

Joanne Fisher

From: [REDACTED]
Sent: 23 July 2026 12:11
To: Joanne Fisher
Cc: [REDACTED]
Subject: DM/26/1760 — Foxhole Farm, Bolney: representation on discharge of S106 obligations (compliance & PSED)

[REDACTED]
Dear Ms Fischer

Re: DM/26/1760 — Land at Foxhole Farm, Foxhole Lane, Bolney — discharge of the S106 obligations (approval of the Affordable Housing Scheme and Play Area Site Location Plan) under outline permission DM/25/1129

I understand this submission is not open for public comment through the planning portal. I am nonetheless writing to draw the Council's attention, before it approves these details, to three matters going to compliance with the executed Section 106 Agreement dated 18 November 2025 ("the S106") and to the Council's Public Sector Equality Duty. I would be grateful if this were placed on the application file and before the Responsible Officer for Housing.

1. Omission of the M4(3) Wheelchair Accessible Units. Paragraph 1.1 of Part One of the Second Schedule requires 4% of the affordable units to be Wheelchair Accessible Units, defined in Part Two as one 2-bed/4-person house (min 103m²) and one 3-bed/5-person house (min 121m²) built to M4(3). The submitted scheme is annotated M4(2) throughout and contains no M4(3) units — it substitutes a lower standard for the one the S106 requires. This clause transcribes adopted Policy DP28, which mandates M4(3) for "generally 4%" of affordable homes, so its removal is also a departure from the development plan. The pre-application comment (DM/26/0645) that wheelchair units are "not necessary... limited demand" is not a lawful mechanism for varying a signed obligation; only a Deed of Variation or a s.106A application can do that. I ask the Council not to treat the scheme as compliant on this point, to confirm what formal variation mechanism (if any) is proposed, and to record in writing how it has discharged its duty under s.149 Equality Act 2010 before approving.

I spent much of my career battling against those who fail to fully take accessibility needs into account, so that the very first thing done post grant of outline planning permission is to reduce the accessibility of the scheme particularly perturbs me.

2. Affordable size mix. Cala's own table reduces 4-bed affordable provision from 25% to 5%. Paragraph 1.1 permits departure only in "broad conformity" and requires the mix to be "agreed in writing by the Responsible Officer for Housing"; no such written agreement is included. I also note Cala's stated Second Schedule figures sum to 116%, so the baseline itself needs correcting. Please require the Responsible Officer's written agreement before the scheme is accepted.

3. Play Area Site Location Plan. Drawing 0817/26/A/30 shows six areas (two LEAPs, four LAPs) where the S106 defines four (2 LEAP + 2 LAP, 0.15ha). Please confirm the total area still meets the 0.15ha minimum, that each LEAP meets the 400m² minimum, and that the revised layout remains consistent with the illustrative masterplan considered at outline stage.

I would be grateful for acknowledgement that this has been received and placed on the file. I intend to make formal representations on these matters at the Reserved Matters stage in any event.

All details to the best of my knowledge.

Yours faithfully,

[REDACTED]
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Sent with [Proton Mail](#) secure email.