

# High Weald Joint Advisory Committee

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High Weald  
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*Working together to care for an Area of Outstanding Natural Beauty*

Horsham District Council

Emailed to [Sam.Whitehouse@horsham.gov.uk](mailto:Sam.Whitehouse@horsham.gov.uk)

30<sup>th</sup> July 2026

Dear Sirs

**DC/26/0671 Outline Application for a development of up to 120 dwellings (including 45% affordable) with all matters reserved except for access.**

**Land Off Old Crawley Road Faygate West Sussex**

Thank you for consulting us on the above application.

In summary, the High Weald National Landscape Unit objects to this proposal on the following grounds:

- The proposal is considered to constitute major development under NPPF para 190 and there do not appear to be exceptional circumstances in favour of the proposal, hence in accordance with para 190, permission should be refused;
- Without prejudice to the in-principle objection, the proposal would fail to conserve and enhance the natural beauty of the High Weald National Landscape (HWNL) and would therefore be contrary to NPPF 189; the scale, extent and location of the residential development would conflict with the settlement pattern of the area, and would result in a significant encroachment of residential development into fields and countryside in the HWNL beyond the clearly perceived edge of the settlement boundary. Development of the site would constitute a highly significant and intrusive break of the boundary line of the High Weald National Landscape, jumping over as it would from the present clearly defined urban character of the built settlement of Horsham (outside the designated HWNL), into the rural character of the HWNL to the north-east. The proposal would thereby result in an urbanising development within the HWNL countryside, causing the loss of the open field which contributes positively to the landscape character, and having a significant adverse impact on the landscape character of the HWNL, contrary to objectives S1, FH2, and PQ2 of the High Weald AONB Management Plan.
- The development of the site would adversely impact on rural habitats and ecology of the HWNL, including disturbance to priority woodland to the east of the site, and impacts on local wildlife including protected species such as bats, contrary to objective W2 of the High Weald AONB Management Plan.
- For all these reasons, the proposed development would fail to conserve and enhance the natural beauty of the HWNL and would therefore be contrary to NPPF 189.

Each of the above summary points is expanded in more detail below.

It is the responsibility of the Local Planning Authority to decide whether the application meets legislative and policy requirements in respect of National Landscapes (AONBs). Section 85 of the Countryside and

## One of the National Landscapes family

Anglesey  
Arnside and Silverdale  
Blackdown Hills  
Cannock Chase  
Chichester Harbour  
Chilterns  
Clwydian Range  
Cornwall  
Cotswolds  
Gower  
Cranbourne Chase and Dee Valley  
West Wiltshire Downs  
Dedham Vale  
Dorset  
East Devon  
Forest of Bowland  
Howardian Hills  
**High Weald**  
Isle of Wight  
Isles of Scilly  
Kent Downs  
Lincolnshire Wolds  
Llyn  
Malvern Hills  
Mendip Hills  
Nidderdale  
Norfolk Coast  
North Devon  
North Pennines  
North Wessex Downs  
Northumberland Coast  
Quantock Hills  
Shropshire Hills  
Solway Coast  
South Devon  
Suffolk Coast and Heaths  
Surrey Hills  
Tamar Valley  
Wye Valley

Rights of Way Act 2000 requires local authorities to **seek to further the purpose of conserving and enhancing the natural beauty of AONBs** in making decisions that affect the designated area.

Conserving and enhancing the natural beauty of the High Weald National Landscape (HWNL) will normally mean avoiding harm, and conserving and enhancing the character components identified in the AONB Management Plan; supporting the Management Plan Objectives as set out for each of these; and following any Management Plan Actions set out for each.<sup>12</sup>

Paragraph 189 of the NPPF requires that: “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues” and that **“the scale and extent of development within these designated areas should be limited”**.

Paragraph 190 of the NPPF states that, within National Landscapes, **“permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.”**

The [High Weald AONB Management Plan 2024-2029](#) is adopted by all the relevant local authorities with land in the High Weald National Landscape as their policy for the management of the area and for the carrying out of their functions in relation to it, and is a material consideration for planning applications affecting the HWNL.

### **Principle of the Development**

We believe the application should be considered ‘major development’ in the context of paragraph 190 of the NPPF as a result of the potential for the nature, scale and setting of the application to have a significant adverse impact on the natural beauty for which the area has been designated as an AONB (NL), consisting as it does of up to 120 dwellings and associated infrastructure, within the High Weald National Landscape, on an undeveloped agricultural field, outside the built confines of the settlement of Horsham.

Action (h) of the ‘Settlement’ section of the High Weald AONB Management Plan sets out that public bodies should *‘Pursue landscape-led positive planning approaches to settlement planning and housing delivery in the AONB, **seeking to prioritise the delivery of new housing primarily through small-scale development consistent with AONB character**’*.

Para 190 sets out that permission should be refused for major development in AONBs other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

With regard to NPPF para 190, we note the Exceptional Circumstances report submitted by the applicant, however, whilst it is for the decision-maker to assess whether or not ‘exceptional circumstances’ exist, we would highlight that previous appeals have found that the significant need for housing in a particular district is not exceptional as it reflects what is happening elsewhere in southern England, and that exceptional *need* does not necessarily equate to exceptional *circumstances*.<sup>3</sup>

Moreover, in a recent dismissed appeal decision for major development within a National Landscape in Devon (June 2026), the Inspector, in considering exceptional circumstances for major development in a National Landscape concluded (Decision Notice paras 87-93) that *“in general terms I consider the push for housing by this current Government cannot be said to be an unusual or rare circumstance that is determinative for this case”*, and that with regard to housing need and shortfall in supply *“These factors though do not necessarily equate to an unusual or rare circumstance justifying major development in this designated landscape. Rather, they are commonly found in numerous council areas across the country”*. In

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<sup>1</sup> [Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes - GOV.UK](#)

<sup>2</sup> [CRoW-s.85-duty-guidance-for-LPAs\\_NLA-Briefing-Nov-24.pdf](#)

<sup>3</sup> This principle is recognised in relevant case law (R (Mevagissey Parish Council) v Cornwall Council [2013] EHC 3684 (Admin) (link), paragraph 52):

dismissing the appeal, the Inspector concluded that “*Consequently, as exceptional circumstances have not been demonstrated and the scheme would not be in the public interest, I find that planning permission for this major development should be refused under the Framework.*”<sup>4</sup>

While we acknowledge the contribution the proposed housing would make towards the District’s housing targets, and that HDC cannot currently demonstrate a 5 Year Housing Land Supply, nevertheless it is important to recognise that national planning policy and guidance does not require development that causes harm to nationally designated landscapes;

- For plan-making, NPPF para 11 (b) (i) allows for strategic policies in Local Plans to provide for a housing requirement *less* than the housing need, where the application of other NPPF policies that protect areas or assets of particular importance (including those related to National Landscapes i.e. 189 and 190) provide a strong reason for restricting the overall scale, type or distribution of development in the plan area, and
- For decision-making, NPPF para 11 (d) (i) sets out that the presumption to grant planning permission where there is no up-to-date development plan, does not apply where the application of policies in the Framework that protect areas or assets of particular importance (including those related to National Landscapes i.e. 189 and 190) provide a strong reason for refusing the development proposed.

This is backed up by the NPPG, which sets out that, with regards to National Landscapes:

*‘The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process...’*

Paragraph: 041 Reference ID: 8-041-20190721

The important distinction between **Local housing need** (calculated using the mandatory standard method) and the **housing requirement** that goes forward in a Local Plan is further clarified in para 69 of the NPPF, and in the NPPG:

*“The standard method set out below identifies a minimum annual housing need figure, ... It does not produce a housing requirement figure.”* (Paragraph: 002 Reference ID: 2a-002-20241212)

and:

*“The housing requirement is the minimum number of homes that a plan seeks to provide during the plan period. Once local housing need has been assessed, as set out in this guidance, authorities should then make an assessment of the amount of new homes that can be provided in their area. This should be justified by evidence on land availability, constraints on development and any other relevant matters.”* (Paragraph: 040 Reference ID: 2a-040-20241212)

With regard to the matter of unmet need from Crawley Borough Council, also referred to by the applicant in their Planning Statement, and their Exceptional Circumstances Report, we would highlight that the NPPG also clarifies that

*“The National Planning Policy Framework makes clear that the scale and extent of development in these areas [National Landscapes] should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and **they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas.**”* (Paragraph: 041 Reference ID: 8-041-20190721)

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<sup>4</sup> [Reference: APP/U1105/W/26/3377572](#)

We understand that the site was not included in the Horsham Borough Council Local Plan Reg 19 submission version, which was considered at Examination Hearings earlier this year, but has been included in the Council's Schedule of Proposed Main Modifications currently out to public consultation (13/7/26 to 24/8/26). We will be submitting a response to that consultation, specifically in relation to objecting to the allocation of this site, for similar reasons as set out in this letter, and setting out that we consider its inclusion would therefore make the Plan unsound.

Due to the fact that public consultation on the Local Plan Main Modifications has not yet concluded, and therefore that representations on the proposed Main Modifications have not been considered by the examining Inspector, we consider that a site proposed in emerging Local Plan Main Modifications should carry very limited weight in planning decisions. In finalising their report, the inspector may alter or reject proposed Main Mods (including new allocations), and relevant in this case is the conflict between the proposed allocation and paras 189, 190 and 11 (b) (i) of the NPPF, and the consequential issue of soundness.

We would also take this opportunity to highlight that we disagree with the premise of the HDC Landscape Capacity Assessment (2021) referred to in the applicant's Planning Statement; we consider that Assessment failed to give sufficient weight to the statutory designation in assessing site sensitivity and site capacity, it failed to reference or consider the High Weald AONB Management Plan - as a statutory document that sets out the natural beauty of the High Weald National Landscape, this is a critical omission in a landscape assessment methodology. Meanwhile Table 4 of that Landscape Capacity Assessment erroneously introduces a 'two tier' value scoring for land within designated landscapes, of 'High' and 'Moderate-High' – in fact the Landscape Institute's GLVIA3 Notes & Clarifications 2024, point 5(7) confirms that *'Landscape value within nationally designated landscapes should be at the highest level (e.g. expressed as high/ very high/ of national value)'*. To amplify the error, the Assessment Summary table in the Landscape Capacity Assessment for the site in question (part of 'Local Landscape Area 17') goes on to define the site as being only of 'moderate' landscape value, entirely contradicting the GLVIA guidance for designated landscapes. Cumulatively, we consider these errors and emissions have resulted in that Assessment Table to incorrectly conclude that the site has moderate capacity for medium scale housing.

Lastly, with regard to the principle of the development, we disagree with the Applicants' interpretation of the previous dismissed appeal for planning application DC/20/0470 (APP/Z3825/W/21/3266503), specifically with regard to the Inspector's conclusions regarding the value of the site in the HWNL. Whilst the Inspector did, in para 20 of the Decision Notice, find that the site forms part of the least tranquil area of the HWNL, lacking the sense of intimacy and remoteness of the inner parts of the AONB Areas (as referenced in the Applicant's Planning Statement (paras 6.4.3 and 6.4.34), importantly the Inspector went on in that same paragraph to find that *"Nonetheless, local and more distant views reveal that the appeal site does reflect important elements of AONB and NCA/LCA character. Specifically, there is a sense of the complex and well-connected mosaic of woodland and field structure which evokes an essentially rural and human scale character, from which the outstanding beauty of the AONB is said to stem."* The Inspector then concluded, in para 38 of the Decision Notice, that *"On this basis I find that the significant harm to the landscape and visual qualities of the site means that the proposal would not conserve and enhance the landscape and scenic beauty of the High Weald AONB."* While the moderate to high adverse effects the Inspector identified he found *particularly* associated with the eastern field, nevertheless he gave no indication that he found no adverse effects associated with the western field, and no indication that he would find development on the western field acceptable. We therefore do not consider the Inspector's Decision Notice as giving any support for the development of the current application site (the 'western' part of that appeal scheme).

In view of the specific adverse impacts of the application scheme which we expand on below, we consider, under the provisions of NPPF para 11 (d) (i), that paras 189 and 190 of the NPPF provides a clear reason for refusing the development as proposed.

### **Analysis of the Proposal Against the High Weald AONB Management Plan**

The Management Plan Statement of Significance defines what makes the High Weald special and identifies the qualities that justify its designation as a nationally important landscape. The High Weald's natural beauty is described by eight key components of character around which the Management Plan is structured, including Objectives for each component.

Of particular relevance to this proposal are the following Management Plan Objectives:

- Settlement S1: *To protect the historic pattern and character of settlements.*
- Woodland W2: *To protect and restore the ecological quality and functioning of woodland at a landscape scale.*
- Fieldscape & Heath FH2: *To maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands.*
- Fieldscape & Heath FH3: *To protect and enhance the ecological function of field and heath as part of the complex mosaic of High Weald habitats.*
- Dark Skies DS1: *To preserve the dark skies of the High Weald AONB by minimising light pollution, obtrusive external lighting and internal light spill from domestic, commercial and public premises in both existing and new developments within the High Weald, and from highways lighting.*
- Dark Skies DS2: *To protect wildlife and habitats from light pollution across the High Weald.*
- Aesthetic & Perceptual Qualities PQ2: *To protect the unspoilt rural landscape with its intrinsic sense of naturalness, valued views, and the extent of green space which foster experiences of rurality and tranquillity.*

The High Weald AONB Housing Design Guide (2019) seeks to support the High Weald AONB Management Plan, and particularly objectives S1 and S2 of the Settlement Character Component of the Management Plan. The Guide aims to give succinct, practical and consistent advice to set clear design expectations for new housing development within the HWNL, to help to ensure higher quality and landscape-led design that reflects intrinsic High Weald character, and is embedded with a true sense of place, without stifling innovation and creativity.

Without prejudice to the in principle objection set out above, the detailed impacts of the proposed development are considered below.

### **Impacts of the proposed residential development on Settlement and Landscape Character**

Settlement is one of the eight key defining components of the natural beauty of the High Weald National Landscape set out in the Management Plan, and objective S1 is underpinned by the following rationale: *To protect the distinctive character of towns, villages, hamlets and farmsteads and to maintain the hinterlands and other relationships (including separation) between such settlements that contribute to local identity.*

Meanwhile objective PQ2 is underpinned by the following rationale: *To prevent the loss of contained green space, glimpsed and long views, and tree-canopied skylines, especially regarding developments that fringe existing settlements in the High Weald, which would impinge on people's perception of greenness and rurality.*

This site is approximately 4.9 ha. and currently comprises an undeveloped, agricultural field which slopes down away to the north, away from the settlement boundary. It lies north of New Moorhead Drive, which forms the current northernmost boundary of the built form of Horsham in this location, and is bordered on its western edge by the Crawley Road (B2195), and on its northern edge by Old Crawley Road. Despite its proximity to the built settlement of Horsham, the site sits within a clearly agricultural landscape in the

HWNL, particularly when travelling south-west along Old Crawley Road, and is bound on its south eastern side by Birches Wood, designated as Priority deciduous Woodland under the Natural England Priority Habitats Inventory. The open nature of the application site, its verdant boundaries, and its highly legible woodland boundary to the south-east, contributes positively to the character and appearance of the area and the connection of the settlement of Horsham to its landscape setting.

On the east side of Crawley Road (B2195), New Moorhead Drive provides a clear delineation of the built settlement to the south, and the undeveloped, rural landscape of the HWNL to the north, a delineation that is highly tangible from Crawley Road on leaving Horsham and travelling northwards.

The application site is located at the western extremity of the designated HWNL, and development of the application site would constitute a highly significant and intrusive break of the boundary line of the HWNL, jumping over as it would from the present clearly defined built settlement of Horsham, into the HWNL to the north-east. The designated AONB (HWNL) boundary was drawn in its location for a reason; to demark the change from urban character to rural character. Encroachment with built development beyond that clear line would threaten the integrity of the rural area of the HWNL, and undermine the rationale of drawing the boundary line around the eastern edge of Horsham, such that the natural beauty of the HWNL would not be conserved or enhanced.

We consider the proposed residential development of the site, consisting of 120 dwellings along with associated infrastructure, would significantly erode the rural character and the aesthetic and perceptual qualities of this part of the HWNL; it would result in the encroachment of residential development beyond the strongly defined and perceived edges of the settlement boundary here, and would introduce a significant amount of built development with associated roads, domestic paraphernalia, light spill etc into the presently undeveloped field, resulting in an urbanising and uncharacteristic incursion into the rural landscape, and causing the loss of the open field which contributes positively to the rural landscape character of the HWNL. Such impacts would be contrary to Objectives S1, FH2, and PQ2 of the High Weald AONB Management Plan. We do not consider that the harms identified to the landscape character and natural beauty of the HWNL of development of this site could be mitigated, relating as those harms do to the principle of development in this location.

It is noted that this is an outline application, and details of the layout and appearance would be considered at a reserved matters stage (should outline permission be granted), however, the proposal would inevitably result in the site being changed from open grassland to one of built residential development, and the harms we have identified above would therefore apply regardless of subsequent reserved matters.

It is also considered that the proposed development would have a number of detrimental indirect impacts on the woodland which abutts the east of the site, and which is designated as Priority Woodland under the Natural England Priority Habitats Inventory. The High Weald AONB Management Plan sets out that woodland is a key character component of the HWNL. These detrimental impacts include disturbance from noise, domestic activity and lighting resulting from the proposed large residential development, which would have individual and cumulative damaging effects on this intrinsically dark woodland. Known effects of disturbance include reduced breeding success and population viability in a range of species. Such impacts would be contrary to Objective W2 of the HW AONB Management Plan.

We are also concerned by the reference to that *'The development would be lit'* (Table 5 LVIA); whilst the detail of this again would be a matter for a subsequent reserved matters application, nevertheless if the principle of street lighting is being introduced at this stage as an intrinsic part of development, then we would be concerned about the introduction of streetlighting into a presently unlit part of the HWNL; while there are 3no. existing lighting columns on Crawley Road on the western boundary of the site, both Old

Crawley Road to the north of the site, and New Moorhead Drive, to the southern boundary of the site, presently have no streetlighting on them. To light the proposed residential development would result in the significant encroachment of streetlighting into the HWNL and, notwithstanding potential attempts to mitigate the lighting impacts, would inevitably have a highly urbanising and disruptive impact on both the rural landscape character and the dark night skies of the HWNL, exacerbating the impacts of the proposed residential development. The adverse urbanising effects of street lighting are set out in the AONB Management Plan, supported by objectives DS1 and DS2 of the Dark Skies Key Character Component.

For all the above reasons we disagree with the assessments in the LVIA Section 10 of the LVIA *'Assessment Against High Weald National Landscape (formerly AONB) Components of Character'*, specifically the conclusions for Objectives S1, S2, W2, FH2, and a number of the preceding paragraphs; 10.1.6, 10.1.10, and 10.1.12, which each misunderstand the breadth and remit of the relevant character component and associated objectives.

We are also concerned by a number of references throughout the LVIA, (including in summary paras 1.1.8, and 1.1.26, para 10.1.18, and para 11.1.13) to 'balance' of the loss of the field with 'enhancements' to the High Weald Key Landscape Characteristics. It is important to note that in assessing impacts of planning proposals on the HWNL, such impacts are not subject to any 'balancing' exercise – the AONB Management Plan Statement of Significance makes plain that *"Each core component of natural beauty is of equal and stand-alone importance in its own right, (i.e., they cannot be ranked) and any policy or action may be considered harmful to the AONB if it results in the loss of, or material harm to, any of these components of character."* We do not usually support any argument that habitat creation 'justifies' or 'offsets' any harms to the natural beauty of the HWNL caused by development, not least since such improved habitat is not predicated on, or contingent on, any development proposal, and the 'People & Access Principles And Investment Priorities' in the AONB Management Plan clarify that *"Pursuance of any of these priorities or actions should not involve harm to any of the character components set out in Part 1 of this Plan."*

For similar reasons, we disagree with the suggestions in the applicants' submitted Exceptional Circumstances report regarding 'Landscape and environmental enhancement' in para 1.3 and 3.7, that the proposed new planting, BNG, public open space and habitat connectivity (also referenced in pars 2.2.150 – 2.2.155 inclusive and para 3.5) would be *'thereby conserving and improving the High Weald Environment and exceeding relevant Management Plan objectives'*; for the reasons in the above paragraph of this response, such works are in no way considered to excuse or justify the identified harms to the natural beauty of the HWNL of the proposed residential development, and the conflict with Management Plan Objectives as set out above in this response.

Lastly, we fundamentally disagree with the suggestion in the LVIA para 11.1.1 that *"The Site therefore is considered less sensitive and more able to accommodate development which has been sensitively designed"* as *"this 'outer part' of the National Landscape does not display all of the key attributes or components of character of this designated landscape."* It should be noted that in dismissing the previous appeal the Inspector concluded, in para 36 of the Decision Notice, that *"The fact that Horsham does not itself possess the natural beauty of settlements fully embedded within the AONB, and that this is an outer part of the AONB, are not primary considerations when assessing landscape and visual impacts. The appeal site is within the AONB."* We agree with the previous Inspector's position on this; it should be noted that the whole of the HWNL is designated and protected for the summation of its outstanding natural beauty, not on any form of graded scale.

For the above reasons, the proposed residential development is considered therefore, by virtue of its scale, extent and location, to represent a discordant, suburbanising intrusion into an area of presently undeveloped countryside which contributes positively to the character and natural beauty of the HWNL,

contrary to objectives S1, W2, FH2 and PQ2 of the High Weald AONB Management Plan. As such, the development of the site would not conserve or enhance the landscape and scenic beauty of the HWNL, to which the NPPF para 189 ascribes 'great weight'.

#### Site Layout

It is noted that this is an outline application, with all matters reserved apart from access. However, an Illustrative Site Layout drawing (No. 2126/PL.05 Rev J and PL.06) along with an Illustrative Parameter Plan drawing (No. 2026/PL.04 Rev E) and a Design & Access Statement have been included in the submission, which aim to illustrate how the quantum of residential development in the outline application could be accommodated and disposed across the site.

Whilst matters such as layout would of course fall to be considered at a future reserved matters stage, (should outline permission be granted), nevertheless, in view of this information being submitted we would highlight that the single-entry point, cul-de-sac illustrative layout represents the very type of impermeable, unconnected layout described and pictured as inappropriate on page 14 of the High Weald Housing Design Guide (Design ThemeDG2: *Connecting Beyond the Site*) which sets out that it is important for new development to sit successfully as an integrated piece of the existing settlement, rather than a separate 'estate' that people travel into, and that dead-ends are uncommon in High Weald settlement patterns, and not in keeping with the historic character, and that dead-ends/cul-de-sac arrangements are therefore to be avoided in the design of new developments.

#### Impacts on ecology (including BNG comment)

Furthermore, it is considered that the introduction of development of this site would adversely affect important ecology and habitats of the HWNL, including disturbance to the priority woodland to the east of the site, and impact local wildlife including protected species such as bats.

Bat surveys and automated static recordings at the site (described in the submitted Ecological Impact Assessment report) recorded eight species including Barbastelle and Serotine bats between May and September 2022. It is worth noting that Barbastelle bats are a rare woodland bat, and listed as Near Threatened on the global IUCN Red List of Threatened Species, and both these species are listed as vulnerable to extinction in the GB Red List for mammals. All bat species in the UK are protected fully under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2017 (as amended), making them European Protected Species.

The Ecological Impact Assessment report (para 4.4.2) suggests that '*The presence of barbastelle bats using the woodland edge for foraging purposes or as a commuting route means the development could have a significant negative impact at the local level in the absence of mitigation.*' Urbanisation and light pollution are understood to have serious negative effects on barbastelle bats, which are declining in numbers, and are known to be extremely sensitive to artificial lighting.

All bat species are sensitive to light and noise disturbance, which effects foraging activity, breeding and roosting. We consider the proposed development would reduce the current quality of the habitats used by bats on site to forage and commute, due to introduced high levels of disturbance including light pollution. We do not consider that would be mitigated by the proposed 15m woodland buffer along the edge of Birches Woodland, a Priority Habitat Inventory deciduous woodland which runs along and abutting the southeast boundary of the site, and referred to in the Ecological Impact Appraisal (para 3.4.5) as providing high value foraging habitat for bats as part of a wider network.

With regard to the submitted BNG information, in summary, we are concerned that:

- The baseline BNG calculations do not include the ditch, field margins and individual trees as identified in the Ecological Impact Assessment, and

- The proposed 'other neutral grassland' running around the perimeter of the site in a narrow strip is unlikely to deliver real world benefits for nature and is considered an over estimation of what would realistically be achieved on site.

Failure to accurately identify all existing habitats on site risks an incorrect baseline biodiversity unit score in the BNG Metric, that may have implications for the overall net gain score:

- a. The BNG assessment does not appear to include a number of on-site trees, which should be included in the baseline calculations. These include trees identified in the Arboricultural Impact Statement as 16, 17 and 18 which although would be removed if the application were approved still require inclusion in the BNG Metric. Trees 21 and 21a in the southwest of the site have also not been included.
- b. A ditch has been identified in the Ecological Impact Assessment running 265m along the northwest boundary. Ditches are recognised within the BNG Metric, there are separate codes depending on whether the ditch is dry or wet for a certain number of months per year. Given the EIA ditch description, the length may need dividing dependent on the dryness/wetness of different parts of it, and scored appropriately in the BNG metric. Currently 234m is listed in the linear baseline features BNG Metric spreadsheet, it is unclear where the other 31m are included in the Metric.
- c. Arable field margins were identified in the Ecological Impact Assessment. Whilst narrow and of low species diversity, these margins should still be identified in the BNG Metric.

Meanwhile, it is unclear how the areas of 'other neutral grassland' in moderate condition will be managed and maintained because the post-development narrow linear form and siting of this grassland type would be heavily shaded by hedges, scrub and new planted trees, is likely to be encroached by scrub and is therefore highly unlikely to produce the desired outcome, especially along the northern side. It is unclear how this grassland would be delineated and managed accordingly from the wider amenity/modified grassland, such as in the northern part of the site, and how it would be managed sandwiched as it is proposed between fencing and encroaching scrub on the southeastern side.

Lastly under BNG, we would note that the species mix listed for use for the other neutral grassland (Emoresgate EM3) as noted in the submitted HMMP and mentioned in the submitted Landscape Access & Design Statement suggests a number of species not characteristic of High Weald grasslands, including field scabious, viper's bugloss and bladder campion, among others. These species are more commonly associated with chalky soils or free draining neutral soils. The heavy clays of the Weald would not suit many of these species. Any seeding of grassland for biodiversity in the High Weald should be seeking to use local seed mixes rather than generic seed mixes.

The above comments are advisory and are the professional views of the HWNL Unit's Officers on the potential impacts on the High Weald landscape. They are not necessarily the views of the HWNL Joint Advisory Committee.

Yours sincerely,

Diane Russell BSc Hons Dip Arch PgDip Arch Cons

Planning & Design Advisor, High Weald National Landscape Unit

*Advising on an outstanding medieval landscape; connecting people, protecting beauty, restoring soils and nature.*

## Appendix 1: National Planning Policy for Areas of Outstanding Natural Beauty

The National Planning Policy Framework (NPPF) 2024 paragraph 189 requires **great weight** to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation of wildlife and cultural heritage are important considerations in all these areas. **The scale and extent of development within these designated areas should be limited**, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Paragraph 190 says “When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development<sup>60</sup> other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

Consideration of such applications should include an assessment of:

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

Footnote 67 says: “whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined”. **It is recommended that the case officer undertakes a clear and transparent assessment of whether the proposal is major development, using the key characteristics and landscape components of the National Landscape as set out in the Management Plan.**

NPPF paragraph 11 explains the presumption in favour of sustainable development. Part d says that where there are no relevant development plan policies or the relevant ones are out of date (for instance in applications involving new housing where there are housing supply or delivery deficits) then permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed<sup>7</sup>; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

National Landscapes are listed in footnote 7 and the most relevant policies in the Framework are paragraphs 189 and 190. A recent court of appeal case<sup>5</sup> confirms that, if a proposal’s impact on an AONB (NL) is sufficient to provide a clear reason for refusal under NPPF 189 or 190, then the presumption in favour (or ‘tilted balance’ expressed in ii) above) should be disengaged. The decision-maker should therefore conduct a normal planning balancing exercise, applying appropriate weight to each consideration, to come to a decision. This will of course include giving great weight to the National Landscape as required by NPPF 189.

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<sup>5</sup> Monkhill Limited vs Secretary of State for Housing, Communities and Local Government and Waverley Borough Council Case No: C1/2019/1955/QBACF

## Background Information about the High Weald National Landscape (AONB)



**N.B. From November 22<sup>nd</sup> 2023, all AONBs are to be known as National Landscapes. The High Weald National Landscape remains designated an Area of Outstanding Natural Beauty and is referred to as such in legislation. The statutory purpose “to conserve and enhance the natural beauty of the designated landscape” remains unchanged.**

The High Weald was designated in 1983 as an Area of Outstanding Natural Beauty. It is an exceptionally beautiful medieval landscape covering 564 square miles across the counties of East and West Sussex, Kent and Surrey.

The High Weald National Landscape Joint Advisory Committee is a partnership established in 1989 of 15 local authorities, Defra, Natural England and organisations representing farming, woodland, access and community interests. The JAC is responsible for publishing and monitoring the statutory AONB Management Plan. The JAC is supported by a small, dedicated staff team, the High Weald NL Unit, which provides advice on how to conserve and enhance the NL. The advice provided by the NL Unit assists public bodies and statutory undertakers to meet their duty as set out in Section 85 of the Countryside and Rights of Way Act 2000 **to seek to further the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect it.**

The High Weald NL Unit is not a statutory body but an advisory one. It is not a local planning authority and the responsibility for determining planning applications remains with the 15 local authorities. The HWNL Unit is not a statutory consultee on planning matters and it remains each local planning authority's decision whether or not they seek its advice on a particular planning application.

The scope of the advice in this letter is set by the statutory High Weald [AONB Management Plan](#), which has been adopted by all partner authorities, as ‘their policy for the management of the area and for the carrying out of their functions in relation to it’.