



47 Denmans Lane
Lindfield
Haywards Heath
West Sussex
RH16 2JN

Via e-mail to: WSCC
FAO: Lucy Harding

31st October, 2017

Re RE: Pre-application Request for Waste Development - Haywards Heath

Dear Lucy,

Thank you for consulting the Gardens Trust about the above pre-application. The GT have contacted Sussex Gardens Trust since we are familiar with the site. We have now looked into the matter more fully and visited the site, which we already know very well.

Summary

Sussex Gardens Trust has a fundamental concern about depositing waste in the middle of a Grade II* Registered Park. Sites with such a statutory designation have the same weight in policy terms under the National Planning Policy Framework (NPPF) as scheduled monuments and listed buildings. In NPPF terms, they are 'designated heritage assets', with those registered at Grade I or Grade II* identified as being 'of the highest significance'.

Background

An outline planning application for housing development at Penland Farm was submitted in 2013 (Mid Sussex 13/03472/OUT). SGT representatives held a meeting with the applicant Re visual harm including tree belts on the site itself and planting in the Borde Hill Grade II* RPG on the opposite side of the road - the very spot where waste disposal is now proposed (another disposal site is shown on the plan further north). The applicant made changes to the Landscape Management Plan as a result, but SGT still objected. The LPA refused permission but the developer appealed and the appeal was upheld.

The site was sold on and in 2016 the new owner, Red Row, made a full planning application with many changes (Mid Sussex DM/16/1803). SGT made further comments. We asked that

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any approval include provision for a financial contribution to planting in the RPG (which was shown in the updated Landscape Management Plan for Borde Hill included with the application - see extract in the Annex and full document attached).

Analysis

The main problems with this type of disposal are that the existing qualities of the land are either destroyed or compromised by the import of poor quality spoil; the natural landform and ecology is changed; drainage is affected and subsequent management does not respect the special treatment required to bring the affected land into long term successful use. The recipient site would need to be very carefully managed with existing surface and sub-surface material separately stripped, stored aside and then replaced over any infill.

It is a complex process and these issues need to be fully considered through the pre-ap process and the application, should it materialize, should comprehensively describe the methods of working to be used.

The applicant is describing the material as 'soil' and the disposal as 'incorporating this material into the agricultural operations' within the RPG site. The infill material is highly unlikely to comprise purely 'soil' but will be site excavation material that will include sub-soil and subsurface clay, rock and sand typical of the geology of the area. This type of material will significantly modify the sub-surface characteristics. This could impact on the success of any planting.

There is an existing Landscape Management Plan submitted with the approved Penland Farm Planning Application (Mid Sussex DM/16/1803). We would expect any full application for waste disposal to include an updated LMP including new planting to achieve the objectives included in the earlier plan (see Annex).

The NPPF advises on the considerations to be taken into account in making a decision, with 'great weight' to be given to conservation of designated heritage assets. By considering the significance of a park or garden, and the impact of a proposal upon it, the LPA must determine whether the proposal will result in 'substantial harm to or loss of' a heritage asset, or 'less than substantial harm', and apply the relevant policy accordingly. It should be noted that 'substantial harm to or loss of a Grade II ... park or garden should be exceptional' and, in respect of Grade I or II* parks or gardens (such as Borde Hill) , 'wholly exceptional' (NPPF, para. 132 –134).

Using this site for disposal has obvious economic advantages to the developer through reduced transport costs and small landfill site charges. However, it is highly unlikely that the

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works would in any way visually enhance the RPG and difficult to see how the proposed activities could offer any other benefit to the registered area. In the short term there are bound to be adverse visual impacts on the RPG and the wider landscape located in the High Weald AONB. Even if the restoration work is properly specified and implemented it may be many years before the visual harm is ameliorated.

Yours faithfully

Jim Stockwell.

On behalf of the Sussex Garden Trust.

CC: The Gardens Trust

PS

Dear Lucy

There is one further aspect that I have only just realised.

In June 2017 Mid Sussex DC settled a S106 Agreement. This included an obligation on the parties to implement the Landscape Management Plan I attached to my earlier e-mail.

Moreover clause 8 of the S106 Agreement stipulates that none of the dwellings may be occupied until the planting shown in the Landscape Management Plan has been completed to the satisfaction of the District Council.

It seems to me that disposing of waste as envisaged by the applicant would delay the planting for some years and hence delay occupation of the properties. You might wish to point this out to them.

The S106 Agreement is available from the Mid Sussex Planning Register.

Kind regards

Jim Stockwell

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Extract from Landscape Management Plan included with Approved Planning Application Mid Sussex DM/16/1803

- Area A - 200 sq m native mix 25 plants
- Area B - 500 sq m native mix 60 plants
- Area C - 2,500 sq m native mix 300 plants
- Area C1 - 800 sq m native + specimens 90 plants (75+15)
- Area D - 1,200 sq m native + cedars + specimens on edges 135 plants (100+25+10)
- Area E - 1,000 sq m specimen 20 plants
- Area F - 900 sq m specimen group 15 plants
- Area G - 600 sq m specimen 12 plants
- Area G1 - 1,200 sq m specimen conifers 15 plants
- Area H - 3,750 sq m native + specimen + cedars 400 plants (34)
- Area I - 900 sq m specimen 20 plants



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Project Name
**BORDE HILL GARDENS
 HAYWARDS HEATH**

Drawing Title
LOCATION OF ADDITIONAL PLANTING

Surf	Date	Description	Checked	Day/Month/Yr
Revisions				
Scale	1/2000	Media/Drawers	Drawn	13/02/20
Project No	1025	Drawn	Checked	AR/00