

Lindfield Rural Parish Council



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Mid Sussex District Council
Oaklands Rd,
Haywards Heath
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Date: 14th April 2020

Submitted to the MSDC Planning Portal

Dear Mr Ashdown,

**Reference: Outline Planning Application DM/20/0559
Haywards Heath Golf Club, High Beech Lane, Haywards Heath**

Attached to this letter is the response to the above outline planning application at Haywards Heath Golf Course by Enplan made on behalf of Lindfield Rural Parish Council (LRPC) and Lindfield Parish Council (LPC).

The representations set out the strong planning objections to the application which are unanimously supported by LRPC and LPC.

In addition to the attached representation we would like to refer to the following matters which have been highlighted to us by many local residents in respect of the application.

Sustainability

The application fails to provide any recognition of the impact that the construction of 725 houses will have on Lindfield Rural Parish given that this will result in an approximately 65% increase in population.

In terms of sustainability and infrastructure, particularly in respect of access to schools and doctors' surgeries, facilities are already full and are under increasing pressure with families moving into the area through the construction of other residential schemes.

Another 750 homes would generate large numbers of school age children at all levels up to Sixth Form thereby creating the need to travel, contrary to sustainability principles.

Community Involvement

The Fairfax document on Community Involvement submitted with the application is inadequate and cannot be described in any way as genuine community involvement.

In the submission they refer to following the advice in Chapter 7 of Creating Local Development Framework: a Companion Guide to PPS12 which is highly questionable given they fail to meet the criteria in the Code which states that "The statement (of community involvement) must ensure the active, meaningful and continued involvement of local communities and stakeholders throughout both processes".

For example, the leaflet circulated to residents regarding the application indicated that the applicants would not respond to any questions arising from this public consultation exercise. This is wholly unsatisfactory.

Transport

The Transport Assessment report by SK Transport Planning in respect of walking times and distances from the proposed development to a number of locations in Lindfield and Haywards Heath is inaccurate and shows the times and distances as being shorter than they really are. This will inevitably lead to a significant increase in car journeys.

The Transport Assessment also fails to acknowledge that many of the roads in the area are simply farm lanes tarmaced over. These local roads cannot accommodate the significant increase in the volume of traffic generated by the proposed development.

The Transport Assessment is silent on a very important transport issue; namely, parking at Haywards Heath Station is very limited for most of the day. The multi-storey car park at the station is busy by 7am onwards and is normally full by 9am. The only vacant spaces available are for season ticket holders (which cannot be used by single day users). Parking in the area around the station is also very limited with a maximum 2-hour limit on a stay.

Inevitably a considerable percentage of the 725 households will be regular users of the station and would compete with current users in what is already a very limited facility. It is therefore very important that the Transport Assessment should identify a sustainable alternative transport provision which would include a regular public transport service between the proposed development and the station.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Trevor Webster', with a horizontal line underneath the name.

Councillor Trevor Webster
Chair Lindfield Rural Parish Council

Enc.



HAYWARDS HEATH GOLF CLUB, HIGH BEECH LANE, HAYWARDS HEATH

OUTLINE APPLICATION FOR UP TO 725 NEW DWELLINGS, ALTERATIONS TO HIGH BEECH LANE, PUBLIC OPEN SPACE AND PLAY SPACE, COMMUNITY FACILITIES AND RETAIL, PEDESTRIAN LINKAGES, LANDSCAPING AND DRAINAGE

MID SUSSEX DISTRICT COUNCIL REFERENCE DM/20/0559


REPRESENTATION ON BEHALF OF LINDFIELD & LINDFIELD RURAL PARISH COUNCILS

Jointly for Lindfield and Lindfield Rural Parish Councils

April 2020

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1.0 SUMMARY OF REPRESENTATION

- 1.1 This representation concerns an outline planning application (ref. DM/20/0559) for the following development:

The demolition of the existing clubhouse, pro shop and 2no. dwellings. Change of use from a golf course, and erection of up to 725 new dwellings, including 30% affordable housing. Alterations to High Beech Lane. Provision of associated infrastructure including recreation facilities including public open space and play space, community facilities and retail, provision of pedestrian linkages, landscaping and drainage. All matters reserved except for access and the number of dwellings.

- 1.2 Lindfield and Lindfield Rural Parish Councils object to the application on the following grounds:

1. The application is outside the built-up area boundary of Haywards Heath and therefore in conflict with Policy DP6 (Settlement Hierarchy) and Policy DP12 (Protection & Enhancement of Countryside) of the adopted Mid Sussex District Plan.
2. The application also conflicts with the 'made' Neighbourhood Plan for Lindfield and Linfield Rural Parishes (2016) and, in particular, the spatial vision at Policy 1 which only supports development within the established settlements of Lindfield and Scaynes Hill.
3. The District Council can demonstrate an up to date 5-year supply of housing land and the site is not required to meet the district's housing needs. The site not identified in the draft Site Allocations Development Plan Document (DPD) following the Council's assessment of it as a housing site.
4. The proposed development would be harmful to the countryside within which it is located and would also harm the setting of the High Weald Area of Outstanding Natural Beauty (AONB).
5. The proposal would be harmful to the site's biodiversity including a number of protected species and areas of woodland, including ancient woodland, contrary to Policy DP38 of the Mid Sussex District Plan.

6. In the absence of sufficient information to determine otherwise, the proposal would have an unacceptable impact upon the local highway network and highway safety contrary to Policy DP21 of the District Plan.
7. Notwithstanding the provision of an area for community facilities and retail uses, the proposed housing is distant from local facilities including schools and doctors' surgery and therefore is considered to be an unsustainable location.
8. The proposals would result in the loss of existing sporting facilities, contrary to the National Planning Policy Framework and the District Plan.

2.0 INTRODUCTION

- 2.1 Enplan has been jointly appointed by Lindfield and Lindfield Rural Parish Councils to undertake a review of the outline planning application to develop Haywards Heath Golf Club, to advise and recommend to the Parish Councils as to how to respond and to prepare the Parish Councils' joint consultation response to Mid Sussex District Council. Enplan is a planning and landscape consultancy with considerable experience in preparing applications (including EIA applications) for major development on behalf of applicants and of assessing similar proposals on behalf of local authorities and third parties.
- 2.2 The planning application is in outline and concerns proposals to develop the Haywards Heath Golf Club site for up to 725 dwellings (including 30% affordable), alterations to Beech Lane, provision of public open space, play space, community facilities and retail (total circa 1,800m²), pedestrian linkages, landscaping and drainage. All matters are reserved except for access and housing numbers. The application is accompanied by an Environmental Statement.
- 2.3 Lindfield Parish abuts the north-eastern edge of Haywards Heath and is characterised by tree-lined High Street, its central pond and the Conservation Area which contains many fine medieval listed buildings. The village contains shops, businesses, schools, pubs and cafes and a range of community facilities. Although attached to Haywards Heath, Lindfield maintains a strong sense of its own identity and its retained rural approaches are considered key features of the character and identity of the village¹.
- 2.4 Lindfield Rural Parish adjoins the north-eastern edge of Haywards Heath and the village of Lindfield and includes two areas of settlement within the parish boundary; the village of Scaynes Hill and an area by Gravelye Lane and Scrase Brook adjoining Lindfield. Otherwise it is largely rural in nature with only a number of small hamlets, including Walstead and East Mascalls, and scattered farmsteads and dwellings. A proportion of the parish lies within the High Weald AONB, with the countryside outside of the designated area valued by the community for its attractiveness².
- 2.5 The planning application has been submitted by Rodway Planning Consultancy Limited on behalf of FCP Land 3 Limited and Haywards Heath Golf Club Limited.

¹ Lindfield and Lindfield Rural Neighbourhood Plan paragraph 2.2

² Lindfield and Lindfield Rural Neighbourhood Plan paragraph 2.07

The application claims that the site is “*available, suitable and achievable*”³. Enplan understands that the availability of the land for development cannot currently be confirmed. This is evidently a matter of considerable public interest and goes to whether the site is actually deliverable.

- 2.6 In preparing this review and representation Enplan has considered the submitted application documents (as revised) and Environmental Statement. We have reviewed the responses of the statutory and other consultees where these were available at the time of writing and we have also reviewed the letters of objection and support prepared by members of the public, as available on the Planning Portal as of 9th April 2020.
- 2.7 The views and opinions expressed in this consultation response represent those of the two Parish Council’s.

³ Planning Statement paragraph 1.4

3.0 MAIN ISSUES

Planning Policy and Housing Land Supply

Development Plan and Decision-Making

- 3.1 The Development Plan comprises the Mid Sussex District Plan 2014-2031 (MSDP), adopted 2018, and the Lindfield and Lindfield Rural Neighbourhood Plan 2014-2031 (LLRNP). Together with the National Planning Policy Framework (the Framework), these plans and the emerging Site Allocations Development Plan Document (SADPD) and various Supplementary Planning Documents issued by Mid Sussex District Council, provide the planning policy context for determining the application.
- 3.2 The MSDP is recent and accordingly provides an up-to-date set of planning policies. For decision-making purposes this means that the policies of the MSDP, together with the NPPF, should, in our view, be given full weight.
- 3.3 The emerging SADPD is at a relatively early stage. The Regulation 18 Consultation took place in October-November 2019. Following the consideration of responses, the District Council's Scrutiny Committee for Housing, Planning and Economic Growth has recommended that Council approve the sites proposed in the Draft submission version of the SADPD. A date for the meeting of Council is awaited. In our view, the emerging SADPD should be given some weight.
- 3.4 The LLRNP was 'made' in 2016 and is to be read in conjunction with and to complement the saved policies of the District Council's 2004 Local Plan, now replaced by the MSDP. It includes a number of its own land use policies, such as the 'Spatial Plan for the Parish', which remain relevant for decision-making purposes. In our view, the policies of the LLRNP should be given full weight.
- 3.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all applications are to be determined in accordance with the Development Plan unless material considerations dictate otherwise. Planning decisions should apply a presumption in favour of sustainable development and applications that accord with an up-to-date Development Plan are to be approved without delay (paragraph 11 (c) of the Framework). This policy guidance on the primacy of the Development Plan in decision-making is also reflected in paragraph 47 of the Framework.
- 3.6 The application site lies outside of the defined built-up area boundary for Haywards Heath and Lindfield and is, therefore, part of the countryside for planning consideration purposes and the application site is neither wholly nor a part of any

current or emerging allocation for development. Accordingly, the development proposals are contrary to the Development Plan. Any case for permission to be granted will need to demonstrate that the development proposals are not only sustainable but, moreover, that material considerations dictate that up-to-date policies can be overridden. As the Framework states, at paragraph 12:

“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

- 3.7 At paragraph 8, the Framework defines three overarching objectives for the planning system to contribute to achieving sustainable development; these are economic, social and environmental and requires that planning decisions should apply a presumption in favour of sustainable development. The Planning Statement that accompanies the application concludes that whilst falling outside of the built-up area it would be positioned close to the settlements of Lindfield and Haywards Heath, would represent high quality development, would not have an undue impact on the “wider vicinity” and would constitute sustainable development. However, in our view, no compelling reasons exist (or have been provided by the applicant) whereby up-to-date and emerging policies of the Development Plan should be set aside in favour of this development proposal, as detailed below.

Five Year Housing Land Supply

- 3.8 We have considered the response of the District Council’s Planning Policy Team to the application. The District Council currently considers that it has a five-year housing land supply and relies on a December 2019 planning appeal decision at London Road, Bolney. Furthermore, in February 2020 the Ministry for Housing, Communities and Local Government (MHCLG) confirmed that the District Council had achieved 95% in the Housing Delivery Test and, accordingly, has demonstrated that it is delivering its housing requirement.

3.9 That the District Council is able to demonstrate a five year supply would not appear to be disputed by the applicants in the Planning Statement, although there is reference to the District Council's position being "*unconfirmed*"⁴; a point the Planning Policy Team's response firmly refutes. The applicants' case is essentially that the development proposals "*would bolster the Council's housing land supply position, and in doing so, would accord with the Government's intention of boosting the supply of housing*"⁵ and would offer considerable public benefits through the quantity of housing provision. Whilst the grant of approval would undoubtedly bolster the District Council's housing numbers, the Government's requirement is for Local Planning Authorities to supply a minimum and, in our view, the District Council should not be persuaded to release a large countryside site where this would be contrary to a raft of other policies and no compelling reasons exist to override these.

National Planning Policy Framework

3.10 Other relevant parts of the Framework include selected paragraphs within Section 8: Promoting healthy and safe communities, Section 9: Promoting sustainable transport, Section 11: Making effective use of land, Section 12: Achieving well-designed places, Section 14: Meeting the challenge of climate change, flooding and coastal change, Section 15: Conserving and enhancing the natural environment and Section 16: Conserving and enhancing the historic environment.

3.11 In addition to the above, the Planning Statement highlights paragraphs 83 and 84 of the Framework in Section 6: Building a strong, competitive economy⁶. In our view, neither paragraph is relevant, as these are directed towards proposals for rural businesses and rural locations for new businesses.

3.12 The Planning Statement addresses Section 8: Promoting healthy and safe communities. Paragraph 97 of the Framework states:

"Existing open space, sports and recreation buildings and land, including playing fields, should not be built on unless:

- a. An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*

⁴ Planning Statement paragraph 6.17

⁵ Planning Statement paragraph 6.3

⁶ Planning Statement paragraphs 5.16 and 5.17

- b. *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c. *The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

3.13 The Planning Statement concludes that UK golf clubs are suffering a decline in membership numbers and that rising costs threaten their existence and goes on to say that in the case of Haywards Heath Golf Club the lease will expire in December 2022, will not be renewed by Haywards Heath Golf Club Limited and the golf club will close. Notwithstanding the issue of the lease and any potential future closure, the use of the land as a golf course would continue. The onus on the applicants now is to provide an assessment which clearly demonstrates that the golf course use is “*surplus to requirements*”. This is something they have failed to address and, accordingly, the proposals are contrary to Paragraph 97 (a) of the Framework. The Planning Statement sets out the steps that the applicants have taken in an attempt to secure an alternative facility at the end of the current lease period⁷. It would appear that this facility is not as yet secured. Moreover, if this alternative was to be an existing golf course facility, the proposal would fail part (a) of paragraph 97 and, as there is no case made that the alternative would be replaced by the equivalent of better in terms of quantity and quality, the proposals fail to comply with paragraph 97 (b). In respect of part (c), whilst the proposals allow for some recreational provision, there is suggestion that these would satisfy the requirements of part (c). We note that Sport England raise the same concerns in their consultation response, in respect of paragraph 97.

Local Plan Policies (Mid Sussex District Plan)

- 3.14 The District Plan sets out the overall development strategy for the district including how to meet the housing needs the Plan. It identifies (under Policy DP7) four strategic housing allocations, namely, Northern Arc, Burgess Hill (3,500 dw), Kings Way, Burgess Hill (480 dw), Pease Pottage (600 dw) and Hassocks (500 dw).
- 3.15 Policy DP6 (Settlement Hierarchy) states that development will be permitted within towns and villages with defined built-up area boundaries. The policy goes on to state

⁷ Planning Statement paragraph 6.35

that outside defined built-up area boundaries, the expansion of settlements will be supported where:

- *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dw; and*
- *The site is contiguous with an existing built up area of the settlement; and*
- *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

3.16 Policy DP12 seeks to protect and enhance the countryside in recognition of its intrinsic character and beauty which reflects the guidance at paragraph 170 (b) of the Framework. The policy states that *'development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and (i) it is necessary for the purposes of agriculture; or (ii) it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.*

3.17 Policy DP15 allows for new homes to be built in countryside locations but these are strictly limited to a number of exceptions including for those persons who need to be in countryside for employment reasons, for example, those engaged in agriculture or forestry.

3.18 Policy DP16 concerns the High Weald Area AONB and states that *'development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'* The proposals are outside (but close to) the AONB and the impacts upon it are considered below.

3.19 Policy DP21 deals with transport and requires that development proposals should take account of a number of matters including:

- (i) *Whether the scheme is sustainably located to minimise the need for travel;*
- (ii) *Whether appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities*

for secure and safe cycle parking, have been fully explored and taken up;

- (iii) Whether the scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- (iv) Whether the scheme protects the safety of road users and pedestrians.*

3.20 Public rights of way are an important and valued recreational resource. Accordingly, Policy DP22 requires their protection by ensuring that new development does not result in the loss of or does not adversely affect a right of way or other recreational routes unless a new route is provided which is of at least an equivalent value and which does not sever important routes.

3.21 Policy DP37 deals with trees, woodland and hedgerows and requires their protection, particularly ancient woodland and aged or veteran trees. The policy states that *‘development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.’*

3.22 Policy DP38 (Biodiversity) requires that development protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.

Site Allocations Development Plan Document (DPD)

3.23 Policy DP4 of the District Plan commits the Council to prepare a Site Allocations Plan to identify appropriate new housing and employment sites to further meet the residential and economic needs of the district as set out in the MSDP. The Plan has reached the Regulation 18 stage and is due to go out to consultation. The plan making exercise included a ‘Call for Sites’ from landowners and developers to enable all of the sites to be considered and assessed.

3.24 The application site was put forward at this stage and was promoted for some 630 dwellings. It was included in one of the Council's growth options (the higher growth Option 3) and assessed against the Plan's Sustainability Appraisal objectives as well as the spatial strategy of the District Plan. The Council decided to progress a lower growth option and considered that other sites in Haywards Heath and Burgess Hill performed more strongly than the application site and were more closely aligned to the overall spatial strategy. In addition, the Council's assessment identified a number of negative impacts of the application site, including its distance from local services & facilities, and biodiversity impacts.

Neighbourhood Plan (Lindfield & Lindfield Rural NP 2016)

3.25 The LLRNP was 'made' in 2016 and is to be read in conjunction with and to complement the saved policies of the District Council's 2004 Local Plan, now replaced by the adopted District Plan. It includes a number of its own land use policies, such as the 'Spatial Plan for Parish', which remain relevant for decision-making purposes.

3.26 Policy 1 establishes the key spatial policy and which supports development proposals within the two settlement boundaries of Lindfield and Scaynes provided that the development is appropriate in scale, massing, and character. The effect of the policy is to confine housing and other development proposals to the established built up area boundaries unless they are appropriate to a countryside location.

3.27 The Plan recognises that a number of large housing schemes have been approved in the area which will make a significant contribution to meeting the housing needs of the District.

Highways

3.28 We note the Highway Authority (West Sussex CC) in their consultation response (dated 17th March 2020) raises a large number of significant issues with the transport and highway proposals as submitted. In summary they are as follows:

- They identify that the Transport Assessment (TA) modelling, supporting the application, was ultimately being undertaken for the purpose of promoting the site through the ongoing SADPD for a scheme of 630 dwellings, less than the quantum applied for, and WSCC do not accept that the difference is not significant;
- There are no traffic flow diagrams provided showing solely traffic distribution from the 725 dwelling proposal. These are required to show what links and junctions will need to be appropriately modelled;

- As the information is not available at this time WSCC cannot comment on the effects on individual junctions. Notwithstanding this, WSCC consider that the modelling provided indicates a potentially significant increase to flows on Copyhold Lane and increased flows along this and at its two junctions '*would be undesirable*'.
- Access by walking in the TA indicates that a range of services are indicated close to the 2km limit. WSCC considers, that as a round trip, these distances make walking an unattractive option;
- Very limited consideration has been given to cycling routes, however, overall WSCC consider that the site is not best located to encourage walking and cycling which does not accord with Section 9: Promoting sustainable transport of the Framework;
- The TA deals with sustainable modes of transport at a very high level, whereas it should be identifying, and where necessary delivering, other sustainable transport improvements;
- The applicant should be seeking to make improvements to those public rights of way that lead from the site towards services for future residents;
- WSCC are seeking further information as to high level proposals to potentially extend the existing bus service;
- WSCC highlight that the TA provides a brief overview of the design of the diversion route for High Beech Lane, whereas a full design audit is necessary, which sets out design philosophy and standards to be applied;
- Notwithstanding the need for a design audit, WSCC have concerns with the proposals as submitted, including that the design does not show how the diversion would tie into High Beech Lane at the southern end;
- The proposals do not show the approved access for planning permission DM/17/2271 and must be shown not to be detrimental to this approved access;
- Reference is made to the new link road being designed to a 30mph speed limit with reference made to the design following the Design Manual for

Roads and Bridges, whereas it should primarily be Manual for Streets. The layout consequently is conducive to encouraging higher speeds, which is a concern;

- WSCC questions whether the priority right turns are necessary, these lead to a significant widening of the road;
- A long section should be provided to demonstrate the gradients;
- The northern tie in with High Beech Lane is unacceptable as shown;
- The layout shows a 30mph restriction on High Beech Lane although it is unrestricted at this point. The combination of the junction layout, posted speed limit, and limited forward visibility to the proposed closed section is a significant safety concern;
- The transition at the northern tie in must be altered so as to make it apparent that the new link road is the through route. It should be quite clear what the intention is for the existing section of High Beech Lane that is to be bypassed by the new link road; and
- WSCC conclude that “*There are a number of matters relating to highway capacity, sustainable access, and the design of the new link road that would need to be addressed prior to further formal comments being offered*”.

3.29 We have significant concerns about the likely significant increase in traffic flows and the highway safety on the narrow, rural Copyhold Lane and its junctions with High Beech Road/College Road, to the east, and with Beech Hill Road, to the west. In particular, the right turning movement from Copyhold Lane onto Beech Hill Road is wholly inadequate with poor visibility. Copyhold Lane has no footways but is part of a promoted National Trail (High Weald Landscape Trail) and is, therefore, pedestrian use is actively encouraged

3.30 We also have significant concerns about the increase in traffic flows and highway safety of High Beech Lane itself. This has a relatively narrow carriageway between the site and Portsmouth Lane, for a distance of about 300m, and has only a single narrow footway on the west side of the road. The existing footway standard is, in our view, so poor as to make pedestrian use of it, from the new development to services in the town, not only unattractive due to the round trip distances, but also in terms of the perception of whether it is a safe route to walk. The narrowness of this part of

High Beech Lane may also affect the willingness of some cyclists to use it, given the increase in traffic.

- 3.31 Consequently, in our view, the proposal would have an unacceptable impact upon the local highway network and highway safety. Furthermore, in the absence of sufficient information to determine otherwise, the proposed highway works are considered to be unacceptable.

Landscape and Visual Effects

- 3.32 The site is in a countryside location, close to, but not in the High Weald AONB, although it is within the High Weald National Character Area (NCA 122). It is considered to lie within the setting of the AONB by the High Weald AONB Unit (see their consultation response dated 19th March 2020), which the High Weald AONB Management Plan 2019-2024 defines as being “*the surroundings in which the AONB is experienced by people*” and states that the Plan applies not only to its designated area but also to its setting, “*especially where the setting falls within the High Weald National Character Area*”. The Plan highlights the legal context of the term ‘setting to the AONB’ and states (at page 21):

“The term ‘setting’ is used to refer to areas outside the AONB where development and other activities may affect land within an AONB. Its extent will vary depending upon the issues considered but some can be mapped, for example, the impact of development on views into and out of the AONB. Section 85 of the CROW Act 2000 requires public bodies to consider whether any activities outside the AONB may affect land in an AONB, and Planning Practice Guidance (Natural Environment: 003) emphasises that this duty is relevant in considering development proposals that are situated outside the AONB boundary. Not all activities will be detrimental; conservation practices and economic ties outside the AONB can support AONB purpose”.

- 3.33 Additionally, the Planning Practice Guidance (PPG) states:

“Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining

*the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account*⁸.

- 3.34 The LVIA section and appendices of the Environmental Statement⁸ and the Planning Statement do not adequately address the potential for visual effects of the development on locations within the AONB and the potential for landscape character effects on the setting of the AONB, or on the AONB itself, in the context of paragraph 172 of the Framework. There is no analysis of the potential Zone of Theoretical Visibility (ZTV) of built form, allowing for vegetation, on the application site. In particular, the proposed 2.5 storey housing shown close to the highest part of the site and 2 storey housing on the highest point (as per the latest parameters plan). If the ZTV was to identify that built form it would potentially be visible from within the AONB, publicly accessible viewpoint locations should be identified, and assessments undertaken as to the magnitude and significance of the visual effects. Assessments as to the landscape effects on the AONB and its setting should also be provided. In our view, furthermore, it is probable that built form would be visible from within the AONB and potentially against the skyline in some views, although we accept that such views may be relatively distant and few. This further environmental information should be requested by the District Council from the applicants in order that the District Council can form a view in respect of its duties under the CROW Act 2000. This information should be re-consulted on, prior to any decision taken by the Council.
- 3.35 In this context, we are aware that the High Weald AONB Unit does not raise an overall objection to the proposals but seeks a significant amendment to the scheme and recommends that *“any built development on the application site should be contained south of the ridgeline followed by Sandridge Lane”*. A similar point is made by the County Landscape Architect in which she recommends *“that whilst some development could be acceptable in the southern part to the site, the proposal for high numbers and high density across the whole site area would have an unacceptable impact on local landscape character and views”*. Subject to the content and findings of the further environmental information, we object to the proposals on the grounds of effects on the character and appearance of the AONB and its setting and we concur with the High Weald Unit, that should the Council be minded to grant approval that it does so for an amended scheme.

⁸ Environmental Statement Volume 2: Chapter 12: Landscape and Visual Impact

- 3.36 We note that the LVIA concludes that the magnitude of the effect on the landscape character of the golf course, would be *Major* adverse at completion, giving rise to *Moderate/Major* effects (in respect of their significance), reducing to *Moderate* adverse after 15 years and *Moderate* effects (in respect of their significance). The assessor considers that the maturing planting would assist the scheme to integrate into the surrounding landscape in time. In our view, the magnitude of change from a golf course landscape to a suburban residential ‘townscape’, rather than a landscape, would be so substantial that it would remain a major and significant effect in perpetuity. We accept that visual effects may reduce, over time, as a result of maturing vegetation but the change in landscape character of the site would be absolute and incapable of being mitigated to any material degree.
- 3.37 Notwithstanding this assessment, the LVIA of the ES does not provide a landscape character impact assessment of the effects beyond the site itself, on the wider local landscape character areas, in particular on the two host character areas (Area 9 *Ouse Valley* and 10 *High Weald Fringes*). There is no assessment provided of the effects on the key characteristics of these local landscapes or of the High Weald NCA. This is a significant shortcoming of the assessment and further environmental information should be required by the District Council and the material re-consulted on, to allow parties to understand the consequences and significance of the change to the character areas.
- 3.38 The visual impact assessment section of the LVIA is cursory, lacks virtually no supporting evidence for the assessments established and, as presented, does not comply with the methodology set out at Appendix 12.2 in a wide number of respects. Consequently, as drafted it does not meet the Guidelines for Landscape and Visual Impact Assessment, 3rd Edition, and a full visual impact assessment should be requested by the District Council, in the form of further environmental information and that this material be re-consulted upon. In respect of the summarised findings in ES Volume 2 section 12.6, these fail to identify the location of any of the receptors identified other than to group these into ‘Close views from around the site’ and ‘Middle-Longer Distance views from around the site’ and the identified magnitude of visual effects range from “*No change to Major*”. These outcomes are so broad as to be of no value to the reader without specific reference to the locations and specific assessments of magnitude and significance of the effects at these locations and extent of area over which the range of effects would occur. Typical of the

inadequacy of the visual impact assessment is the visual impact table at Appendix 12.3 This provides the results of the visual assessments for just three viewpoints (photo locations 5, 8 and 9), none of which actually provide a view of the site and the proposed development, and all of which realise a *No change* magnitude of effect and *No change* in terms of significance. There are a range of locations on and outside of the site, some of which are identified by the photo viewpoints selected, which would provide views of the proposed development but none of these have been selected for the visual impact assessment to support the findings on overall visual effects.

- 3.39 In summary, the LVIA section of the ES is inadequate in respect of the areas detailed above, its findings are cursory and not based on a sufficiently robust evidential base, and it is, therefore, unreliable.
- 3.40 In our view, there would be significant and permanent adverse landscape effects to the site and the two host landscape character areas. Whilst it is accepted that the site is a landscape that is largely uncharacteristic of the High Weald NCA and of the two host landscape character areas, its topography is characteristic, and it is relatively well-treed. It is also largely open and free from development. Its development would be substantially more and wholly uncharacteristic than the present condition. In respect of the landscape effects on the character and appearance of the AONB and its setting, further information is requested but there is the potential that there could be an adverse effect on the AONB. Whether this would be significant or not, is to be determined on the basis of the further environmental information. We are also of the view that there would be significant, permanent and adverse visual effects on high sensitivity receptors (i.e. people using the Public Rights of Way network) within the site; short to midterm, visual effects on people using a range of Public Rights of Way outside but close to the site; and potentially, subject to the provision of the requested further environmental information, some less significant but still material adverse effects on people within the AONB to the north.
- 3.41 Accordingly, we consider that the proposed development would conflict with Paragraphs 8 and 170(b) of the Framework, in that it would fail to recognise the intrinsic character and beauty of the countryside; it may conflict with Paragraphs 170(a) and 172 of the Framework, subject to the submission and analysis of further environmental information; and it would conflict with Policy DP12: Protection and Enhancement of the Countryside of the MSLP, in that it would fail to protect the countryside in recognition of its intrinsic character and beauty and would have

significant, permanent and adverse effect on the *High Weald Fringes* and *Ouse Valley* landscape character areas.

Ecology and Nature Conservation

- 3.42 The Ecology and Nature Conservation assessment, set out at Chapter 10 of the Environmental Statement, concludes that the existing habitats present on the application site have low nature conservation value and that the predicted impacts from habitat loss would be neutral overall, with the adoption of mitigation measures. The relatively low value of the site is not surprising given it is a well-maintained and relatively compact golf course, without any semi-natural habitats. However, the assessment does recognise that the development has the potential to affect various species, some of which are protected, such as bats, breeding birds, Dormice, Great Crested Newt, reptiles and Hedgehog.
- 3.43 Most significantly, the application site in part lies immediately adjacent to Wickham Wood, which is Ancient Semi-Natural Woodland, Ancient Replanted Woodland and a Local Wildlife Site (LWS), also to Whisky Woods, which is also mostly Ancient Semi-Natural Woodland and the woodland along the northern boundary and woodland within the golf course are included within the Priority Habitat Inventory as deciduous woodland. The assessment concludes that the proposals have the potential to result in adverse impacts to the Wickham Woods LWS and the Ancient Woodland sites neighbouring the site, including temporary impacts during construction (e.g. dust deposition), disruption to the hydrology, watercourse pollution/sedimentation, physical effects on the boundary habitat, through noise and human disturbance. In the absence of mitigation, the ES considers that these impact mechanisms have high potential to result in adverse effects to the woodland ecosystem and that *“The severity of the impacts through recreation pressure is uncertain but given the large scale of the proposed scheme, could be significant up to a district level in the absence of mitigation”*⁹.
- 3.44 A 15m buffer is proposed along the boundary with boundary with the Ancient Woodland sites, in accordance with current Government guidance. This is the minimum guideline buffer with many nature conservation bodies preferring buffers of more than twice this depth. Other mitigation proposals include the planting of

⁹ Environmental Statement: Chapter 10: Section 10.6.3

vegetation within the buffer areas to deter informal access, but the ES accepts that there would be an increase in recreational usage through the existing Public Right of Way network and the potential for significant effects remains. The ES considers this to be significant at a local level.

3.45 The application site lies 7.57km from the Ashdown Forest SAC and SPA, accordingly there is the potential for effects from nitrogen deposition and recreational trips. The application includes a Shadow Screening Assessment for consideration by the District Council in their role as the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), in completion of a Habitats Regulations Assessment. This concludes that the impacts will not result in significant effects. We note that Natural England does not object.

3.46 In our view, the residual and long term local significant effect to the Ancient Woodland habitats adjoining the site fails to comply with the requirements of Paragraph 175(c) to prevent the deterioration of irreplaceable habitats (such as Ancient Semi-Natural Woodland and other designated Ancient Woodland, and the proposals are also in conflict with Policies DP37 and DP38 of the MSDP by virtue of the harm that would be caused.

Other Environmental Issues

3.47 The ES concludes that these would be no significant effects in respect of air quality, noise and vibration, water resources and flood risk, archaeology and cultural heritage and waste. There would be predicted benefits to socio-economic and human health issues.

4.0 CONCLUSIONS

- 4.1 The planning application comprises a major development of some 725 dwellings, with community and retail facilities on the Haywards Heath Golf course site. The proposals are submitted in outline with all matters reserved save for the access arrangements off High Beech Lane. The site lies outside the built-up area of Haywards Heath as defined in the adopted MSDP and its not identified for housing in the 'made' 2016 Neighbourhood Plan. It is therefore in conflict with, inter alia, policies DP6 and DP12 of the MSDP and the spatial vision of Policy 1 of the LLRNP.
- 4.2 The District Council is able to demonstrate an up to date 5-year supply of housing land and therefore there is no need for additional housing to meet the district's needs. In short, there are no compelling reasons to depart from the up to date policies of the development plan that require that the application site be retained as countryside.
- 4.3 In addition to the overarching policy objections, there are a number of other objections to the proposed development. These include impacts upon the local highway network and highway safety and the generally poor accessibility of the proposed housing to a range of community and local services.
- 4.4 We consider that the LVIA section of the submitted ES is inadequate, its findings are cursory and not based on a sufficiently robust evidential base, and it is, therefore, unreliable. In our view, there would be significant and permanent adverse landscape effects to the site and the two host landscape character areas in conflict with development plan policies and paragraphs 8 and 170 (b) of the Framework.
- 4.5 In respect of the landscape effects on the character and appearance of the AONB and its setting, further information is requested but there is the potential that there could well be an adverse effect on the AONB. Whether this would be significant or not, is to be determined on the basis of the further environmental information.
- 4.6 With regard to public rights of way, we consider there would be significant, permanent and adverse visual effects on high sensitivity receptors (i.e. people using the PROW network) within the site; short to mid-term, visual effects on people using a range of Public Rights of Way outside but close to the site.
- 4.7 Overall, the scheme is wholly unsustainable and contrary development plan policies. It has recently been assessed as part of the SADPD plan making exercise and has not been allocated in the draft plan for sound planning reasons. There are no compelling reasons to override the development plan policies and therefore the application should be recommended for refusal and planning permission refused.