

Land to the east of Ansty
Appeal Ref: 6002030

Draft Conditions: Updates Agreed between the Appellant and MSDC

17th June 2026

Proposed 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 development 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 years 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. The development hereby permitted shall be carried out in accordance with the plans listed below:

Site Boundary Plan – D3012-FAB-00-XX-DR-Y-038 Rev 08

Northern Access Plan – 2207280-003 Rev G

Western Access Plan – 2207280-004 Rev G

Southern Access Plan – 2207280-005 Rev E

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

3. The reserved matter applications shall be submitted broadly in accordance with the following plans;

Concept Masterplan - D3012-FAB-00-XX-DR-Y-009 Rev 14

Access and Movement Parameter Plan - D3012-FAB-00-XX-DR-Y-36 Rev 14

Green Infrastructure Parameter Plan - D3012-FAB-00-XX-DR-Y-037 Rev 10

Land Use Parameter Plan - D3012-FAB-00-XX-DR-Y-039 Rev 13

Building Heights Parameter Plan - D3012-FAB-00-XX-DR-Y-040 Rev 13

Density Parameter Plan - D3012-FAB-00-XX-DR-Y-045 Rev 12

Reason: For the avoidance of doubt and in the interest of proper planning, and to ensure that the reserved matters comply with the parameters set out in the Environmental Statement.

Pre-reserved matter submission

4. Prior to the submission of any reserved matters application, a Design Code document shall be submitted to and approved in writing by the Local Planning Authority:

All submitted reserved matter applications shall be submitted in broad accordance with the approved Design Code document.

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.

5. Prior to the submission of any reserved matters application, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The subsequent reserved matters and conditions discharge applications shall be in accordance with the agreed Phasing Plan.

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.

In support of any reserved matters submission

6. Each reserved matters application shall be accompanied by a Design Compliance Statement demonstrating how the application accords with or deviates from the approved Design Code.

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.

7. Each reserved matters application that includes any PROW or Bridleway within that part of the Site to which the application relates, shall include a plan and details of the upgrade works to be undertaken, which details shall include a programme for implementation that has been submitted to and approved in writing by the Local Planning Authority; and carried out in accordance with the approved plan.

Reason: In order to ensure that provides suitable pedestrian routes and to accord with policy DP21 of the Mid Sussex District Plan 2014-2031.

8. In support of each and every reserved matter application, a Biodiversity Enhancement Strategy for protected, Priority and threatened species shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Enhancement Strategy 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); and Dormouse Mitigation Statement (The Ecology Co-op, 8th February 2024).

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 with 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 Biodiversity Enhancement Strategy 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.

9. 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 within a relevant phase 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.

10. In support of any reserved matters application that includes the provision of outdoor sports facilities/pitches, details of proposed external lighting, which should be in accordance 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 by 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.

11. To support any reserved matters application containing sport pitches/courts, a 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.

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

12. Sound Insulation:

As part of the submission of each reserved matters application, the Applicant shall submit, for approval in writing by the Local Planning Authority, details relating to a scheme to protect the proposed development from noise due to transport sources and the existing sewage treatment works which shall be implemented before any part of the development hereby approved is occupied.

The scheme shall aim to ensure that indoor ambient noise levels in living rooms and bedrooms meet the standards within subclause 7.7.2 of BS8233:2014. Internal L_{Amax} levels should not typically exceed 45dB more than ten times a night in bedrooms. Good acoustic design should be implemented throughout the development to reduce façade noise levels as much as possible.

The scheme is required to show that private external amenity areas for any residential dwelling to be approved is predicted to meet the 55dB LA_{eq} 16h in accordance with subclause 7.7.3 of BS 8233:2014. A slight relaxation of this level (up to 3dB) will be considered, if it can be demonstrated that all reasonable steps have been taken to reduce the level as much as possible, (such as noise barriers, shielding, good acoustic design etc).

The scheme is also required to show that the external noise environment for formal and informal outdoor teaching and recreation will achieve noise levels below 60db LA_{eq}.

The noise mitigation measures shall be implemented before that part of the development hereby approved is occupied.

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 and DP29 of the Mid Sussex District Plan 2014-2031.

13. Ventilation, Extraction and Odour Control:

Any commercial premises (Use Class E) shall not be occupied until details of any air ventilation, extraction and odour control systems have been submitted to and approved in writing by the Local Planning Authority.

Such details must include the height, position, design and materials of any chimney or extraction vent to be provided in connection with the development. The business shall not operate until the extraction and odour control systems have been provided and installed 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.

14. As part of the submission of each Reserved Matters application for any phase of the development hereby permitted, detailed designs of a surface water drainage scheme shall be submitted to and agreed in writing with the Local Planning Authority. This shall be in accordance with the approved Flood Risk Assessment and Outline Drainage Strategy by Aqua Terra Consulting, September 2025, P25035_R2_Rev2. The design shall follow the NPPF, PPG Flood risk and coastal change and National Standards for SuDS. The submitted details shall include:

1. The results of detailed infiltration testing in accordance with BRE Digest 365 in locations where winter groundwater levels show a 1m unsaturated zone from the base of infiltration allows. For phases where infiltration is not viable, surface water discharge rates and volumes shall be provided as per Section 8 of the FRA and Outline Drainage Strategy.

2. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change), including 10% urban creep. Hydraulic calculations and detailed construction drawings shall be used to demonstrate this.

3. Detailed drainage layout plan, which corresponds with the hydraulic calculations.

4. An exceedance flow routing plan demonstrating no increase in surface water flood risk on or off site. The plan must include proposed levels and flow directions.

5. Evidence that the surface water drainage system meets the four pillars of SuDS/Standard 4-7 of the National Standards for SuDS.

6. Construction method statement for the surface water drainage system.

7. Maintenance and management plan for all elements of the surface water drainage system and any ordinary watercourses/culverts within the phase.

Reason: To ensure the design meets the National Standards for SuDS and does not increase flood risk elsewhere and to accord with policies DP41 and DP42 of the Mid Sussex District Plan 2104-2031.

15. As part of the submission of each Reserved Matters application a detailed Site SuDS Phasing Plan which aligns with the site phasing plan shall be submitted to and approved in writing by the Local Planning Authority. This SuDS Phasing plan shall ensure that each phase does not exceed the agreed discharge rates for that phase and that source control measures are installed within each phase to adequately address the phases own surface water runoff. The SuDS Phasing Plan shall ensure that each SuDS component is adequately protected throughout the development of the scheme. The SuDS Phasing Plans shall show all exceedance routes throughout the development of the scheme ensuring flood risk is not increased elsewhere or to the site itself and that the site remains safe for all exceedance event flow routes for the lifetime of the development during rainfall (i.e. greater than design events or during blockage) and how property on and off site will be protected.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF, National Standards for SuDS and policies DP41 and DP42 of the Mid Sussex District Plan 2014-2031.

Pre-Commencement

16. No works shall commence on any phase of the development (including site clearance or preparation) until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority for that phase. The approved CMP shall be implemented and adhered to throughout the entire construction period. The CMP shall provide the following details, but not necessarily be restricted to the following matters:
- a) the anticipated number, frequency and types of vehicles used during construction;
 - b) the method of access and indicative routing of vehicles during construction;
 - c) the parking of vehicles by site operatives and visitors;
 - d) the loading and unloading of plant, materials and waste;
 - e) the storage of plant and materials used in construction of the development;
 - f) the erection and maintenance of security hoarding;
 - g) 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);
 - h) details of public engagement both prior to and during construction works;
 - i) hours of construction work and construction delivery details;
 - j) measures to control noise affecting nearby residents;
 - k) dust control measures; and
 - l) 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.

17. No works shall commence on any phase of the development (including site clearance or preparation) until a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority for that phase. The CEMP: Biodiversity shall include the following.
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of biodiversity protection zones;
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;

- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details for each phase.

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.

18. Prior to the commencement of any phase of the development, 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 will 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 submission All works which form part of the approved scheme shall be completed before any part of the relevant phase 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.

19. Any works, within any phase, which will impact the breeding / resting place of Hazel Dormouse, shall not in 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) authorising the specified activity/development to go ahead; or
 - b) a statement in writing from 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.

20. Prior to the commencement of any development phase, a Scheme for Biodiversity Net Gain 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 Biodiversity Net Gain Scheme 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 conservation covenant or planning obligation or is otherwise contractually allocated to the development’.

The proposed enhancement measures shall be implemented in accordance with the approved Biodiversity Net Gain Scheme 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.

21. No development or preliminary groundworks shall take place until a programme of geophysical survey has been secured in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority (Part i).

No development or preliminary groundworks shall take place until the completion of the programme of geophysical survey identified in the Written Scheme of Investigation defined in Part (i) and written confirmed by the Local Planning Authority has been received (Part ii).

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 (Part iii).

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

22. No development or preliminary groundworks shall take place until a phased programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority (Part i).

No development or preliminary groundworks of any kind shall take place within that phase until the completion of the phased programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part i and confirmed in writing by the Local Planning Authority (Part ii).

A mitigation strategy detailing the excavation / preservation strategy shall be submitted to and approved in writing by the Local Planning Authority following the completion of the archaeological evaluation (Part iii).

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) has been approved in writing by the local planning authority (Part iv).

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 Local 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 (Part v).

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

23. Prior to the commencement of development any development phase , including any ground clearance works, 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;
- 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.

24. 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.

25. Prior to the commencement of development within any phase, a scheme detailing wastewater capacity shall be submitted to approved in writing with the Local Planning Authority. The scheme shall demonstrate 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.

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

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

26. Prior to the commencement of development in 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 lighting design 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 approved lighting design strategy and maintained thereafter in accordance with the approved lighting design strategy.

Reason: To allow the Local Planning Authority 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

Construction Compliance

27. All ecological 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, or as amended by condition 18. This includes the following documents:

- Dormouse Mitigation Statement (The Ecology Co-op, February 2024);
- 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);
- Volume 4 November 2023 Appendix G: Ecology and Biodiversity Ecological Impact Assessment (The Ecology Co-op, October 2023);
- Appendix G2: Bat trapping and Radiotracking Report (Temple Group Ltd., February 2023), • ES 3 (EcoLogic LLP (undated));
- Appendix 6 Proposed Management Action Plan (EcoLogic LLP (February 2023));
- Volume 2 Chapter 2: The Site (Temple Group Ltd., November 2023);
- Habitat & Ecological Restoration Management Plan Rev A, (Tadorna Consulting Ltd., March 2023);
- Biodiversity Impact Calculation - Habitat & Ecological Restoration Management Plan Rev A, (Tadorna Consulting Ltd., March 2023);
- Non-Technical Summary (Temple Group Ltd., November 2023);
- Volume 2 Chapter 11: Ecology and Biodiversity (Temple Group Ltd., November 2023);
- 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.

28. If during the construction of any phase, contamination not previously identified is found to be present at the site then no further development of that phase shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, has been submitted to and approved in writing by the Local Planning Authority. The remediation measures for that phase 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 and approved by 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 submitted to 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.

29. 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:
- a) All building shall be located in Flood Zone 1;
 - b) Details of the crossing of the Copyhold Gill shall be submitted to and approved in writing by the Local Planning Authority
 - c) 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 submitted to and approved in writing by the Local Planning Authority as part of the relevant reserved matter application containing this crossing.

These mitigation measures shall be fully implemented prior to occupation and subsequently maintained 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 protection and to accord with policy DP41 of the Mid Sussex District Plan 2014-2031.

Prior to Occupation

30. The development, in any phase, shall not be occupied/brought into use until a verification plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The verification plan shall be undertaken by a competent person and shall show that the approved remediation scheme has been implemented fully and in accordance with the approved details 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 the development shall be maintained in accordance with these details.

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.