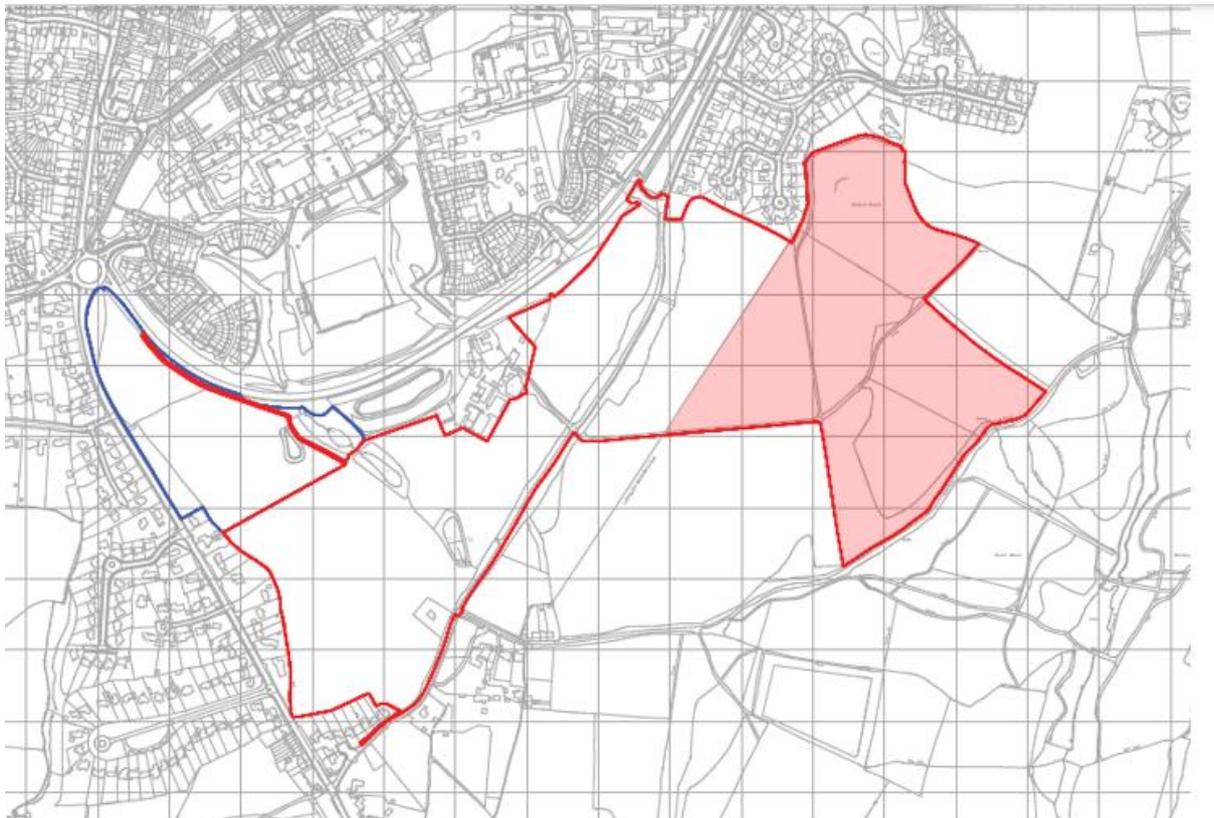


Report to: Planning Applications Committee
Date: 9 August 2023
Application No: LW/22/0517
Location: Hurst Farm, Hurstwood Lane, Haywards Heath
Proposal: Outline planning application with all matters reserved except for access for the erection of up-to 375 new homes, a two-form entry primary school, burial ground, allotments, open space with associated infrastructure, landscaping, and parking areas.
Applicant: Homes England
Ward: Wivelsfield
Recommendation: Approve subject to conditions and s106 agreement to secure 40% equivalent affordable housing contribution.
Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

Site Location Plan:



1.	Executive Summary
1.1	<p>The submitted scheme would largely occupy land under the control of Mid-Sussex Council although it is noted that the final layout of the development is a reserved matter.</p> <p>Indicative layout plans suggest that 12 to 15 dwellings would be positioned within the District along with areas of open/green space (including allotments) and part of a burial ground.</p> <p>Blue infrastructure in the form of swales and attenuation ponds would also be included. Part of the internal road network serving the burial ground and residential parcel 4 would also be positioned on Lewes District land.</p>
1.2	<p>The site lies outside of the Lewes District settlement boundary, but the northern boundary is contiguous with it, with the site adjoining the Land at Greenhill Way development which was allocated in LLP1 under policy SP5. It is also contiguous with a site to the west allocated for mixed use development in the Haywards Heath Neighbourhood Plan under site H1.</p> <p>The portion of the development within the District largely comprises blue and green infrastructure, with the small number of dwellings that are considered acceptable in this location given the context provided above.</p>
1.3	<p>As the number of dwellings located within the District is shown to be above the threshold at which delivery affordable housing is a requirement (10 dwellings or more), the Council has drafted a Section 106 legal agreement to secure a policy compliant contribution of affordable housing for the benefit of the District.</p>
1.4	<p>The areas of green space would be accessible to the public and would provide suitable potential for biodiversity enhancements as well as to provide a suitable green buffer to the development and to the setting of Asylum Wood to the north.</p>
1.5	<p><u>Housing Delivery</u></p> <p>The provision of residential dwellings, including a financial contribution towards affordable housing in other parts of the district equivalent to 40% of the total number of dwellings positioned on LDC land, would contribute to the housing land supply for the District.</p> <p>This would carry significant positive weight in the planning balance.</p>
1.6	<p><u>Economic Benefits</u></p> <p>The proposal offers economic benefits in the form of job creation during construction and an increase in population that would likely result in additional use of local businesses and services.</p>

	This would carry moderate positive weight in the planning balance.
1.7	<p><u>Social Benefits</u></p> <p>The proposed development would introduce new housing that, it is considered, would integrate well with existing communities and, based on the part of the development within LDC only, deliver public benefits in the form of the allotments, burial ground, and large country park. It is noted that policy 8 of the Wivelsfield Neighbourhood Plan seeks to support the establishment of new allotments, potentially with assistance from Haywards Heath Town Council. A means to secure some of the allotments for use by LDC residents will be explored at the Reserved Matters stage, should the application be approved.</p> <p>It is therefore considered significant positive weight should be attached to the social benefits of the scheme in the planning balance.</p>
1.8	<p><u>Environmental Impact</u></p> <p>The application includes an outline drainage strategy that MSDC drainage officers consider appropriate to manage surface water discharge, subject to a more detailed design being presented at the reserved matters stage. The Environment Agency are content that, with suitable management in place, the secondary aquifer on which the site lies would not be at risk of contamination.</p> <p>It is considered that this should carry neutral weight in the planning balance.</p>
1.9	<p><u>Landscape Impact</u></p> <p>The application involves the introduction of residential development onto greenfield land. However, it is noted that the landscape was identified as having a medium to high capacity for change in the joint LDC/SNPD Landscape Capacity Study and that the development would include significant mitigation measures in the form of structural planting and the provision of a country park.</p> <p>In this context, it is considered that the proposed development would have a limited negative landscape impact.</p>
1.10	<p><u>Ecological Impact</u></p> <p>The proposed development would result in the loss of some greenfield habitat and the introduction of residential activity which may also impact on activity. This would be mitigated by the formation of the country park which provides the capacity to deliver biodiversity net gain, to provide recreational space that takes pressure off more sensitive areas and the introduction of a management plan to manage biodiversity and habitat during the lifetime of the development.</p>

	It is therefore considered that limited negative weight should be attached to the ecological impact of the scheme.
1.11	<p><u>Loss of Agricultural Land</u></p> <p>The proposed scheme would result in an area of Grade 2 agricultural land being built over.</p> <p>Given the relatively small area of grade 2 land that would be built over, and the sustainability benefits of the scheme which includes the provision of new allotments on grade 2 land, it is considered a limited negative weight should be attached to the loss of agricultural land.</p>
2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>5. Delivering a sufficient supply of homes</p> <p>8. Promoting healthy and safe communities</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p> <p>14. Meeting the challenge of climate change, flooding, and coastal change</p> <p>15. Conserving and enhancing the natural environment</p>
2.2	<p><u>Lewes Local Plan Part 1 (LLP1)</u></p> <p>CP2 – Housing Type, Mix and Density.</p> <p>CP7 – Infrastructure</p> <p>CP8 – Green Infrastructure</p> <p>CP9 – Air Quality</p> <p>CP10 – Natural Environment and Landscape.</p> <p>CP11 – Built and Historic Environment & Design</p> <p>CP12 – Flood Risk, Coastal Erosion and Drainage</p> <p>CP13 – Sustainable Travel</p> <p>CP14 – Renewable and Low Carbon Energy</p>
2.3	<u>Lewes Local Plan Part 2 (LLP2)</u>

	<p>DM1 – Planning Boundary</p> <p>DM14 – Multi-functional Green Infrastructure</p> <p>DM15 – Provision for Outdoor Playing Space</p> <p>DM16 – Children’s Play Space in New Housing Development</p> <p>DM20 – Pollution Management</p> <p>DM22 – Water Resources and Water Quality</p> <p>DM23 – Noise</p> <p>DM24 – Protection of Biodiversity and Geodiversity</p> <p>DM25 – Design</p> <p>DM27 – Landscape Design</p>
2.4	<p><u>Wivelsfield Neighbourhood Plan (WNP)</u></p> <p>1 – A Spatial Plan for the Parish</p> <p>5 – Design</p> <p>6 – Green Infrastructure and Biodiversity</p> <p>8 – Allotments</p>

3.	Site Description
3.1	<p>The overall site comprises a group of six fields which straddle Hurstwood Road, a narrow rural lane which originally connected the A272 at the eastern edge of Haywards Heath with Fox Hill to the south, although this connection has since been severed as part of the works to allow the A272 to bypass Haywards Heath. The overall site area is approx. 33 hectares, with approx. 13 hectares falling within Lewes District.</p> <p>The eastern part of the site falls within land under the control of Lewes District Council, comprising the two easternmost fields and a small portion of the westernmost field. The district boundary is not physically delineated. The field boundaries are not marked by any significant hedgerow, with stock fencing used as a means of enclosure, although there are occasional trees. The site also incorporates Asylum Wood, which is designated Ancient Woodland, although no development or any works would be carried out within the woodland.</p> <p>The area to the northeast has recently been subject to residential development, following allocation in LLP1 (Land at Greenhill Way). This recent development adjoins older development to the west which is on Mid Sussex land.</p>

4.	Proposed Development
4.1	<p>The application has been submitted in outline form, with the only matter for which permission is currently sought being the means of access. All parcels of the development would be accessed from Hurstwood Lane via junctions with the A272 and Fox Hill, all of which fall within land under the control of West Sussex County Council from a highway's perspective, with improved junction arrangements and pedestrian crossings secured where necessary.</p> <p>The residential element of the development would be distributed across four identified parcels, three of which are on the western side of Hurstwood Lane, with the other on the eastern side. The indicative layout shows that majority of the new dwellings falling within Mid Sussex District although approx. 11 to 15 dwellings at the eastern edge of residential parcel 4 are shown on LDC land on the submitted indicative layout. These dwellings would form part of a group of approx. 76 dwellings located in parcel 4.</p> <p>The majority of the works on LDC land are in the form of green and blue infrastructure (approx. 8.7 hectares of open green space, approx. 0.8 hectares of allotment space and approx. 0.3 hectares of space forming part of a larger burial ground which extends onto Mid Sussex land and has an overall size of approx. 1.25 hectares). It is understood that the allotments would be owned and operated by Haywards Heath Town Council as would the burial ground.</p>
5.	Relevant Planning History:
5.1	<p>LW/17/0593 - Outline application for the development of up to 375 new homes, a 2-form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, 'Green Way', new vehicular accesses and associated parking and landscaping - only means of access determinable – Withdrawn (resolution to grant permission made by committee but s106 agreement not signed).</p> <p>DM/22/2272 (Mid Sussex tandem application) - Outline application with all matters reserved except for access for the erection of up-to 375 new homes, a two-form entry primary school, burial ground, allotments, open space with associated infrastructure, landscaping, and parking areas. ('Additional Highways, Drainage and Ecological information received on 31/05/2023 and 20/06/2023.') – Recommended for approval subject to conditions and s106 agreement.</p>
6.	Consultations:
6.1	PLEASE NOTE: The following is a summary of responses provided to LDC. The bulk of the development falls within MSDC land and more detailed comments from consultees and neighbouring residents have been

submitted to their planning department. These consultee comments will be summarised in the officer report provided within the supplementary report to this committee.

Wivelsfield Parish Council:

At its meeting of 5 September 2022, Wivelsfield Parish Council resolved to object to the above application, on the grounds of significant concern about traffic impacts.

The B2112 - onto which the bottom of Hurstwood Lane joins - is already a heavily used road. Traffic flowing south, from Haywards Heath, already impacts the community of Wivelsfield/Wivelsfield Green, with the fabric of the road (particularly around the mini roundabout junction with Green Road) being in an extremely poor state of repair as a result.

The additional traffic volumes generated by a development of a further 375 homes, plus school, would put further strain on this road: primarily at the junction with Hurstwood Lane, which the vehicles from all homes from land parcels 2 and 3 - as well as the school - would discharge onto, but also travelling south, through Wivelsfield and the already heavily congested village of Ditchling.

The junction from Hurstwood Lane onto the B2112 is not an easy one, and adding such significant numbers of extra vehicle movements, particularly at school drop off time – coinciding as it does with rush hour – is likely to create chaos. Cars waiting to turn right across the traffic will prevent those wishing to go left from pulling out, and queues are likely to be significant.

Closing Hurstwood Lane to through traffic will further compound this issue. Whilst Wivelsfield Parish Council recognises that this was an aspiration of the Haywards Heath Neighbourhood Plan, it considers the proposal to have significant drawbacks. For many parents, driving to school is a necessity, so that they can drop children off and continue straight to work. With Hurstwood Lane closed, those with primary aged children living in the top two housing plots (parcels 1 and 4) will be forced to take the circuitous, time-consuming, and environmentally harmful much longer journey out onto Rocky Lane and down Fox Hill to access the school, as opposed to simply driving a short distance down Hurstwood Lane.

It also means that all school, plus residential traffic from this part of the development will have only one access route, which seems short-sighted, given the volume of extra traffic movements the school will generate.

Additionally, Wivelsfield Parish Council envisages that, with Hurstwood Lane being closed, a proportion of drivers who would otherwise use it to travel south, will instead use the next parallel road of Slugwash Lane, running from the A272 into Wivelsfield Green. This is a narrow, winding country lane, unsuited to significant use and with a long-distance footpath crossing it at the bottom.

These impacts are concerning enough when reviewing this application in isolation. When considered against the wider picture, of the cumulative impact of the many recent, ongoing, and planned new developments locally and the additional vehicle movements generated, there seems a

significant risk of the roads becoming over-burdened and the Hurstwood Lane/B2112 junction becoming an accident hot spot.

ESCC Highways:

The proposed access for this application falls outside East Sussex and therefore it is considered that the main impact will be onto the West Sussex County Council highway network. Haywards Heath serves as the closest commercial centre and provides connections to London and Brighton by rail and to surrounding towns by bus.

As with all proposed development sites in Mid Sussex that either straddle or are in close proximity to the Lewes district boundary there is inevitably some impact that affects the East Sussex highway network.

However, a previous application for a similar development (in 2017/8) was ultimately accepted by ESCC on the basis that trips onto the East Sussex network would be minimal, in particular in Wivelsfield. In 2017/8 it was demonstrated that there would be 1% increase in traffic flows at the B2112/Green Road roundabout which would be equivalent to a daily flow variation.

The impact in East Sussex has not been explicitly covered in the revised TA which arguably it should have been but as the situation has not altered since 2018, an objection on the grounds of impact on East Sussex network could not be sustained.

OFFICER COMMENT: WSCC Highways have raised no objection subject to conditions. Their comments are summarised in the MSDC report that will be included in the supplementary report for this committee.

Lead Local Flood Authority (ESCC):

At this stage, we require further evidence that viable outfall points have been secured to discharge surface water from the development. We therefore request an updated drainage strategy drawing.

OFFICER COMMENT: A number of the concerns raised in the full comments relate to parcels of land not within LDC. There do not appear to be any issues identified with the drainage arrangements for parcel 4, part of which falls within LDC. The application has also been reviewed by the MSDC drainage team, including information that ESCC have not yet commented on. MSDC are satisfied with the level of detail provided at this stage subject to a detailed drainage strategy being provided by condition or at the Reserved Matters stage, at which point ESCC will be reconsulted. A summary of the comments provided to MSDC is provided in the officer report included in the supplementary report for this committee.

Natural England:

As submitted, the application could have likely effects on 'Best and Most Versatile' (BMV) agricultural land according to the MAFF Agricultural Land

Classification (ALC) strategic mapping dataset. Natural England advises that you, the Local Planning Authority, gather further information in order to determine the agricultural land and soil impacts for the proposed development at the site scale, and take account of findings before making a decision.

OFFICER COMMENT: Further information in the form of an Agricultural Land Classification and Soil Resources Report was provided and its findings are discussed in section 8.10 of this report.

Southern Water:

The submitted drainage layout shows that the applicant is proposing to abandon/divert a foul sewer. Any public sewer diversion proposals shall be approved by Southern Water under Section 185 of the Water Industry Act.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and the Sewerage Sector Guidance with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

Sussex Police (Secured by Design):

Various design recommendations are made in relation to making the development a secure, welcoming, and safe place and the applicant should be aware of these when working on final design and layout details as these are important considerations at the reserved matters stage.

LDC Air Quality Officer:

The site is to the north of Lewes district and is situated immediately adjacent to Haywards Heath; consequently, any air quality impacts caused by increased traffic and energy use during the occupational phase of the proposed application will have a far greater impact locally in Haywards Heath and Burgess Hill rather than the roads and air quality management areas in Lewes district. AQ impacts during the construction phase will, I understand be mitigated through adherence to a construction environmental management plan.

My counterpart at MSDC has been in discussion with the applicants' air quality consultants and I believe he has agreed the scope of air quality consideration and mitigation.

For the above reasons, I have no further comment to make on this application.

LDC Contaminated Land Officer:

I note that there is a proposal for burial ground at the site. Considering the fact that this is an outline application and a proposal for burial ground at the site a control water risk assessment is pertinent for this development, which has not been submitted with the application. I think comment from the Environment agency regarding this matter is important.

Regarding the human health risk assessment issue, this can be conditioned on the basis of the submitted WSP report (ref: 70081355-PRA dated August 2021). This report recommended for further investigation at the site.

Environment Agency:

The proposed development presents a risk to groundwater which is particularly sensitive in this location because the proposed development site is located upon secondary aquifer A and the moderate to high risk proposed usage as a burial ground on part of the development.

Further detailed information will however be required before any development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning authority.

Ramblers Association:

Object to the above Application for the following reasons:

	<ul style="list-style-type: none"> • A greenfield site in a very rural setting, • Well outside existing development area of Wivelsfield; therefore, there should not be any development east of Hurstwood Lane. • Number of proposed dwellings with associated infrastructure would amount to overdevelopment of this site. • Hurstwood Lane is totally unsuitable for the extra vehicle movements which would be generated by this development. • This site should not be considered as part of Haywards Heath proposed development as it is in a different District and Administrative County. • No proven need for this development in Wivelsfield Parish. • I fully endorse all points in the objection made by Wivelsfield Parish Council
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7.	Other Representations:
7.1	<p>20 letters of objection have been received. Relevant planning content provided is summarised below: -</p> <ul style="list-style-type: none"> • Inadequate water infrastructure; • Land was acquired by MSDC for amenity purposes which have since been dropped; • Loss of open space; • Ecological harm; • Impact upon ancient woodland; • Country Park area has significantly reduced in size; • The 'greenway' for use by pedestrians and cyclists has reduced in scale; • Air quality modelling provided in the application is not reliable; • Pressure on infrastructure • Introduction of housing on eastern field which was not included in previous scheme; • Harmful impact upon amenities of residents on Greenhill Park; • Similar application in Wivelsfield Parish have been rejected by Lewes District Council; • Not compliant with the development plan (LDC or MSDC); <p>OFFICER COMMENT: With regards to water supply, the development would be phased to allow for infrastructure to be installed and, ultimately, the undertaker has a statutory duty to provide potable water to meet the needs of the development. The refused planning scheme in Wivelsfield</p>

	that was referred to has since been approved on appeal by the Planning Inspectorate (LW/21/0754).
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8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that regard is to be had to the development plan for the purpose 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.</p> <p>The NPPF also advises that there is a presumption in favour of sustainable development.</p> <p>The main considerations relate to</p> <ul style="list-style-type: none"> • The principle of the development; • The visual impact of the proposed works within the wider urban and rural setting; • The sustainability of the development; • The impact upon neighbour amenities; • Environmental impact; • Impact upon green infrastructure; • Flood risk • The degree to which the proposed development meets identified housing needs including the provision of affordable housing.
8.2	<p><u>Principle of Development</u></p> <p>The proposed development primarily relates to land within the control of Mid Sussex District Council. The full details of the scheme have been provided as per para. 011 of the Planning Practice Guidance for Making an application which states that ‘where a site which is the subject of a planning application straddles one or more local planning authority boundaries, the applicant must submit identical applications to each local planning authority.’ However, for the matters for consideration by Lewes District Council relate only to the part of the development occupying LDC land, as described in section 4 of this report.</p> <p>Para. 8 of the Revised National Planning Policy Framework (NPPF) defines sustainable development as comprising three overarching objectives, these being to respond positively to economic, environmental, and social needs. Para. 10 goes on to state that there should be a presumption in favour of sustainable development.</p> <p>As LLP1 is now over 5 years old, the housing delivery target set out in</p>

policy SP1 (approx. 275 net dwellings per annum) is obsolete and the target now worked towards is therefore based on local housing need calculated using the standard method set out in national planning guidance as per para. 74 of the National Planning Policy Framework (NPPF). This has resulted in the delivery target rising to 782 dwellings per annum. This figure is disaggregated from the delivery from the National Park resulting in an annual figure of 602.

Due to this increase in housing delivery targets, Lewes District Council is no longer able to identify a 5-year supply of specific deliverable sites for housing. Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This approach effectively adopts a 'tilted balance' in favour of development. It is acknowledged that the scheme promotes policy compliant affordable housing. Housing delivery and affordable housing delivery weigh positively in the planning balance.

The NPPF does not recognise settlement boundaries, instead stating that decisions should avoid the development of isolated homes in the countryside (para. 80).

In response to this situation, the Council has adopted an Interim Housing Policy Statement that accepts development may need to be allowed on sites outside of settlement boundaries but sets out a list of criteria that should be addressed when such sites are being assessed. These criteria will be identified in the relevant sections of this report and will be afforded suitable weight within the overall planning balance.

It is recognised that the Interim Housing Policy Statement is not 'policy' in the Local Plan context and can only be guidance and does not supersede or trump adopted policy.

8.3

Visual Impact and Design

The site is isolated from any identified settlement within Lewes District but is adjacent to the edge of Haywards Heath to the west and north as well as the residential development on allocated site SP5 of LLP1 which, whilst within Lewes District, interacts with development within Mid Sussex rather than Lewes District settlement.

Land to the south-east of Haywards Heath is identified as having a medium to high capacity for capacity for change with it being stated in para.3.2.15 of the joint LDC and SDNP Landscape Capacity Study that 'Much of the landscape in this area on the southeastern urban edge of Haywards Heath is formed of relatively large irregular shaped fields bounded by tree belts and large areas of woodland which provide visual interruptions across the landscape. Some areas, due to its elevation, are

relatively open and intermittent, distant, views of the Downs can be gained. There is considered to be scope for development in the northern part of the landscape adjacent to existing development. Land to the south becomes increasingly open and mitigation potential limited until the land levels out again.'

The development site occupies the northern part of land to the south-east of Haywards Heath and is adjacent to existing development to the north and west. It is therefore considered to represent part of the area considered most suitable for development. It is also considered that the context provided by existing development would ensure that appropriate residential development of the site would not appear disruptive or isolated and incongruous within the wider rural setting. The submitted masterplan shows the density of development in residential parcel 4 as being lower, allowing for a gradual transition to the rural environment, managed through the green buffer provided by the proposed open green space/country park. Higher density development would be focussed on the plots to the west, closer to Haywards Heath.

The indicative masterplan submitted with the application shows the eastern edge of the residential part of the development being consistent with existing residential development to the north. The area to the east of this, which is adjacent to the ancient woodland at Asylum Wood, would be retained as open informal greenspace which would help preserve the setting of the woodland, noting it is already flanked by development to the north, east and west. The indicative plan also shows a 15-metre green buffer being retained around all parts of the woodland.

The allotment area would be positioned towards the southern edge of the fields. It is noted that this proposed use would be likely to introduce a mixture of small buildings, primarily in the form of sheds, as well as the potential for polytunnels and other horticultural paraphernalia. Given the modest scale of the proposed allotment area in terms of the overall site, its clear visual relationship with the proposed dwellings to the north and the agricultural character of the surrounding rural environment, it is considered that an allotment use in this position would not appear out of keeping with the general character of the environment, which includes productive farmland.

The final layout of the development would be confirmed at the Reserved Matters stage, should outline permission be granted, as well as the design and scale of the proposed dwellings. As such, any approval of this outline permission would not result in an inability to regulate these matters and to ensure they are appropriate for the character and setting of the surrounding environment. However, it is considered that the indicative plans have demonstrated that the site has the capacity to accommodate the proposed development whilst also incorporating suitable mitigation measures, particularly in the form of blue and green infrastructure.

8.4

Impact upon residential amenity:

	<p>It is considered that the residential use of the site as well as the intensity of the use would be consistent with neighbouring residential development. The site benefits from existing green infrastructure, that would be bolstered by structural planting carried out as part of the development. This green infrastructure would help create a sympathetic screen to the development that would soften visual impact towards neighbouring residential development, filtering views and preventing the surrounding area taking on an unacceptably urbanised and overdeveloped appearance.</p> <p>The submitted masterplan shows dwellings would be set well away from boundaries shared with neighbouring residential development as would roads and other infrastructure, minimising the potential for unacceptable disruption to neighbouring residents.</p> <p>Although not directly connected to neighbouring development to the north, as this would require access being formed through ancient woodland, residents of nearby development to the north and west would be able to access the country park by a dedicated foot and cycle path, as shown on the masterplan.</p>
8.5	<p><u>Living Conditions for Future Occupants</u></p> <p>It is considered that dwellings could be delivered on site with suitable space retained for private and communal amenity use. The masterplan shows a number of foot and cycle paths that would promote connectivity within the development as well as with the surrounding built and natural environment. allowing development within the site to engage with the wider community. The masterplan shows an arrangement of dwellings that interact well with one another, creating a sense of place, whilst also allowing suitable separation for private space to be formed and to ensure that residents would not be subject to any unacceptable overbearing or overshadowing impact.</p> <p>The quality of the living environment provided would be properly assessed at the reserved matters stage, should outline permission be granted.</p>
8.6	<p><u>Highways and Access</u></p> <p>Other than establishing the principle of the development of the site, the only details that are to be determined at this stage are the access arrangements.</p> <p>All parts of the site would be accessed from Hurstwood Lane, which forms part of the WSCC Highways network. The lane currently provides a through route connecting the A272 bypass to Fox Hill. Part of the access works for the scheme would involve making the central section of the lane pedestrian and cycle only, with removable bollards in place to allow for emergency access. This would mean that parcel 1 and 4 (which includes LDC land) would be accessed from the northern end of the lane, via the junction with the A272, which would be signalised. Parcels 2 and 3 would</p>

be accessed from the southern end of the lane via the junction with Fox Hill where pedestrian crossings would be provided. The internal road layout would be finalised at the reserved matters stage. WSCC Highways are supportive of the access arrangements.

Whilst all access to the site would be through the WSCC Highway network there is connectivity with the highway network in East Sussex and it is noted that Wivelsfield Parish Council have objected due to concerns over increased traffic and road hazards within the settlement of Wivelsfield. ESCC Highways have stated that a previous application for a similar development (in 2017/8) was ultimately accepted by them on the basis that trips onto the East Sussex network would be minimal, in particular in Wivelsfield. In 2017/8 it was demonstrated that there would be 1% increase in traffic flows at the B2112/Green Road roundabout which would be equivalent to a daily flow variation.

As stated earlier in the report, it is considered that the indicative masterplan shows a good level of pedestrian and cycle connectivity between all four residential parcels that make up the development as well as between the development and the wider urban and rural environment.

8.7 Flood Risk and Drainage

The site is currently 100% permeable, there are no buildings or areas of hardstanding present. There are a number of ponds distributed around the site. The site falls within Flood Zone 1 and, as such, is not identified as being susceptible to flooding from tidal or fluvial sources. Parts of the site, as well as neighbouring land at high or medium risk of surface water flooding.

The surface water drainage strategy for the development of the site rules out the use of infiltration drainage due to site geology. The indicative drainage scheme provided utilises watercourses as the ultimate means of discharge of surface water with the rate of discharge being controlled through attenuation features including ponds/reservoirs/swales, permeable paving and below ground attenuation tanking where feasible and rain gardens.

The submitted drainage strategy also suggests rainwater harvesting apparatus would be incorporated and that further information on this would be provided at the detailed design stage. For parcel 4, part of which falls within LDC control, an attenuation pond would be formed along the course of an existing natural surface water flow path, with the pond discharging back into this path at a controlled rate. The drainage strategy seeks to ensure discharge rate from the site does not exceed greenfield runoff rates for each storm event ranging from 1 in 1 year to 1 in 100 years and with an allowance of a 45% increase in storm frequency anticipated as a consequence of climate change.

ESCC were consulted on the application and raised a number of concerns regarding how surface water would be discharged into watercourses

without crossing third party land, the capacity of the proposed attenuation features and neighbouring watercourses and the potential for surface water discharge to impact on existing development downstream. These concerns related to the development as a whole rather than the specific part of the development within LDC land. Similar concerns were raised by the Mid Sussex District Council drainage team.

In response, additional information and clarification was provided by the applicant and, whilst ESCC have not responded to this, Mid Sussex District Council drainage have now removed their objection subject to the imposition of a series of conditions that will shape the final detailed drainage design which would either be submitted with the reserved matters application (noting that the provision of drainage infrastructure may impact upon the layout of the development) or would be submitted by condition. In both instances, ESCC would be consulted again, and any further objections raised would have to be addressed in the detailed design. The comments from MSDC drainage include a requirement that further investigations are made as to the suitability of the site, or parts of it, for the use of infiltration drainage, given this is regarded as the most sustainable form of drainage.

There is a public foul sewer running through parcel 4 in a north to south direction. The proposed layout will need to account for the presence of the sewer, with an appropriate easement provided to allow for continued access and maintenance. It is stated that the sewer would be used to provide foul drainage subject to a connection agreement with Southern Water.

8.8

Ecology

There are no significant trees or hedgerow on LDC land that would need to be removed to accommodate the development. It is noted that the ancient woodland at Asylum Wood is included in the site boundary, but no development is to take place within the woodland and an appropriate 15-metre-wide buffer would be maintained around it that would also not be developed in any way. The Environmental Statement accompanying the application notes that, although there are no public rights of way within or adjacent to the site, recreational use of the fields and woodland does take place, evidenced by the presence of informal paths. The proposed scheme, by forming a country park on the eastern part of the site, would create informal recreation space that, it is considered, would alleviate recreational pressure on more ecologically sensitive areas, such as the woodland. The park would also be subject to a Landscape and Ecological Management Plan, to be secured by condition, that would introduce management measures including controls over access and introduction of biodiversity enhancements.

Site surveys carried out as part of the Preliminary Ecological Assessment identified an 'exceptional' population of slow worm on the site and the MSDC Ecologist reviewing the application has requested a condition to secure a specific reptile mitigation strategy be submitted to address how

	<p>this population would be protected during and after construction. This would be secured by condition.</p>
<p>8.9</p>	<p><u>Sustainability</u></p> <p>Although the site is outside of the settlement boundary it is on the edge of Haywards Heath which is identified as a Secondary Regional Centre in LLP1, the characteristics of which are defined as follows: -</p> <p>‘A settlement accessible by road and public transport with a centre containing a range of retail units, including high street chains. A reasonable range of leisure opportunities are available, and the town contains significant levels of employment. Key facilities, such as a hospital, are available. Such settlements meet the majority of their own needs’.</p> <p>The Town Centre of Haywards Heath would be approx. 1 mile walking distance from parcel 4, with foot and cycle paths providing connectivity from the development with the existing footway network. The possibility of providing a bus route through the network has been explored by the applicant and was included in the scheme submitted under LW/17/0593. However, it has been deemed not to be feasible following further investigation. In its absence, it is noted that there are bus stops relatively close to parcel 4 to the north and west which would be accessible via Hurstwood Lane and that these stops are on routes that provide connectivity with local and regional destinations as well as to the train station.</p> <p>The application is in outline form and, as such, it is not possible for all sustainability measures to be detailed at this stage. It is, however, noted that the development would utilise sustainable drainage systems that includes the formation of an attenuation pond that will also provide an amenity and habitat asset. This, as well as other open green space within the overall site area is considered to support the delivery of multi-functional green infrastructure as required by LLP2 policy DM14.</p> <p>Any application for approval of reserved matters would need to include a sustainability statement that confirms compliance with the aims and objectives of the recently adopted TANs for Circular Economy, Sustainability in Development and Biodiversity Net Gain. This would include, but not be limited to, details on how water consumption would be kept to 100-110 litres per person per day, renewable energy, and carbon reduction measures, building layouts that maximise access to natural light, support for sustainable modes of transport, provision of electric vehicle charging points (minimum of one per dwelling), and facilities to support working from home.</p>
<p>8.10</p>	<p><u>Environmental/Agricultural Impact</u></p> <p>The site lies within a sensitive area in terms of potential impact upon groundwater due to its position over a secondary aquifer. An initial response from the Environment Agency raised concerns that the burial</p>

ground in particular had the potential to contaminate due to isolated areas of shallow groundwater. The applicant submitted further information in response to this and the Environment Agency have now removed their objection to the scheme subject to conditions being used to secure a strategy to remove groundwater from the burial site if required and to manage drainage in order to prevent waterlogging that could result in contaminants entering surrounding watercourses. The Environment Agency have also recommended more general conditions to ensure that there are measures in place to safely control any other contaminants found on site and that there are appropriate remediation plans in place.

An Agricultural Land Classification report has identified part of the LDC land which will be built upon as Grade 2 (very good quality) agricultural land, based on soil conditions. There are also grade 2 areas on the parcels of the site to the east, particularly at parcel 2. The majority of the LDC land within the proposed scheme is identified as subgrade 3b (moderate quality).

Para. 174 b) of the NPPF states that planning decisions should recognise ‘...the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land...’.

LLP2 policy DM19 stipulates that ‘development that would result in the irreversible loss of the best and most versatile agricultural land (Grades 1, 2, 3a in the DEFRA Agricultural Land Classification System) will not be permitted unless it can be demonstrated that there are no suitable alternative locations, and the proposal would have overriding sustainability benefits that outweigh the loss of land from agricultural use.’

In this instance, the amount of grade 2 land permanently lost would be relatively modest with the majority of the grade 2 land falling within the burial ground and the proposed allotment area, where the land use would involve food production. Part of the proposed country park also includes Grade 2 land. In this instance, as part of a masterplan development that would deliver new housing in a sustainable location, a policy compliant affordable housing contribution and the delivery of allotments and green open space, it is considered that the sustainability benefits of the proposed scheme outweigh the loss of what is a relatively small portion of grade 2 land within the district.

It is also considered that the proposed development would not impede access to surrounding fields by farm vehicles and machinery and that the maintenance of structural planting and other buffers would ensure that the presence of the proposed residential scheme would not compromise the ongoing use of surrounding land for agricultural purposes.

8.11

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and

	furthermore, the proposals will not result in any breach of the Equalities Act 2010.
8.12	<p><u>Conclusion.</u></p> <p>It is considered that the element of the development within Lewes District is appropriate in terms of impact upon visual, environmental, and residential amenity and that the scheme would deliver informal public green space that could provide additional benefits in providing biodiversity enhancements and sustainable drainage whilst taking recreational pressure off more sensitive landscape.</p> <p>The District would secure a commuted sum equivalent to 40% of the dwellings to be located within Lewes District which would be spent on new affordable housing in parts of the district where the need is most urgent.</p> <p>The access arrangements for which approval is sought at this stage are considered acceptable and would not have an adverse impact upon the highway network within Lewes District.</p> <p>It is therefore recommended that the application is approved subject to the conditions listed below.</p>

9.	Recommendations
9.1	Subject to no adverse comments being received from NatureSpace/LDC Ecology then the application be delegated to the Head of Planning to approve subject to conditions,

10.	Conditions
10.1	<p>RESERVED MATTERS (TIME LIMITS):</p> <p>Approval of the details of the appearance, layout, scale, 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.</p> <p>Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.</p> <p>The development hereby permitted must be begun either not later than the expiration of two years from the final approval of the reserved matters or,</p>

	<p>in the case of approval on different dates, the final approval of the last such matter to be approved.</p> <p>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.</p>
10.2	<p>CONFORMITY WITH PARAMETER PLAN</p> <p>In all aspects the reserved matter submissions shall be broadly in conformity with submitted parameters plan drawing (drawing numbers C5116_0000-01 Rev G, C5116_0000-02 Rev F, C5116_0000-03 Rev D, C5116_0000-07 Rev D)</p> <p>Reason: To ensure a satisfactory development and in the interests of amenity and landscape character in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM25 and DM27 and section 15 of the NPPF.</p>
10.3	<p>PHASING</p> <p>No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved phasing plan.</p> <p>Reason: In the interests of managing the implementation of the development in accordance with LLP1 policies CP11 and CP13 and LLP2 policy DM25.</p>
10.4	<p>CONSTRUCTION MANAGEMENT PLAN (CMP)</p> <p>Prior to any works commencing (including site clearance/preparation and/or demolition), a construction management plan shall be submitted to and be approved in writing by the Local Planning Authority after consultation with ESCC. The submitted construction management plan shall address all elements of the proposed development but may be submitted in stages reflecting the developments phasing in accordance with condition 3. Thereafter the applicant and contractors shall complete the works in accordance with the approved plan throughout the construction period in order to minimise disturbance during demolition and construction and will include details of the following information for approval:</p> <ul style="list-style-type: none"> • the phased programme of construction works; • the means of access and road routing for all construction traffic associated with the development; • Details of a scheme for the monitoring of noise, dust, and vibration (including any piling) in accordance with the appropriate British

	<p>Standard (BS). The report on the assessment made under the BS shall include estimated values of LAeq and show all calculations;</p> <ul style="list-style-type: none"> • provision of wheel washing facilities and details of their operation and location; • construction work including delivery times; • details of a means of suppressing dust arising from the development and site boundary fencing; • details of all proposed external lighting to be used during construction; • details of areas for the loading, unloading, parking, and turning of vehicles associated with the construction of the development; • details of areas to be used for the storage of plant and materials associated with the developments; • details of the temporary construction site enclosure to be used throughout the course of construction; • details of any construction accesses to be used; • details of the appropriate public consultation that will be required; • details of scheme to protect residential properties from the noise sources during construction. <p>Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.</p> <p>Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 of the LPP1, policies DM20 and DM23 of the LPP2 and the Circular Economy Technical Advice Note.</p>
10.5	<p>REPTILE MITIGATION STRATEGY</p> <p>No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority. The Reptile Mitigation Strategy shall include the following.</p>

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g., native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with paragraphs 170 and 175 of the National Planning Policy Framework, LLP1 policy CP10, LLP2 policy DM24 and WNP policy 6.

10.6

LANDSCAPE & ECOLOGICAL MANAGEMENT PLAN (LEMP)

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

	<p>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.</p> <p>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 (Priority habitats & species) and to accord with paragraphs 170 and 175 of the National Planning Policy Framework, LLP1 policy CP10, LLP2 policy DM24 and WNP policy 6.</p>
10.7	<p>CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)</p> <p>A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority prior to any works commencing (including site clearance/preparation and/or demolition). The submitted CEMP shall address all elements of the proposed development but may be submitted in stages reflecting the developments phasing in accordance with condition 3. The CEMP (Biodiversity) shall include the following.</p> <ul style="list-style-type: none"> 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 (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>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</p>

	<p>amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with paragraphs 170 and 175 of the National Planning Policy Framework, LLP1 policy CP10, LLP2 policy DM24 and WNP policy 6.</p>
10.8	<p>ADDITIONAL ECOLOGICAL SURVEYS</p> <p>Prior to the commencement of development on any reserved matters phase, further supplementary ecological surveys for protected species for that phase shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through Conditions. The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.</p> <p>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 (Priority habitats & species).</p>
10.9	<p>BIODIVERSITY ENHANCEMENTS</p> <p>A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority before any development above slab level on any phase of the development.</p> <p>The content of the Biodiversity Enhancement Strategy shall include the following:</p> <ul style="list-style-type: none"> a) Purpose and conservation objectives for the proposed enhancement measures; b) detailed designs to achieve stated objectives; c) locations of proposed enhancement measures by appropriate maps and plans; d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development; e) persons responsible for implementing the enhancement measures; f) details of initial aftercare and long-term maintenance (where relevant). <p>The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.”</p> <p>Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and to accord with paragraphs 170 and 175 of the National Planning Policy Framework, LLP1 policy CP10, LLP2 policy DM24 and WNP policy 6.</p>

10.10	<p>FOUL/SURFACE WATER DRAINAGE</p> <p>The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.</p> <p>Reason: In order to ensure surface water and foul water is managed effectively in accordance with LLP1 policies CP10 and CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
10.11	<p>PROTECTION MEASURES</p> <p>No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the Local Planning Authority. Site protection measures in respect of the identified features shall be shown on a layout plan accompanied by descriptive text and shall include:</p> <ul style="list-style-type: none"> a) The location of the features to be retained and protected during construction works; and b) The position and details of warning signs and protective fencing to be erected. <p>No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details.</p> <p>Reason: In the interests of protecting and enhancing the biodiversity of the environment and paragraphs 170 and 175 of the National Planning Policy Framework, LLP1 policy CP10, LLP2 policy DM24 and WNP policy 6.</p>
10.12	<p>GROUND/FLOOR LEVELS</p> <p>The development, in any particular phase (as defined on the approved 'phasing plan) hereby permitted, shall not commence until details of the finished ground and floor levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.</p>

	<p>Reason: To ensure a satisfactory development and in the interests of amenity and landscape character in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM25 and DM27 and section 15 of the NPPF.</p>
10.13	<p>CONTAMINATED LAND</p> <p>Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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, shall each be submitted to and approved, in writing, by the local planning authority:</p> <ul style="list-style-type: none"> a) A site investigation scheme, based on the preliminary risk assessment by WSP dated August 2021, ref: 70081355-PRA, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; and, unless otherwise agreed in writing by the LPA, 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 <p>The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.</p> <p>Reason (common to all): 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 comply with LLP2 policies DM20 and DM21 and para. 174 and 183 of the NPPF</p>
10.14	<p>UNEXPECTED CONTAMINATION</p> <p>If during construction, contamination not previously identified is found to be present at the site then no further development within that particular phase (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk, and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme.</p>

	<p>If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.</p> <p>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 comply with LLP2 policies DM20 and DM21 and para. 174 and 183 of the NPPF</p>
10.15	<p>LIGHTING SCHEME</p> <p>Prior to occupation of any of the development hereby permitted, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.</p> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>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 (Priority habitats & species) and to accord with policies DM20 and DM24 of the Lewes District Local Plan part two, WNP policy 6 and paras. 170, 175 and 180 of the NPPF.</p>
10.15	<p>AIR QUALITY</p> <p>Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to the value calculated in, sections 10.6.34 to 10.6.38 of the submitted WSP Air Quality chapter of the Environmental Statement (Ref 70081355, dated July 2022). All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.</p>

	<p>Reason: to preserve the amenity of local residents regarding air quality and emissions and to comply with LLP1 policy CP9 and para.181 of the NPPF.</p>
10.16	<p>SOFT LANDSCAPING AND TREE PROTECTION</p> <p>The development, in any particular phase (as defined on the approved 'phasing plan) hereby permitted, shall not commence until a scheme for the protection of trees and hedgerows within that phase has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented as approved. No development beyond slab level shall take place until details of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).</p> <p>Any planting removed, dying, or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.</p> <p>Reason: In the interests of the visual amenities of the locality and to accord with LLP1 policy CP10, LLP2 policy DM27 and section 15 of the NPPF.</p>
10.17	<p>HARD LANDSCAPING</p> <p>The development, in any particular phase (as defined on the approved 'phasing plan) hereby permitted, shall not commence until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>These details shall include proposed finished levels and contours showing earthworks and mounding (where appropriate); surfacing materials; means of enclosure; boundary treatments; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example refuse and / or other storage units, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant.</p>

	<p>The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).</p> <p>Reason: To ensure a satisfactory development and in the interests of amenity and landscape character in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM25 and DM27 and section 15 of the NPPF.</p>
10.18	<p>EXTERNAL MATERIALS</p> <p>The development, in any particular phase (as defined on the approved 'phasing plan) hereby permitted, shall not commence above slab level unless and until samples/a schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.</p> <p>Reason: To ensure a satisfactory development and in the interests of amenity and landscape character in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM25 and DM27 and section 15 of the NPPF.</p>
10.19	<p>NOISE LEVELS</p> <p>The development, in any particular phase (as defined on the approved 'phasing plan) hereby permitted, shall not commence until the developer has submitted a scheme to the LPA for approval, showing the exact level of glazing and/or ventilation needs for each home, based on the noise levels for the site outlined in, Chapter 12 – Noise and Vibration, of the Environmental Statement by WSP, dated July 2022.</p> <p>Each property identified as requiring specific glazing and / or ventilation shall not be occupied unless the relevant glazing and / or ventilation has been installed.</p> <p>Reason: To protect the amenity of future residents with regard to external noise and to comply with LLP2 policy DM23.</p>
10.20	<p>PLAY AREAS</p> <p>Prior to the occupation of the dwellings hereby permitted details of the play areas and open space areas to be provided on site shall be submitted to and approved by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping, fencing, timetable for construction and future management of the areas to be provided. The development shall only be implemented in accordance with the approved details.</p> <p>Reason: To ensure satisfactory provisional equipment and to ensure that play area is provided and retained within the development for use by the general public and to accord with LLP2 policies DM14, DM15 and DM16.</p>

10.21	<p>CONSTRUCTION HOURS</p> <p>Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:</p> <p style="padding-left: 40px;">Monday - Friday 08:00 - 18:00 Hours Saturday 09:00 - 13:00 Hours Sundays and Bank/Public Holidays no work permitted.</p> <p>Reason: To safeguard the amenities of nearby residents and to accord with LLP1 policy CP11 and LLP2 policies DM20, DM23 and DM25.</p>
10.22	<p>ECOLOGICAL MITIGATION</p> <p>All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (RSK Biocensus, June 2023), Environmental Statement Volume 2 Chapter 6 – Biodiversity Appendix 6.2 Preliminary Ecological Appraisal (RSK Biocensus, March 2022), including the mitigation measures identified in the EPR (2017), Environment Statement & Technical Appendices for Hurst Farm, Hurstwood Lane, Haywards Heath. Final Report – April 2017, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.</p> <p>This will include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.</p> <p>Reason: To conserve and enhance 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 (Priority habitats & species) and to accord with LLP1 policy CP10, LLP2 policy DM24 and WNP policy 6.</p>

11.	Plans:
11.1	Final plans list to be confirmed by MSDC report provided in the Supplementary Report to this committee.
12.	Appendices
12.1	None.

13.	Background Papers
13.1	None.