as First Homes.

All units for both First Homes and Social Rent or Affordable Rent will need to meet the Council’s occupancy and minimum floor area requirements as stated in the Affordable Housing SPD and In order to meet a range of housing need, the overall size mix will need to comprise approximately:

- 26% (6) x 1B/2P flats, Coach Houses /FOGS, maisonettes, or bungalows @ a minimum of 50m2 (excluding the staircase and entrance hall in the case of any Coach Houses/FOGS or maisonettes or 58m2 including them). Maisonettes should each have their own private garden area*
- 45% (11) x 2B/4P houses and flats (the rented units should all be houses) @ a minimum 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 Coach Houses /FOGS or maisonettes or 79m2 including them). Maisonettes should each have their own private garden area*
- 20% (5) x 3B/5P houses @ a minimum of 93m2 (2 storey) or 99m2 (3 storey)*
- 5% (1) x 4B/6P house @ a minimum of 106m2 (2 storey) or 112m2 (3 storey)*
- 4% (1) x 2B/4P wheelchair accessible house for rent @ a minimum of 103m2 which complies with all of the requirements contained in Part M(4)(3)(1)(a) and (b) and Part M(4)(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*

It is understood that the development is to be delivered as one phase, but if this changes 30% affordable housing split 25% First Homes / 75% social rented or affordable rented housing will be required in each and every phase and the phases will need to be clearly identified on a Phasing Plan

As far as the layout is concerned a tenure blind approach will be required with the affordable housing units distributed throughout the site and, in accordance with the Affordable Housing SPD, the location of the affordable housing units will need to meet our clustering requirement. This requires that no more than 10 affordable housing units are located in one cluster, with open market units in between each cluster, in order to assist social integration and the creation of a balanced community.

The rented flats will need to be located in a separate block, accessed via a separate core/entrance or located on a separate floor(s) to the First Homes flats and any open market flats, with individual accesses provided for any ground floor rented flats. No more than 6 x 1B/2P flats for social rent or affordable rent are to be included. Car parking spaces will need to comprise a minimum of 1 space per 1 and 2 bed unit, 2 spaces per 3 bed unit and 3 spaces per 4 bed unit.

If in due course outline planning consent is granted, as part of a subsequent reserved matters application three x A1 sized hard copies of 1:50 annotated plans showing the various room dimensions, floor areas, turning circles, manoeuvring zones and layouts for individual rooms (including all of the appropriately sized furniture and white goods required) and the measurements and floor area of the dwelling as a whole will also be required for the wheelchair accessible unit. Three plans showing the access from the wheelchair accessible car parking space to the wheelchair accessible dwelling’s front door will also be required. These plans will be forwarded to our OT for

checking against the M(4)(3)(2)(b) requirements and any changes required will need to be made prior to reserved matters approval being granted, with the approval of any minor final details covered by a planning condition.

The affordable housing units at reserved matters stage will also need to be separately identified on an Affordable Housing Plan which includes plot numbers. The proposed First Homes will need to be shown in blue and the proposed rented units in red, together with their allocated and numbered car parking spaces. The location of the wheelchair accessible dwelling and wheelchair accessible parking space will also need to be clearly identified on this plan in green.

Finally, an Affordable Housing Schedule will also be required at reserved matters stage detailing for each affordable housing unit the plot/flat number, type of unit, number of storeys, floor level in the case of flats/maisonettes, floor area in m2, number of bedrooms, number of persons, proposed tenure and whether or not it is a wheelchair accessible dwelling, in order to clearly demonstrate that all requirements are being met.”

Infrastructure Provision

In line with Policy DP20 of the District Plan the proposal will be required to make infrastructure contributions in accordance with the Councils adopted Supplementary Planning Document “Development and Infrastructure”. Typically this would include TAD (Total Access Demand), libraries, education primary, education secondary, education 6th form, children’s play space, kickabout, formal sports, community buildings and LCI (Local Community Infrastructure).

Drainage

With regards to drainage, our Drainage Engineer is unable to provide specific comments at this stage. I have attached our guidance document that sets out the Councils general requirements for your reference.

Transport

In respect of Highways, access and parking you would be advised to seek pre-application advice from WSCC as the local highway authority before proceeding further. District Plan Policy DP21 sets out the transport related requirements for development. The proposed parking standards are set out within the WSCC Parking standards available via the following link: https://www.westsussex.gov.uk/media/1847/guidance_parking_res_dev.pdf

Tree Officer

As advised the Tree Officer has provided the following comments:

‘I note that there is an area of Ancient Woodland which wraps itself around the south and eastern sides of the site. This has a 15m buffer zone which would need to be maintained. No construction or any garden area should be made within this 15m buffer zone.

I also note an area of TPO woodland to the western side of the site and a conservation area to the north. There are also some TPO trees to the northwest corner of the site.

Further, I have read through the survey and find that there are some very important trees and some potential veteran trees within the site.

Al though the placement of the proposed development has taken trees into account, I would need to ensure that the most important trees are retained and protected. It should be considered that veteran trees have a different and higher level of protection.

At first view, should this proposed development only have an impact of low-quality trees and there was a suitable replanting/ landscaping scheme, then I would have no objection.

However, to fully comment, I would need to see an Arboricultural Impact Assessment, which should include a Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement.'

I have asked the Tree Officer if they are able to provide additional information with regards to which trees they consider to be very important and potentially veteran, and I will forward this information on once received.

Biodiversity Net Gain (BNG)

Biodiversity net gain (BNG) is an approach to planning and land management that leaves the natural environment in a better state than it was before. BNG will deliver measurable improvements for biodiversity by enhancing or creating new habitats in association with development. The requirement for BNG does not alter the existing legal requirements and protections for the natural environment such as protecting important habitats and species.

Biodiversity net gain is already referenced in the NPPF para 180 d) and opportunities to improve biodiversity in and around developments should be integrated as part of the design of the scheme especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

From 2024, all planning permissions granted in England, with a few exemptions, will have to deliver a minimum of 10% BNG under the Environment Act 2021. BNG is calculated using the approved Biodiversity Metric which measures the biodiversity value of habitats in 'biodiversity units' as a proxy for nature. The Biodiversity Metric is used to assess how a development might change the biodiversity value of a site. It can help to inform the design, layout and management of a site to support biodiversity. You are also advised to apply the mitigation hierarchy in your proposed development as set out in NPPF paragraph 180 a) and note the principle of additionality.

Further guidance is available via the following link: <https://www.gov.uk/government/collections/biodiversity-net-gain>.

Impact on Ashdown Forest

The proposal has the potential to increase the number of traffic movements across the Ashdown Forest that may have an adverse impact on the amount of nitrogen dioxide pollution deposited on the lowland heaths that make up the Ashdown Forest Special Area of Conservation (SAC), a site of European importance.

Proposed development planned as part of the Mid Sussex District Plan has been accompanied by a Habitats Regulation Assessment, part of which was informed by the Mid Sussex Transport Study. Where proposals have been included in the Transport Study, the council can undertake a Screening Assessment. However, where proposals have not been included, the council needs to satisfy itself on the potential traffic impacts as part of a Habitats Regulation Assessment in terms of screening and any further appropriate assessment.

Windfall sites such as this will be considered on a case-by-case basis at the time of determining any application. The case officer would contact you at an early stage once an application has been submitted, to advise whether there is sufficient capacity in the amount of development proposed in this area at the relevant time, meaning that the council can undertake a Screening Assessment, or not.

Further information on this matter can be found on our website via the following link (scroll down towards the bottom):

<http://www.midsussex.gov.uk/planning-building/protecting-ashdown-forest/>

Other Matters

With the site being within a mineral deposit safeguarding area (building Stone), any subsequent application should be supported by a Mineral Resource Assessment.

It is advised that details of who will be supplying water to the development and a confirmation letter of any agreement is provided as part of any subsequent application. This is to ensure we have covered DP42 which relates to Water Infrastructure and the Water Environment and in part states:

Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate;

- that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation; and*
- that there is adequate water supply to serve the development.*

Validation requirements

The documents that will be required to support a planning application on the site are set out in the Local List of validation requirements that is on the Council's website. I have copied a link to this below;

<https://www.midsussex.gov.uk/media/8497/msdc-local-list-september-2022.pdf>

I would anticipate that the following documents would be required to support an application:

Affordable housing statement
Air quality assessment
Ecological impact assessment report/BNG metric
Flood risk assessment
Foul sewerage and surface water drainage assessment
Heritage Statement
Landscape visualisation impact assessment
Lighting Assessment
Noise impact assessment
Planning obligation instruction form
Planning Statement
Road safety audit and designers response
Statement of community involvement
Sustainability and energy assessment
Transport Statement
Tree report
Mineral Resource Assessment

Summary

From the information available it is my informal opinion that the proposal would be contrary to the development plan and there are not any material considerations that indicate that the proposal should be determined otherwise in accordance with the Development Plan. As such it is my informal opinion that the proposal is unlikely to receive officer support at the application stage.

Community Involvement

I would strongly suggest approaching the local residents in advance of any application submission (in particular the immediately adjacent residents) in accordance with the recommendations in the Council's adopted Statement of Community Involvement: <https://www.midsussex.gov.uk/planning-building/consultation-monitoring/>

You may also wish to contact Haywards Heath Town Council to discuss your proposals as well.

The aim of pre-application consultation is to encourage discussion before a formal application is made enabling communities to have real influence over proposals before they are finalised. The process can help to identify improvements and overcome objections at a later stage.

The views in this email are at officer level only and do not prejudice the Council from making whatever decision it considers appropriate on any application subsequently submitted.

The information contained in pre-planning advice may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information contained is legally exempt from disclosure, we cannot guarantee that we will not provide the whole or part of this advice to a third party making a request for information about the subject matter.

Yours sincerely

Joseph Swift BA (Hons) MPLAN
Senior Planning Officer
01444 477319
joseph.swift@midsussex.gov.uk
www.midsussex.gov.uk



The information contained in this email may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information contained in this email is legally exempt from disclosure, we cannot guarantee that we will not provide the whole or part of this email to a third party making a request for information about the subject matter of this email. This email and any attachments may contain confidential information and is intended only to be seen and used by the named addressees. If you are not the named addressee, any use, disclosure, copying, alteration or forwarding of this email and its attachments is unauthorised. If you have received this email in error please notify the sender immediately by email or by calling +44 (0) 1444 458 166 and remove this email and its attachments from your system. The views expressed within this email and any attachments are not necessarily the views or policies of Mid Sussex District Council. We have taken precautions to minimise the risk of transmitting software viruses, but we advise you to carry out your own virus checks before accessing this email and any attachments. Except where required by law, we shall not be responsible for any damage, loss or liability of any kind suffered in connection with this email and any attachments, or which may result from reliance on the contents of this email and any attachments.

Flood Risk & Drainage Requirements Guidance

Introduction	1
General advice for developers in relation to Flood Risk and Drainage Design	1
Flood risk assessment and mitigation requirements (including climate change)	2
Advice for developers regarding Flood Risk.....	2
Detailed surface water drainage design requirements.....	3
Advice for developers regarding Surface Water Drainage Design	3
Detailed foul water drainage design requirements	4
Advice for developers regarding Foul Water Drainage Design	4

Introduction

Mid Sussex District Council's flood risk and drainage requirements are supported by the West Sussex Lead Local Flood Authority (LLFA) and are based on relevant national and local policies and guidance.

In line with the National Planning Policy Framework and following recommendations from the LLFA, Mid Sussex District Council have adopted the approach that all flood risk management and mitigation, and all drainage must be fully designed at planning application stage.

By ensuring all flood risk management and mitigation measures, and all drainage systems are fully designed at application stage site wide impacts, such as layout and levels, can be considered at the earliest opportunity. It also reduces the risk of alterations to approved elements being required to accommodate these flood risk and drainage elements.

General advice for developers in relation to Flood Risk and Drainage Design

Developers should consider flood risk and drainage at the earliest opportunity to allow features to be incorporated into the overall masterplan of a development.

Any flood risk management structures or shared drainage features should be located outside of private curtilage and within public openspace. This ensures accessibility and maintenance can be achieved for the lifetime of the development.

MSDC encourages the utilisation of SuDS Trains and source control within larger development sites. Use of urban styled sustainable drainage components is also encouraged within development where appropriate both technically and from a visual design perspective.

Flood risk assessment and mitigation requirements (including climate change)

The requirements of the assessment and management of flood risk within development is largely set out within three national policies / guidance:

- The National Planning Policy Framework
- Planning Practice Guidance for Flood Risk and Coastal Change, and
- Flood Risk Assessment: Climate Change Allowances.

The overarching principles of these national policies are to:

- 1) locate development at the lowest possible flood risk both now and into the future, and
- 2) where development outside of flood risk is not possible,
 - a) provide appropriate management and mitigations to ensure development is protected from flood risk for the lifetime of the development, and
 - b) Ensure development does not increase flood risk elsewhere.

All sources of flood risk must be assessed consistently with the method utilised to review fluvial and tidal flooding (Flood Zones). To ensure this requirement of policy and guidance is met Mid Sussex District Council consider flood risk by annual exceedance with surface water flood risk considered inline with fluvial flood risk in the district. The table below shows how these differing flood risk descriptions correlate.

Annual exceedance	Flood Zone	Surface Water Flood Risk
>1:30	3b	High
1:100 – 1:30-year	3a	Medium
1:1,000 – 1:100-year	2	Low
<1:1,000-year	1	Very Low

The Environment Agency and the Department for Environment, Food and Rural Affairs (DEFRA) have produced online guidance which sets out the requirements for Flood Risk Assessments for various development scales and flood risks¹. These guidance documents were published prior to the clarification that surface water flood risk should be considered inline with fluvial flood risk and they therefore reference Flood Zones in place of annual exceedance.

The Environment Agency have produced guidance on climate change allowances². This guidance provides climate change allowances for river (fluvial), tidal and surface water flood risk as well as climate change allowances to be used within surface water drainage design.

Advice for developers regarding Flood Risk

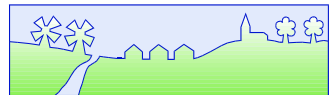
Developers are advised to utilise the national guidance documents which best describes their development and to consider both fluvial and surface water flood risk consistently.

Care should be taken to ensure that surface water flood risk (overland flows and ordinary watercourse based) is considered separately to surface water drainage.

Applicants, especially those of Major Development, are advised to obtain pre-application advice to ensure specific guidance can be provided in relation to the flood risk assessment requirements of a development.

¹ <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications> (correct as of Apr-23)

² <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> (correct as of Apr-23)



Detailed surface water drainage design requirements

Table 1 sets out the requirements for a detailed surface water drainage design (at the time of writing). The applicant should provide the information relevant to the design approach utilised for their development.

Table 1: Detailed surface water drainage design checklist

Requirement	Provided
For all designs	
Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)	
On-site infiltration test results	
Plans / details of areas to be drained based on finalised development plans	
Calculations showing the system has been designed to cater for the 1 in 30 with climate change and 1 in 100 with climate change storm events All calculations should use a CV value of 1.0	
Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system	
Maintenance and management plan ³	
For soakaways	
Sizing calculations (to cater for 6-hour, 1 in 100-year plus climate change event)	
Half drain time (<24 hours)	
Construction details	
For discharge to watercourse	
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) ⁴	
Outfall location and construction details	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event ⁵)	
For discharge to sewer	
Discharge rates (restricted to 1 in 1 or QBar Greenfield rate for drained area unless otherwise agreed with sewerage provider)	
Discharge location and manhole number	
Outline approval from sewerage provider in relation to connection, discharge rate and connection location ⁶	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event ⁷)	

Advice for developers regarding Surface Water Drainage Design

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

The locating of attenuation, detention, or infiltration devices (including permeable surfacing) within flood extents is not acceptable, this includes areas of increased surface water flood risk.

The design parameters remain the same for all new development regardless of scale. Brownfield development should aim to achieve these design parameters wherever possible, when adherence is not considered feasible developers should discuss this with MSDC to allow suitable design parameters to be agreed.

³ The scale of this document should reflect the scale of the development and the complexity of the drainage system.

⁴ If the 1 in 1 or QBar Greenfield runoff rate cannot be achieved, then evidence into why a higher discharge rate has been proposed should be provided as part of the detailed design. Due to improvements in drainage systems the 2l/s minimum will not be accepted without justification.

⁵ If system does not attenuate up to the 1 in 100-year with climate change event, then evidence that the system shall not increase flood risk on or off site shall be required.

⁶ Formal approval via S106 etc is not required.

⁷ If system does not attenuate up to the 1 in 100-year with climate change event, then evidence that the system shall not increase flood risk on or off site shall be required.

Detailed foul water drainage design requirements

Table 2 sets out the requirements for a detailed foul water drainage design (at the time of writing). The applicant should provide the information relevant to the design approach utilised for their development.

Table 2: Detailed foul water drainage design checklist

Requirement	Provided
<i>For all designs</i>	
Plans showing entire drainage system, including invert levels, pipe diameters, falls and outfall/connection location	
Drainage systems should be located within land under the control of the applicant	
Foul flow calculations and confirmation proposed system is sized appropriately	
<i>For connection to main foul sewer</i>	
Discharge location and manhole number	
Evidence of communication with Water Authority regarding connection ⁸	
<i>For non-mains system with drainage field</i>	
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields	
Evidence that either: a) The system meets latest General Binding Rules, or b) An Environmental Permit application is to be submitted	
<i>For non-mains system with discharge to open water</i>	
Evidence that either: a) The system meets latest General Binding Rules, or b) An Environmental Permit application is to be submitted	
Outfall location and construction details	

Advice for developers regarding Foul Water Drainage Design

The use of non-mains foul drainage should consider the latest Environment Agency's General Biding Rules.

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the latest Binding Rules will need to be replaced or upgraded.

Use of a foul pumping station is considered acceptable subject to appropriate design.

⁸ Formal approval via S106 etc is not required.