

High Weald Joint Advisory Committee

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Working together to care for an Area of Outstanding Natural Beauty

West Sussex County Council

Emailed to Edward.Anderson@westsussex.gov.uk

25th March 2024

Dear Mr Anderson,

WSSC/007/24 - Staplefield Wastewater Treatment Works, Cuckfield Road, Staplefield, West Sussex, RH17 6ES. Installation of Integrated Constructed Wetland (ICW) and associated infrastructure.

Thank you for consulting us on the above application.

In summary, whilst we raise no objection to the principle of the scheme, we consider that a number of minor amendments/clarifications to the submitted scheme are required in order to ensure the works conserve and enhance the natural beauty of the AONB.

It is the responsibility of the Local Planning Authority to decide whether the application meets legislative and policy requirements in respect of AONBs. Section 85 of the Countryside and 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'. A summary of the national planning policy for AONBs is appended to this letter.

Paragraph 182 of the NPPF requires that: "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues."

The [High Weald AONB Management Plan](#) has been adopted by all the relevant local authorities with land in the AONB 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.

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 five key components of character around which the Management Plan is structured, including objectives for each component.

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

Of particular relevance to this proposal are Management Plan Objectives:

- G2: *To protect and enhance soils, sandstone outcrops, and other important landform and geological features.*
- FH2: *To maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands.*
- FH3: *To enhance the ecological function of field and heath as part of the complex mosaic of High Weald habitats.*

The proposal, to create an 'Integrated Constructed Wetland', comprises the creation of a series of four wetland cells in an existing arable field to the east of the existing Wastewater Treatment Works, along with a network of access tracks for servicing. Narrow embankments proposed between the wetland cells would be approximately 2m above existing ground level and formed of the spoil generated from the excavation of the wetland cells. The embankments and wetland are proposed to be planted with mixed native species. It is understood that no additional fencing / security fencing around the field is proposed, other than temporary fencing around the construction compound.

Impact on character of area

The submitted site sections demonstrate that the design has sought to minimise the impact on the landform of the AONB by setting the cells into existing contours, with only very minimal cut-and-fill where necessary. The residual embankments proposed, by virtue of their limited height and scale, are not considered to constitute a harmful alteration to landform of the AONB, and in this regard the works are not considered to be contrary to Objective G2 of the AONB Management Plan.

However, the proposal includes a network of access tracks for maintenance and land ownership access. It is not clear how these tracks are to be constructed, and it is advised that the LPA request further information regarding the proposed track construction prior to determination. The tracks should be of permeable construction, to avoid impermeable hardstanding being introduced into the field that would adversely impact on natural beauty; the AONB Management Plan includes a specific action pursuant to Object G2, '*protect undisturbed soils and minimise sterilisation of soils by permanent impermeable surfaces*'.

We make no comment on the technical aspects of the proposal in terms of impacts on the water courses of the High Weald as that is a matter for the Environmental Agency.

Proposed Planting

The proposed wildflower species list is not entirely appropriate for the clay soils of the High Weald and instead contains a number of species more suitable for a chalk landscape. The mix needs reconsidering accordingly, and should be specified as local provenance 'Weald Native Origin Seed' which retains the genetic composition and character of the High Weald's grasslands and is better adapted to the Weald's soils and climate. Further, in Table 2 of the Planting Plan, the Rowan (*Sorbus Acuparia*) is not suitable for a wetland site.

Whilst it is noted the wetland planting is proposed with plug plants, we advise that the grass and wildflower planting to the embankments should also be plug plants rather than seed, to avoid potential run-off and loss of seed.

The section of hedgerow H2 that is to be removed to provide access to the temporary site compound, should be replanted with an appropriate native hedge mix specification once construction is completed – the plans should either be amended to confirm this prior to determination, or this should be secured by condition.

Lighting

It is understood that the only external lighting proposed is a PIR task light fixed to the new MCC kiosk which is to be located in the existing Wastewater Treatment Works compound. The light will be directed to ground level immediately around the vicinity of the MCC kiosk door only. In principle this should not lead to any adverse impact on the dark skies of the High Weald AONB, however, it would be prudent to add a condition to any permission granted for details of proposed lighting to ensure it meets the requirements of ILP Environmental Zone E1, as appropriate for AONBs, with regard to CCT, ULR and angle of fixing, along with clarification as to how PIR lighting would not be triggered by wildlife movement during the night.

Summary

Once amendments are received in response to the above, and in the event that the Local Planning Authority considers that the development is acceptable in principle, it is recommended that the following detailed requirements are met by the imposition of planning conditions:

- Controls over lighting (including with regard to the comments above) should be imposed to ensure that any external lighting is designed to Institute of Lighting Professionals light control zone E1 standards, to protect the intrinsically dark night skies of the High Weald AONB (Management Plan objective OQ4);
- Local habitats and species should be protected and enhanced as appropriate and conditions applied to prevent loss of existing habitats including hedgerows (Management Plan objectives G3, R2, W1, W2, FH2, and FH3);
- Soft landscaping should comprise native, locally sourced plants and seeds, to support local wildlife and avoid contamination by invasive non-native species or plant diseases in the High Weald (Management Plan objective FH3). (see comments above).

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

Yours sincerely,

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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) 2023 paragraph 182 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 183 says “When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development⁶⁰ 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 60 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 AONB 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 clear reason for refusing the development proposed⁷; 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”.

Areas of Outstanding Natural Beauty are listed in footnote 7 and the most relevant policies in the Framework are paragraphs 182 and 183. A recent court of appeal case¹ confirms that, if a proposal’s impact on an AONB is sufficient to provide a clear reason for refusal under NPPF 182 or 183, 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 AONB as required by NPPF 182.

¹ 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 22nd 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 policy, legislation and guidance. The statutory purpose “to conserve and enhance the natural beauty of the designated landscape” remains unchanged. To be consistent with the NPPF, we will still be referring to the AONB in planning consultation responses.

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 AONB Unit, which provides advice on how to conserve and enhance the AONB. The advice provided by the AONB 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 AONB 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 AONB 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’.