

High Weald AONB Unit

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Advising on the management of a nationally valued landscape

Mr S Ashdown
Planning Services Division
Mid Sussex District Council
Haywards Heath

12th January 2016

Dear Mr Ashdown,

Re: Planning Application no: DM/15/4711 proposed residential development of approximately 600 houses, a new primary school, and a hospice and community café at land east of Brighton Road, Pease Pottage

I write to provide my comments on the proposal to build 600 houses on a green field site, which is within the High Weald Area of Outstanding Natural Beauty (AONB). Before making comments on the proposed development, it is worth setting out the background to and the remit of our work, which will put my comments on the planning application in context.

The High Weald AONB Unit is a small team funded by a partnership of 15 local authorities and Defra to provide advice on the conservation of the High Weald AONB, an exceptional medieval landscape covering 564 square miles across the counties of Sussex, Kent and Surrey, and protected by law as one of England's finest landscapes (for more information visit www.highweald.org).

The scope of the advice in this letter is set by the statutory High Weald AONB Management Plan, which has been adopted by all partner authorities as 'their policy for the management of the area and for the carrying out of their functions in relation to it'. This advice also supports the duty on all public bodies and statutory undertakers set out in Section 85 of the Countryside and Rights of Way Act 2000 to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs.' The AONB Management Plan sets aims and priorities for the AONB that are firmly based on an understanding of the fundamental and defining character of the whole area i.e. those components of natural beauty that have made the High Weald a recognizably distinct landscape for at least the last 700 years and will continue to define it into the future (for further information see: <http://www.highweald.org/high-weald-aonb-management-plan.html>).

At the moment we do not have a planning advisor and limits on my time mean I have not visited the site and I have not been able to consider much of the information submitted in support of this application. However, I do have a number of comments to make, which are outlined below.

The High Weald AONB is a designated landscape and the National Planning Policy Framework (NPPF) gives great weight to conserving landscape and scenic beauty in AONBs as outlined in paragraphs 115-116. i.e. development proposals within an AONB need to pay particular attention to the character of AONBs and conserve and enhance their natural beauty and planning permission should be refused for a major development except in exceptional circumstances and where it can be demonstrated the development is in the public interest and its benefits outweigh the adverse impacts resulting from the development. The NPPF provides specific planning guidance in relation to AONBs and it's my understanding that the presumption in favour of

sustainable development does not apply within AONBs (confirmed by paragraph 14 footnote 9) due to other restrictions (e.g. paragraph 116) placed on AONBs elsewhere within NPPF.

In my opinion a proposed development of this size and scale constitutes a major development and the NPPF will require MSDC to refuse planning permission except in exceptional circumstances and where MSDC can clearly demonstrate that the proposed development is in the public interest and its benefits would outweigh the adverse impacts resulting from the development. It is important to note that this is more than a simple balancing exercise: 'great weight' needs to be applied in the evaluation of the merits of a proposal in all cases. Although there will be other material considerations in addition to landscape and scenic beauty, it's my understanding that those other matters will need to outweigh the AONB designation and its landscape and scenic beauty for planning permission to be granted.

To meet the two requirements in paragraph 116 of the NPPF (i.e. that there are 'exceptional circumstances' to justify the allocation for housing and that it is 'in the public interest') MSDC will need to undertake a detailed assessment which should include:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way and;
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Should MSDC be minded to grant planning permission for this proposed development MSDC may find it difficult to assess whether the development's benefits outweigh its potential adverse impacts or harm to the AONB and ensure it meets the various requirements of the NPPF unless the applicant:

- has carefully appraised the proposed development against all the key landscape components and each objective in the AONB Management Plan to analyse and explain how the proposal meets or brings about conflict with those components and objectives. Often applicants will assess only the visual impact of a development proposal and the views to and from a site but this is not sufficient to explain and/or justify a development's physical impacts (positive or negative) to the landscape itself;
- has provided clear details in line with the AONB Management Plan on how the AONB will be conserved and enhanced by this proposed development;
- has ensured that the materials, design, scale, density and layout etc. of the proposed development maintains and enhances the local distinctiveness and the built environment character and the 'sense of place' of the High Weald (meeting the requirements of NPPF paragraphs 56, 60 and 61). Increasingly, it is being recognized that the imposition of standard and poor design for housing and commercial development in the AONB is one of the major threats to the local distinctiveness of the AONB and contributes to an increase in the sense of urbanisation in the countryside;
- has paid special attention to the proposed development's lighting scheme to ensure it will not be obtrusive and create sky glow, glare or light trespass. Light pollution is a problem across the country and there is an increasing concern at the diminishing number of places unaffected by obtrusive light and although the High Weald currently enjoys some of the darkest skies in the south-east, the illumination of the night sky remains a significant issue within and adjacent to the AONB. Paragraph 125 of the National Planning Policy Framework states: *By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation* and the lighting scheme for the proposed development should fully comply with the guidance and recommendations provided by the Institute of Lighting Professionals (ILP) on the acceptable levels of illumination. For this particular location I would expect to see light control zone E1 (Intrinsically dark) to ensure no obtrusive light;
- has shown what specific measures will be taken to protect the adjacent ancient woodland and the existing hedgerows and field boundaries from the proposed housing development (including road layout) and from damage during the construction phase and during the installation of any utilities

associated with the proposed development. The applicant will also need to ensure Natural England's standing advice note on ancient woodlands has been consulted and will be complied with as there will be a number of requirements the applicant will have to meet;

- has shown what specific measures will be taken to protect the adjacent Tilgate Forest, a designated ancient woodland in public ownership and a particularly valuable remnant of what was a much larger area of ancient forest and heathland known as Worth Forest. The applicant will need to have shown a detailed understanding of the potential impacts the proposed development may have on Tilgate Forest and, in consultation with the Forestry Commission (the owners), show how the woodland will be protected from disturbance (e.g. noise, light pollution, illegal access, pets), the dumping of garden and other waste etc. I would expect the applicant to have considered and addressed the typical range of issues and impacts associated with development nearby and adjacent to woodland outlined by *Impacts of nearby development on ancient woodland – addendum* by The Woodland Trust (see - <https://www.woodlandtrust.org.uk/mediafile/100168353/Impacts-of-nearby-development-on-the-ecology-of-ancient-woodland-addendum.pdf>) and *A LIDAR-enhanced archaeological survey of Tilgate Forest, West Sussex* by Chris Butler Archaeological Services (see - <http://www.highweald.org/downloads/publications/1091-tilgate-forest-archaeology-report/file.html>);
- can demonstrate that the advice and guidance of a suitably qualified and fully competent arboriculturalist (ideally also with an ecological training) has been sought and followed. A suitably qualified arboriculturalist using the British Standard 5837 'Trees relating to Construction,' will be able to assess the likely effect of the works to trees, hedges, and woodland on and adjacent to the proposed site and help guide the specific design and siting of the proposed works. A good arboriculturalist will also be able to consider (among other things) any wider ecological issues, the siting of clearly defined construction and operation corridors, provide options for the suitable siting of service trenches and the associated infrastructure, and access to and from the site, not only during the construction phase but also for future maintenance etc.;
- can show that care has been taken with the siting of the houses, gardens, access roads and other associated infrastructure to ensure they are not too close to the existing and established trees of the ancient woodland or the existing hedgerows. The trees in particular may have extensive root systems and should the construction works and any associated trenching for the laying of cables or excavation for the footings of the buildings themselves damage the tree roots, the works would not only potentially cause the death of a number of trees but, as a direct consequence, the natural and already present screening the applicant is presumably keen to retain would be lost;
- has met the requirements of NPPF paragraphs 128 – 136 concerning the treatment of heritage assets. There may be subsurface archaeological features on the site and, as a minimum, the applicant will need to show that a geophysical survey of the site has been undertaken to establish whether buried features of archaeological/historical interest are present within the field system. If this application is approved, I would recommend that the applicant undertakes an archaeological watching brief during the groundworks associated with the construction of the housing estate until it becomes clear beyond reasonable doubt that no archaeological remains are present. The methodology for the watching brief should be agreed with the West Sussex County Council archaeologist before work at the site begins. Also, the applicant will need to undertake research to understand and analyse the significance of the very unusual field patterns shown on the 1839-40 tithe map for the site, which we have not encountered before and could have considerable historical significance (echoes of this field pattern can still be seen in the most recent aerial photograph of the site). There is a growing recognition of the historical significance of fields in the AONB and, at the very least, the views of David McOmish, a recognized authority on historic fields and land use, at Historic England should be sought;
- has submitted an adequate LVIA (or similar) that has assessed and addressed the likely effects the proposed housing estate may have on, for example, the visual amenity, the local character, and the views of the site from key vantage points. The revised AONB Management Plan places a particular importance on the enjoyment people gain from an aesthetic appreciation of the rural landscape and it makes reference to both the value people place on the scenic beauty of the landscape and also to their enjoyment of the High Weald's special qualities. It is clear that many people value and celebrate the

scenic beauty of the High Weald and enjoy its wonderful views, its relative sense of tranquillity, the intimacy of its landscape, and the opportunities to get close to nature. The special qualities of the High Weald include a landscape that provides inspiration and enjoyment to visitors and residents alike and part of this enjoyment stems from the appreciation of the High Weald in its rural setting, a setting that can be harmed by conspicuous development. Where the appreciation of the AONB may be adversely affected, it is generally considered appropriate that the scale and location of a proposed development should be considered as relevant.

These comments are advisory and are intended to provide Mid Sussex District Council with my professional views on the potential impacts to the High Weald landscape and these comments are not necessarily the views of the High Weald AONB Joint Advisory Committee. This advice is given following a desk-based assessment using the information available at the time and it is subject to change and additional consideration according to circumstances. It remains the responsibility of Mid Sussex District Council to decide whether there is an overriding justification of the need for the proposed development at this location, how the AONB will be conserved and enhanced by the development, and that the proposed development's benefits outweigh its potential adverse impacts or harm to the AONB.

Yours sincerely,

A handwritten signature in black ink that reads "Jason Lavender". The signature is written in a cursive, flowing style.

Jason Lavender
Co-Director
High Weald AONB Unit
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