

## **OBJECTION — RESERVED MATTERS APPLICATION DM/26/1961**

██████████ Weald Chase, The Street, Bolney, West Sussex. RH17 5PF · 4 September 2026

FAO Joanne Fisher, Case Officer, Planning Department, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex RH16 1SS

**Application DM/26/1961 — Approval of Reserved Matters (appearance, landscaping, layout and scale) following outline permission DM/25/1129, for the erection of 198 dwellings (including 60 affordable), community orchard, public open space and infrastructure; and discharge of conditions 7, 12, 16, 17, 26, 30, 36, 37 and 41. Land at Foxhole Farm, Foxhole Lane, Bolney.**

### **1. Scope of this objection — and what is not objected to**

I object to this Reserved Matters application. This is a reserved matters submission, so I do not re-argue the principle of development, the quantum of up to 200 dwellings, or the site access — all of which were settled by the outline permission and its parameter plans, and none of which I contest. Nor do I object to the intended affordable tenure split (25% First Homes / 75% Affordable Rent) — which the Council's Housing Enabling Officer is separately asking the applicant to correct at discharge stage on DM/26/1760, the submitted plans currently showing 16 First Homes and 44 rented rather than 15 and 45 — nor to compliance with the Nationally Described Space Standards, or the biodiversity net gain (which the metric puts well above the 10% minimum), each of which otherwise appears to accord with the outline permission and the Section 106 Agreement dated 18 November 2025 ("the S106"). I also welcome, and do not object to, the commitment in the Energy & Sustainability Statement to air-source heat pumps and roof-mounted photovoltaics across all 198 dwellings — subject to two things. It should be secured by condition rather than left to build-out; and the photovoltaic commitment should be quantified, since the Statement gives no panel area or output per dwelling, leaves the specification to later assessment, and commits to designing roofs for panels only "where practicable", which is a qualification broad enough to absorb the commitment. I ask that any approval fix the extent of the provision rather than the intention.

My objection is confined to the reserved matters actually submitted (appearance, landscaping, layout and scale) and to the application's compliance with the outline conditions and the S106. The grounds below weigh individually and cumulatively. Because the application also seeks to discharge nine conditions that are simultaneously the subject of a separate, undetermined application (DM/26/1962), and relies on details common to the undetermined S106 discharge (DM/26/1760), it should not be approved in a way that pre-empts the proper resolution of those matters.

### **2. Affordable housing — the omitted M4(3) Wheelchair Accessible Units, the M4(2) shortfall, and the distribution of the affordable homes**

**The M4(3) Wheelchair Accessible Units.** Part Two of the Second Schedule to the S106 requires 4% of the affordable homes to be Wheelchair Accessible Units. In the Deed's own words, that row requires "Wheelchair accessible houses comprising 1 x 2 BED / 4 PERSON HOUSE @ a minimum of 103m<sup>2</sup> and 1 x 3 BED / FIVE PERSON HOUSE @ a minimum of 121m<sup>2</sup> which comply with all of the requirements contained in Part M(4)(3)(1)(a) and (b) and Part M(4)(3)(2)(b) [sic] for wheelchair accessible dwellings as contained in Category 3 – wheelchair user dwellings of schedule 1 of the Building Regulations 2010 as amended". The misplaced brackets in "M(4)(3)" are the Deed's own; its definitions clause and paragraph 4.1.4 of Part One write the same requirement correctly. The applicant's Planning & Affordable Housing Statement recites that requirement ("4% wheelchair accessible housing comprising 1 x 2 bed house and 1 x 3 bed house") and then states that "due to the site location no M4(3) units need to be provided."



The requirement is not merely contractual. It transcribes adopted Policy DP28 (Accessibility) of the Mid Sussex District Plan 2014–2031, which requires M4(3) wheelchair-user dwellings for “generally 4%” of affordable homes, and the adopted Affordable Housing SPD (2018) at paragraphs 2.46–2.49, which provides that wheelchair provision is to be secured by condition and demonstrated on the reserved-matters layouts. The Deed makes the SPD’s standards a covenant in terms: paragraph 4.1 of Part One of the Second Schedule requires the affordable units to be “constructed to a standard required to meet”, at paragraph 4.1.2, “the standards set out in the Affordable Housing SPD”. Condition 39 secures only M4(2); the M4(3) requirement therefore lives in the S106 and DP28/the SPD, and this application does not satisfy it.

The justification offered — “site location”, resting on an informal pre-application comment — is contradicted by the Council’s own SHMA (2024) evidence of significant and rising local need, and cannot lawfully displace a requirement already crystallised in a signed S106 and adopted policy. Nor is that advice open to scrutiny. It is a confidential pre-application enquiry (reference DM/26/0645, submitted 12 March 2026, the officer’s response issued 20 May 2026), cited in the application form and at paragraphs 6.53 and 6.85 of the Planning & Affordable Housing Statement, which does not appear on the Council’s public planning register as an application: a search of the register for that reference returned “no results” when I last ran it on 4 September 2026. Documents are held under that reference in the Council’s document store, but they do not include the Council’s own formal written response of 20 May 2026 — the covering email of that date, which is on that file, names it as the attachment “DM-26-0645 - Foxhole Farm - FINAL.pdf”. It is that response, and not the covering email, on which the “site location” justification rests, and it is that response which neither objectors nor members of the planning committee can read. Pre-application advice is in any event given without prejudice to the formal decision and does not bind the Council. I ask the Council to place the substance of that advice, and any caveats within it, on the public file so that the “site location” justification can be properly tested.

The applicant’s own publicly-documented record points the other way. The Design and Access Statement Part 1, in its Pre-Application Review Summary, records a meeting with the Council on 16 April 2026 at which “officers confirmed that detailed M4(3) accessibility specifications would be required” — after the enquiry submitted on 12 March 2026 and before the response of 20 May 2026 now relied on. The Statement reports both accounts without reconciling them, and does not say which represents the Council’s settled position. I do not press the two into a flat contradiction, because the pre-application ran over some weeks and a later view may have qualified an earlier one. The narrower point is enough: an applicant whose own Statement records officers as having required detailed M4(3) specifications cannot at the same time treat an officer’s contrary comment as putting the matter beyond argument — the more so when that Statement carries the only pre-application position anywhere on the public record. I ask the Council to state on this file which of the two is its position, and when it was reached.

As a public authority the Council must also have regard to its Public Sector Equality Duty (section 149, Equality Act 2010) before approving a scheme that removes wheelchair-accessible housing. And the justification is flatly inconsistent with the applicant’s own scheme. The same permission delivers, on this site, a purpose-built community building for Kangaroos, which the Council’s own officer’s report to committee describes as “a community building to be used by Kangaroos a charity established in the District who support children, teenagers and adults with severe learning disabilities and complex needs”. The Design and Access Statement Part 2 explains that “the proposed community hub will be single-storey, primarily to provide full accessibility for users, including those with mobility needs.” The applicant therefore designs expressly for full accessibility and mobility needs on this site, while asserting that the same site’s location removes any need for wheelchair-accessible homes. Both positions cannot hold.



I ask that the reserved matters not be approved while the affordable house types omit the M4(3) units, and that the point not be deferred: the house types and layout are before the Council now.

**The M4(2) standard.** On the lower M4(2) (accessible and adaptable) standard, the reserved matters separately do not identify the full 20% that condition 39 requires. The Design and Access Statement asserts “40no M4(2)” dwellings — the 20% of 198 that the condition requires — but the submitted Proposed Site Layout (SL.01 Rev A) and the Affordable Housing Layout (AHL.01 Rev A) each annotate only 28, some twelve short; and every one of those 28 lies within the affordable-housing clusters, not one of the 138 open-market homes being identified as M4(2). Condition 39 requires the M4(2) dwellings to be “identified in any subsequent reserved matters submissions,” so this falls to be resolved now rather than later. I ask the Council to require the full complement to be identified on the approved drawings, and properly distributed across the tenures, before the reserved matters are approved, and to reconcile the 40 asserted in the Design and Access Statement with the 28 shown on the layout drawings.

**Distribution of the affordable housing.** The adopted Affordable Housing SPD (2018) requires at paragraph 2.43 that affordable housing be “designed to a high standard and fully integrated into the overall scheme layout, in clusters of no more than ten dwellings ... rather than concentrated in one location”, the only exception being for high density flatted schemes, which this is not. (The SPD’s own cross-reference for that exception is to clause 2.49, which appears to be a slip: 2.49 concerns wheelchair provision, and the flatted exception is at 2.51.) Paragraph 2.50 applies the same maximum to flatted units, which must be “tenure blind and provided in small clusters, of no more than ten units around the development”. Paragraph 4.1.2 of the Deed, set out above, makes those standards a covenant, so this is not guidance the Council may set aside at reserved matters. The Deed’s definition of the “Affordable Housing Scheme” also requires any alternative scheme approved by the Responsible Officer for Housing to “in any event comply with the Affordable Housing SPD”; those words may be read as attaching only to that alternative scheme, and I do not press the wider reading, because the point does not depend on it.

Whether the layout meets that standard is a question this application squarely raises. The Affordable Housing Layout (drawing AHL.01 Rev A) shows fifteen of the scheme’s sixty affordable dwellings grouped together in one part of the site: three Affordable Rented houses at plots 126, 127 and 128, and two blocks of First Homes annotated “129 - 134” and “136 - 141”, the first served by the area the drawing marks “Amenity space for 129-134”. Taken separately they are groups of three, six and six, each below the maximum; taken together they are fifteen, standing within roughly twenty metres of one another — a distance I have scaled from the drawing at 1:500 rather than read from any dimension on it — with no market dwelling shown between them. In fairness to the applicant, the drawing does show separation of the kind paragraph 2.43 contemplates: a road runs between the block at 129 - 134 and the terrace at 126 to 128 on the one hand and the block at 136 - 141 on the other, and each building is served by its own parking court. But paragraph 2.43 asks not only whether a cluster exceeds ten, but whether affordable housing has been “concentrated in one location”, judged by, among other things, “where there is a degree of separation provided by roads, open space or landscape feature”. Whether what is shown is enough is a matter of planning judgement for the Council rather than for me — but layout is the reserved matter now before it, and this is the application at which the question falls to be answered.

### **3. Heritage — the applicant’s own assessment concedes harm to designated heritage assets, including the Grade I church**

The applicant’s Heritage Compliance Statement concludes (paragraphs 4.37–4.39) that the proposals cause a “low level of less than substantial harm” to the Grade II listed Walnut & Well Cottage and to the Bolney



Conservation Area, and that “an element of harm has been concluded” to the Grade I listed St Mary Magdalene’s Church, together with very low/low harm to three non-designated heritage assets (the Old Post Office, Providence Chapel and Bolney Place). This is the applicant’s own conclusion, not mine.

At reserved matters, the degree of setting harm is a direct function of the matters now before the Council — appearance, scale, layout and landscaping. The duties in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are therefore engaged in this determination, and, on Barnwell Manor and Policy HE6 of the National Planning Policy Framework (2026) — under which substantial weight must be given to a designated asset’s conservation (the more important the asset, the greater that weight: HE6(1)), and any harm is expressly “a matter of considerable importance and weight” (HE6(3)) — considerable importance and weight must be given to the conceded harm — the more so as it reaches a Grade I building, the highest category of significance. The Council should not approve the reserved matters unless satisfied that this design minimises the harm so far as possible and that, on the balance HE6(4) of the NPPF (2026) requires, “the effect on the asset and its significance” is outweighed by “any public benefits resulting from the proposal”, read with HE4(2), which requires any harm to have “a clear and convincing justification in accordance with the policies in this chapter”; the Statement does not demonstrate that the scale, heights and layout adjoining these assets have been optimised to that end. (I note in passing an internal error: paragraph 4.37 refers to the “Holy Trinity Conservation Area” while paragraphs 4.38–4.39 correctly refer to the Bolney Conservation Area.)

There is, moreover, a contradiction at the heart of the Conservation Area assessment which the Council should resolve before relying on it. The Heritage Compliance Statement rests its “low level of less than substantial harm” conclusion on the northern-boundary planting screening the development from the adjacent public right of way: at paragraph 4.25 it states there “will be no awareness of the development from the northern part of the conservation area, with vegetation planting and attenuation along the northern boundary obscuring views of the new development from the adjacent footpath.” Yet the applicant’s own Design and Access Statement Part 1, responding to the Design Review Panel’s call to enhance that same path, promises the opposite: that “the Public Right of Way will be integrated within a landscaped green corridor and overlooked by new homes, providing an attractive environment with natural surveillance.” A footpath that is “overlooked by new homes” for “natural surveillance” is, by definition, one from which the new homes are visible — which cannot be reconciled with vegetation “obscuring views of the new development from the adjacent footpath” so that there is “no awareness of the development.” Either the openness and surveillance promised to the Panel will be delivered, in which case the screening on which the heritage conclusion depends is compromised and the harm to the Conservation Area has been under-assessed; or the screening is delivered, in which case the design response to the Panel is not. The Council should require the applicant to reconcile the two, and — if the northern edge is to be overlooked to provide surveillance — to re-assess the Conservation Area harm on that basis, since the ss.66/72 duties and Policies HE5–HE6 of the NPPF (2026) turn on an accurate view of the harm.

Finally, the Council should ensure that the heritage-led design it fixes now cannot simply be undone by future permitted development. Because these houses lie in the setting of the Grade I church and the Bolney Conservation Area — not within the Conservation Area, where such rights are already curtailed — their occupiers would in the ordinary way enjoy permitted-development rights to enlarge the roof by a dormer and otherwise to alter it (Classes B and C of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015) — the works by which a loft conversion is carried out. I should be precise about what those rights permit, since the point is only as good as its accuracy: a Class B enlargement may not exceed the height of the highest part of the existing roof (Class B.1(b)) and may not extend beyond the plane of a roof slope forming the principal elevation and fronting a highway



(B.1(c)), so what is in issue is bulk in the rear and side roof slopes within the 40 or 50 cubic metre allowances, not a raised ridge. The upward-extension right in Class AA is not available to these dwellings at all, Class AA.1(c) excluding any dwellinghouse “constructed before 1st July 1948 or after 28th October 2018”, and I do not rely on it. On the plots whose roofs feature in the identified views to and from St Mary Magdalene’s Church and the Conservation Area — including the dwellings on the higher ground that the Design and Access Statement says should be kept low to protect those views — such roof alterations could materially increase the built form seen in those views and erode the very design the Council will have approved for heritage reasons. If the Council is minded to approve, I ask it to impose a condition removing the permitted-development rights in Classes B and C of Part 1 of Schedule 2 to the 2015 Order in respect of those heritage-sensitive plots, so that any such roof works require an express application at which the effect on the church’s and the Conservation Area’s setting can be assessed. Policy DM6(2)(c) of the National Planning Policy Framework (August 2026) is the provision directly in point, and it permits such a condition: conditions should not be used to “[r]estrict national permitted development rights unless there is clear justification to do so”. The statutory duties under sections 66 and 72, and the harm to a Grade I listed building and to the Conservation Area which the applicant’s own consultant concedes, are that justification. The restriction should nonetheless be targeted to the plots in the relevant views, so that it is also necessary and sufficiently precise in the terms Policy DM6(1) requires, rather than a blanket removal of rights across the whole site.

#### **4. Noise and residential amenity**

The applicant’s Noise Impact Assessment shows that the layout does not achieve acceptable conditions everywhere. Garden noise on plots 44 and 45 exceeds the 55 dB LAeq,16hr amenity target and can only be brought within it by 1.8m brick walls to those gardens. Internally, the assessment concedes that in parts of the north and south of the site the standards cannot be met with partially-open windows, so those dwellings must rely on closed windows with alternative (mechanical) ventilation and, for dwellings closest to the A272, enhanced acoustic glazing. A layout that requires homes to keep windows shut for acceptable noise sits in direct tension with the overheating control the same permission requires (condition 16 and Approved Document O), which should not depend on opening those windows. The Council should be satisfied that the amenity mitigation (walls, glazing, mechanical ventilation) is necessary because of the layout rather than a substitute for a better one, and that it is secured.

#### **5. Play areas — classification, siting and the basin edge**

The submitted play drawings (0817/26/A/31–36) provide six areas — two LEAPs and four LAPs. A correction belongs at the head of this ground, and I make it before anything else. I have previously said on DM/26/1760 and on DM/26/1962 that six areas depart from an S106 that defines four. I withdraw that. The definition of the Play Areas is “the provision of up to a minimum level of formal and informal recreational open space across the site as a whole including 2 x Local Equipped Areas of Play (LEAP) and 2 x Local Areas or ‘Play on the Way’ which together equate to 0.15ha in accordance with paragraph 6 of the FIRST SCHEDULE”. The word is “including”, which sets a minimum rather than an exhaustive specification, so four Local Areas do not depart from it. The Deed’s own annexed plan should be put alongside the submitted one, because it points the other way: the Open Space Drawing annexed to the executed Deed (SLR Consulting for Wates Developments Ltd, project 403.06269.00044, 1:2,000 at A3, Rev 01 “UPDATED LAYOUT” 01/10/25) plots, under the heading “INDICATIVE LOCATIONS OF TYPOLOGIES”, two areas marked LEAP, four marked LAP, three further areas marked “AP”, and an outdoor gym. The plan now before the Council shows two LEAPs and four LAPs and no area marked “AP”. The Deed’s annexed drawing does not itself define “AP”, but the approved Green Infrastructure Parameter Plan (P20074-RFT-XX-XX-DR-A-0113 Rev P02) does: its key reads “Location for informal play area (AP) (exact location and size to be resolved



through reserved matters)". I should record, rather than leave it to be said against me, that although that plan is listed on the outline decision notice and so controlled by condition 2, its own title block gives its suitability as "S0 Work in Progress"; the Council will wish to weigh that. The three markers are therefore informal play areas, and on the face of the two drawings the submitted plan omits them. I put it no higher than that, because the same key resolves exact location and size to reserved matters. The Council should establish whether informal play areas are provided anywhere in the submitted scheme, noting that the Countryside Open Space specification is separately before the Council on DM/26/1985. The annexed plan is in any event expressly indicative as to location. If provision has been reduced, that is something the Council should approve on its merits and with reasons rather than treat as no change at all. The Council is entitled to read the rest of this ground with that withdrawal in mind, and I therefore put what remains narrowly, and on the face of the documents. On quantum, the definition fixes 0.15ha. None of the six drawings states its area, and each is marked "PRELIMINARY". Two LEAPs at the 400m<sup>2</sup> minimum would account for 0.08ha between them, so the four Local Areas must supply the balance. Scaling suggests the Tractor LEAP alone is well above the 400m<sup>2</sup> minimum, and I do not suggest the scheme provides too little play space; the point is that the application does not demonstrate what it provides, and the area of each LEAP and LAP should be stated, confirmed against the 0.15ha, and the drawings finalised. There is also a classification inconsistency carried through the applicant's documents, and it can be located precisely: drawing 0817/26/A/36 is titled "Combine Harvester LEAP" on the drawing itself, and is so described in the covering letter, the Planning & Affordable Housing Statement and the Landscape Design Statement Part 3 — but the Landscape Management Plan, the document that would govern its future management, calls the same drawing the "Combine Harvester LAP", and lists only 0817/26/A/35 (Tractor) as a LEAP. It is therefore unclear whether the two LEAPs are in fact provided, and the document that will be relied on after occupation is the one that describes it as the lesser category. This is the point on the composition of the play provision that survives, and it is the sharper for the withdrawal above: the Deed sets a minimum of two LEAPs and its own annexed drawing shows two, so if drawing /36 is in truth a LAP the scheme delivers one LEAP against a minimum of two. That is a matter of classification on the face of the applicant's own documents, and it should be resolved before approval.

Separately from composition, the positions of the play areas should be conditioned to secure natural surveillance, and this is a matter the Council can address now because the siting of the play areas within the open space is part of the reserved layout and landscaping — not fixed by the outline parameter plan. Play areas are safer, and better used, when overlooked by dwellings; DP26 provides that development "should normally be designed with active building frontages facing streets and public open spaces... to provide natural surveillance," and Fields in Trust's Guidance for Outdoor Sport and Play and Secured by Design both expect play space to be overlooked (while set at an appropriate buffer from dwellings to limit noise). The applicant's own Design and Access Statement adopts natural surveillance as a design principle. Yet on the coloured site layout (CSL.01) the distributed play areas are not all so placed. Because the siting is a reserved matter, I ask the Council to require, by condition or amended plans, that each LEAP and LAP be positioned where it is genuinely overlooked by dwelling frontages, consistent with DP26 and Fields in Trust/Secured by Design, before the reserved matters are approved.

A distinct point concerns the Biodiversity LAP and the attenuation basin beside it. I put it as something the application has not demonstrated rather than as an assertion that the scheme is dangerous, and I should be clear at the outset about what is drawn. The play drawing (0817/26/A/31 Rev A, at 1:100) does separate the play area from the basin: there is a hedgerow, and there is a fence, and the fence runs the length of that frontage. The point is the narrower one of what that barrier is, and of what has not been assessed.



What the play area adjoins is not incidental water. The Proposed Drainage Layout Sheet 3 of 3 (5968-003-203-A02) labels it “LINED ATTENUATION BASIN 3” and annotates it: “WATER LEVEL(1:100+45%): 25.84mAOD”, “DEPTH OF WATER (1:100+45%): 1.74m”, “FREEBOARD: 0.260m”, “MAX WATER VOLUME: 801.37m<sup>3</sup>”, “SIDE SLOPES: 1:3”, “TOP OF BANK: 26.10mAOD” and “BASE LEVEL: 24.10mAOD” — a lined bowl two metres deep from bank to base, holding some 1.74m of water in the design event with a quarter of a metre of freeboard above it.

The barrier drawn between them is identified in the play drawing’s own key, at item 6, as a “Timber fence such as Half Round Post and Rail Fence by Jacksons Fencing or similar approved”. No height is given for it. Scaling the drawing at its stated 1:100, the nearest piece of play equipment stands about 1.1m inside that fence; the drawing does not dimension it. Recognised guidance addresses both matters. RoSPA advises developers and designers to place children’s play equipment “at least 30 metres from water features, including SuDS schemes (unless there are mitigation measures in place)”, and adds that “Even schemes which are occasionally or temporarily submerged pose an unnecessary risk to children.” CIRIA’s published framework for the health and safety chapter of the SuDS Manual (Paper RP992/17, November 2013, prepared with RoSPA’s input) advises that where “unsupervised young children could gain access to the water” a “toddler proof fence 600-750mm high should be provided”, and that “The fence must be a vertical pale type rather than horizontal rail construction which could be used as a climbing frame.” It also asks for careful consideration wherever water features sit close to buildings and “normal still water depths are greater than 600mm”. A Local Area for Play is, in Fields in Trust’s definition, aimed at “very young children”.

I do not say the separation here must be thirty metres, and I am conscious of the arguments the other way. RoSPA’s own formulation allows for mitigation, and Fields in Trust expressly contemplates that open space “can also provide dual use for Sustainable urban Drainage Systems (SuDS), delivering recreational benefits by using attenuation and storage areas for play and/or sports areas”. My point is that the mitigation has to be shown, and here it is not. The only barrier drawn is a horizontal-rail fence of unstated height, which is the construction the CIRIA framework says should not be used where toddlers can reach the water. The protective measures the applicant’s own Typical Through Basin Detail specifies — “Timber Knee Railing around the Basin”, which the section dimensions at 500mm from the top of bank, a “Basin Warning Sign” with the instruction “Sign to Face POS (not Basin)”, a “2m Maintenance Zone” and “1100mm Timber Railing around the headwall” (drawing 5968-003-505-A01) — are not located on the play drawings, the landscape drawings or the drainage layouts; they exist only as a typical section. No water-safety risk assessment has been submitted, and nothing in the submission explains why a play area for the youngest children is acceptable at the edge of a basin of this depth.

Siting and layout are reserved matters now before the Council, so this can be resolved without touching the principle of development or the number of homes. I ask the Council to require, by condition or amended plans, either that the Biodiversity LAP be relocated away from Basin 3, or that a water-safety risk assessment be submitted and the edge treatment designed in accordance with it — fence type and height, knee railing, maintenance zone and warning signage included, and located on the drawings rather than left in a typical detail — before the reserved matters are approved.

## **6. Drainage — departure from the approved discharge rates, and internally inconsistent figures**

The approved outline Flood Risk Assessment and Drainage Strategy restrict the Northern Parcel to a greenfield rate of 44.2 l/s and the Southern Parcel to 46.3 l/s. The submitted Drainage Technical Note instead restricts the Northern Parcel to 38.7 l/s (Southern 46.4 l/s). The Northern rate does not match the approved figure, and a lower rate requires greater attenuation storage, which must be shown to be provided and to fit within the layout. Worse, the applicant’s own drainage documents disagree on the



contributing areas: the Technical Note and Greenfield Run-off drawing use a Northern Parcel of 70,315m<sup>2</sup> (7.03ha) and Southern of 84,445m<sup>2</sup> (8.44ha), while the Appendix E drainage model uses 76,593m<sup>2</sup> (7.66ha) and 87,363m<sup>2</sup> (8.73ha). The Proposed Impermeable Plan submitted with this application (5968-003-221 to 223) carries the same larger figures on its face — “Northern Parcel Area = 76,593m<sup>2</sup> (7.66Ha)” and “Southern Parcel Area = 87,363m<sup>2</sup> (8.73Ha)” — so the discrepancy is not confined to a modelling appendix: it runs between the Technical Note the Council reads and the drawings it would approve. The same drawing also mis-converts its own total, giving 30,148m<sup>2</sup> as “3.148Ha” where the Technical Note correctly gives 3.015ha. In fairness, the two sets of figures are not necessarily irreconcilable: paragraph 2.4.2 of the Technical Note describes its 70,315m<sup>2</sup> as “the total contributing area ... including the landscaped areas that will drain to the proposed on-site drainage system via cut-off swales and filter drains”, so the 6,278m<sup>2</sup> difference could represent the part of the parcel that does not drain to the system. But nothing says so; the drawings use the same label for the larger figure without qualification; and because both the discharge rate and the required storage are derived from the contributing area, the Council and its Lead Local Flood Authority should establish which areas the hydraulic model actually used rather than being left to infer it. There is a related question the documents do answer, and it points the same way: the Note derives its rates from a greenfield runoff rate of 5.5 l/s per hectare, and on that rate the approved 46.3 l/s implies a Southern area of about 8.42ha — effectively unchanged — while the approved 44.2 l/s implies a Northern area of about 8.04ha against the 7.03ha now used. The Northern contributing area has been reduced by roughly a hectare since the approved Flood Risk Assessment, and nothing in the submission explains why. As the layout, levels and open space all depend on the drainage, and as conditions 7 and 30 are sought to be discharged here, this must be reconciled before approval. I am aware that Southern Water, consulted on the parallel application DM/26/1962, replied on 14 August 2026 that it has no objection to the discharge of conditions 7 and 30; I do not dispute that, but it does not answer this point. As a statutory undertaker Southern Water assesses whether the public network can accommodate the connection and flows, not the internal consistency of the applicant’s own run-off calculations, and its letter is expressly given on the basis of “the documents submitted.” The mismatch between the approved and proposed Northern discharge rates, and the two different contributing areas, therefore remain for the Council and its Lead Local Flood Authority to reconcile. I would add that the same Southern Water response records that a sewer “now deemed to be public” may cross the site and asks that any sewer found during construction be investigated to establish ownership before work commences; the Council should secure this — and, if a public sewer is confirmed, a build-over or diversion agreement — by condition or informative, so that dwellings are not built over public sewerage infrastructure.

A third point goes to the basins themselves, and it bears directly on the storage volumes above. The Typical Through Basin Detail (Proposed Drainage Details, drawing 5968-003-505-A01) shows the attenuation basins lined with a 1mm Junifol HDPE impermeable membrane between geotextile protection layers, beneath a minimum 500mm of site-won fill and 150mm of topsoil, with 265mm of freeboard and side slopes of a maximum 1 in 3. I do not criticise that specification. The ground investigation found low infiltration potential and groundwater recorded at varying depths between 0m and 2.25m below ground level, and an impermeable lining is the correct engineering response. But two consequences follow, and neither is addressed in the submission. First, a lined basin has no infiltration margin: the whole of the 1-in-100-year event with its 45% climate-change allowance must be held within the basin and released through the Hydro-Brake or orifice at the restricted rate. The storage volumes must therefore be exactly right, which returns the Council to the two irreconcilable contributing areas set out above — an error there is not absorbed anywhere. Secondly, a fully lined system means the developed area makes no contribution to groundwater recharge; all of its surface water is exported to the watercourse network. In a supply area



classified by the Environment Agency as one of serious water stress, that is a matter the sustainability case should engage with, and it does not: a search of the Energy and Sustainability Statement finds the words “infiltration”, “groundwater” and “aquifer” nowhere in it, and its single use of “recharge” concerns heat-pump performance. This reinforces the currency objection at ground 16. If the Council is minded to approve, the lining specification, the freeboard and the basin maintenance regime should each be secured by condition.

## 7. Allotments — omission conflicts with the S106 and the description of development

Allotments are a committed part of this scheme. They form part of the description of development of the outline permission, and the S106 commits them by area: the legend to the Open Space Drawing annexed to it records, under the heading “On Site Open Space Facilities required within Site Allocation - DPA14: Land at Foxhole Farm, Bolney”, “Allotments — Required: 0.15ha, Provided: 0.15Ha”, and the drawing plots them as a discrete hatched parcel, separate from the “GYM” marker. The 0.15 ha is the S106’s own figure; condition 41 separately governs the detailed Allotments Proposal, tying the location to the illustrative masterplan — the drawing of that title being P20074-RFT-XX-XX-DR-A-0101 Rev P08, whose key identifies item 12 as “Community allotments” — and leaving finer detail to reserved matters. The application nonetheless argues, on an unevidenced “no demand”/ownership basis, that allotments need not be provided — the same position advanced in DM/26/1962. That is not a matter a reserved matters approval or a condition discharge can deliver: condition 41’s only fallback where no need is shown is “incorporation of the allotments into the wider countryside open space”, not omission or substitution. More fundamentally, allotments are part of the description of development, which defines what has been permitted; the description cannot be changed by a reserved matters approval, a condition discharge or a variation of the Section 106 agreement, nor by a section 73 application (*Finney v Welsh Ministers* [2019] EWCA Civ 1868). To drop a described element the applicant would need a fresh application, or — if and when section 73B of the Town and Country Planning Act 1990 is brought into force — an application under that section, the post-Finney route permitting variation of the description provided the result is not substantially different. Section 73B is not presently available: it was inserted by section 110 of the Levelling-up and Regeneration Act 2023, and the commencement information for that section records only that it was not in force at Royal Assent, no commencing instrument having been made (checked at source on 31 August 2026, and re-checked on 4 September 2026 against the revised text of the 1990 Act in force to 11 August 2026, in which section 73B still appears only in the list of changes yet to be applied). A non-material amendment under section 96A could not carry the omission of a described element. No such application has been made; until the description is lawfully varied, the permission remains one for a development that expressly “includes ... allotments.” The layout should provide the allotments the permission describes, or the matter should be resolved through the proper mechanism before this application is approved.

## 8. Scale, density, character and design

**Density and over-development.** The Council’s own Design Review Panel reviewed this reserved-matters scheme at pre-application stage (Panel meeting 10 June 2026, written advice 15 July 2026). The Panel’s own advice is not on the public file, so I take its words from the applicant’s own record of them: the table at page 42 of the Design and Access Statement Part 1, whose left-hand column is headed “DRP Feedback”, gives the first entry as “The proposed density is perceived to be excessive, resulting in an over-development of the site.” That is the applicant’s transcription rather than the Panel’s document, but it is the applicant’s own, and it is not open to the applicant to disown it. I should note that the Panel therefore saw an earlier iteration of the scheme rather than the drawings now before the Council: the submitted layout drawings carry a planning issue date of 28 July 2026 (for example the Proposed Site Layout SL.01, whose revisions panel records “Planning issue. 28.07.26”), the Landscape Strategy plans record revisions of



13 July and 28 July 2026, and the applicant's own Planning & Affordable Housing Statement sets out a "Design Evolution since DRP". That is precisely why the application-stage review its Terms of Reference envisage matters (ground 14). That is a material consideration of real weight — it is the Council's independent design advisers, not an objector, reaching that view — and it engages Policy DP26 (Character and Design) of the District Plan, which requires development to reflect the distinctive character of the District's villages, to "[create] a sense of place while addressing the character and scale of the surrounding buildings and landscape," and to avoid parking that dominates the street "particularly where high density housing is proposed." It also engages Policy BOLD1 of the made Bolney Neighbourhood Plan, which requires high-quality design reflecting Bolney's rural nature through the "height, scale, spacing, layout, orientation, design and materials of buildings," and the design policies of the NPPF (2026) (Chapter 14, notably Policy DP3, "Key principles for well-designed places"). I recognise that the quantum of development (up to 200 dwellings) and the developable parcels were fixed at outline and cannot be reopened at reserved matters; I do not object to the number of homes. The point is that the way that fixed number has been arranged — its layout, spacing and scale, all reserved matters now before the Council — produces the over-development the Panel identified, contrary to DP26 and BOLD1. Tellingly, the applicant's response to the Panel does not answer the concern: it states only that "the density was established at the Outline stage" and that 28 dwellings per hectare is "balanced." That addresses the principle (which is not in issue) rather than the design quality of the layout (which is), and it does not displace the Panel's finding. I ask the Council to give that independent finding due weight and to be satisfied that the layout and scale accord with DP26 and BOLD1 before approving the reserved matters.

The Panel's other design concerns are not free-floating aspirations; each engages adopted policy and — being matters of appearance, landscaping, layout or scale — each is a live reserved matter for determination now. That the layout "lacks clear and intuitive wayfinding" and "lacks a strong sense of place and local character" goes to the core requirements of DP26, that development be "safe, well connected, legible and accessible" and "[create] a sense of place while addressing the character and scale of the surrounding buildings and landscape," and to Bolney Neighbourhood Plan Policy BOLD1; these are reinforced by the Mid Sussex Design Guide SPD (2020) and the National Design Guide. That "improvements are required to the overall structure and movement network," that "the hierarchy of streets should be more clearly expressed," and that "[t]he proposed link road should incorporate measures that naturally moderate vehicle speeds" engage DP21 (Transport), which requires safe and convenient routes for walking and cycling, design to adoptable standards, and protection of "the safety of road users and pedestrians," alongside DP26. The call to enhance the northern-boundary public right of way engages DP22 (Rights of Way — "safe and convenient links to rights of way"), DP26 and DP38 (Biodiversity, the green-corridor role). That the landscape buffer between the parcels "should play a more positive role" engages DP26, DP37 (Trees, Woodland and Hedgerows) and DP38. And that the dwelling orientation "does not maximise opportunities for photovoltaic installation and solar gain" engages DP39 (Sustainable Design and Construction), which requires energy use to be minimised "through the design and layout of the scheme," and DP40 (Renewable Energy). Only the concern about the junction with Cowfold Road is largely foreclosed, access having been approved at outline; but even there the landscaped arrival treatment remains a reserved landscaping matter. The applicant's tabulated "Revised Design Response" entries are its own assertions that these points have been met; they are not findings of the Panel, and (as set out at section 14) the proper course is for the same Panel to test them at the application-stage review its Terms of Reference require. Until then, the Council should treat each of these as an unresolved conflict with the policies above rather than as closed.

Scale is a reserved matter and must accord with the approved Building Heights Parameter Plan (P20074-RFT-XX-XX-DR-A-0114). That plan is binding on this application: it is listed, at revision P03, among the "Plans



Referred to in Consideration of this Application” on the outline decision notice, and condition 2 of that permission requires that “[t]he development hereby permitted shall be carried out in accordance with the plans listed below under the heading ‘Plans Referred to in Consideration of this Application’.” The parameter plan is therefore not indicative guidance but a condition-controlled limit. The applicant states that the proposals are “in the main, in line with the parameters set,” so the Council should confirm, plot by plot, that every dwelling accords with the approved Building Heights Parameter Plan.

The Street Scenes are the drawing type that would demonstrate the scale relationship this ground turns on, and the applicant has produced them: eight sections, A–A to H–H, across three sheets (SE.01, SE.02 and SE.03, all Rev A, planning issue 28 July 2026). Every one of them shows the proposed development against itself. Not one section is taken across the site boundary to show the proposed dwellings in relation to any existing building — including the homes on the western side of The Street, where the Design Review Panel located its concern and where I set out mine at ground 19; the backdrop to each section is drawn as trees and hedging. In fairness, such sections were provided at the outline stage: drawing P20074-RFT-XX-ZZ-DR-A-0400 (“Indicative Site Sections”, revision P04) contains four sections running from the development edge across the boundary to The Street, naming Swallows, Little Foxhole, No. 14 and Walnut & Well Cottage and giving approximate distances to the boundary of 48.70m, 26.19m, 33.74m and 57.80m and separation distances of 65.89m, 52.77m, 59.82m and 117.30m. That drawing does not, however, answer the point — it strengthens it. Its first note states that “Ridge levels of proposed buildings are indicative and subject to detailed design at Reserved Matters stage”. The outline therefore expressly deferred the heights of the proposed buildings on this boundary to the stage now before the Council, and the reserved-matters submission contains no updated section at all. The consequence is that the submission contains no current drawn demonstration of how the new development sits against its existing neighbours in height, scale or separation — which is the question the reserved matter of scale has to answer at that boundary, and the one the Design Guide’s DG45 expects to be answered by separation and orientation rather than by planting. I ask that cross-sections through the eastern boundary, showing existing and proposed dwellings together with ground and ridge levels, be required before determination.

**Non-compliance with the Mid Sussex Design Guide.** The made Design Guide SPD (2020) is the DP26 expression of how good design is to be achieved, and the scheme departs from several of its principles that are squarely reserved matters. Principle DG19 provides that off-street parking in front of houses “should normally be avoided,” that in lower-density areas parking “should normally be discreetly accommodated to the side of dwellings, and behind the building line,” and that higher-density terraced housing “should normally include rear court, under-croft or underground parking.” The Parking Allocation Layout (PAL.01 Rev A) does the opposite across significant parts of the site, and the drawing’s own plot annotations show which limb of DG19 each part engages. Where the housing is terraced — plots 146 to 148 are annotated “Bellflower\* (ET)”, “Bellflower\* (MT)” and “Bellflower\* (ET)”, an end, a mid and an end unit, and plots 143 and 144 are annotated Abingdon “ET1”, “MT1” and “ET2” — allocated parking runs as a continuous bay directly along the frontage facing the lane, which is the higher-density terraced condition for which DG19 specifies rear-court or under-croft parking. Elsewhere the houses are detached: plots 158 to 172 are annotated with detached house types (Walnut, Willow, Wayfaring and Yew), each drawn as a separate building, and there the applicable direction is the one immediately preceding — that parking “should normally be discreetly accommodated to the side of dwellings, and behind the building line” — which frontage bays plainly do not do. The departure from DG19 therefore runs across both conditions, not one. The Design and Access Statement’s own pre-application summary records “acceptance of front parking arrangements,” confirming a departure made knowingly rather than by oversight, but it rests on an informal pre-application comment, and neither the Statement nor its Parking Plan engages DG18–DG20 at all. The highway authority has now reached the same conclusion about a different part of the site,



observing on 2 September 2026 that “[b]etween plots 38/50 there is a lot of parking dominance, can this be segregated slightly with further areas of greenery or pathways?” That it identifies a location other than the terraced rows suggests the problem is a characteristic of the layout rather than a local one. I ask the Council to require the frontage parking to be redesigned to accord with whichever limb of DG19 applies to each part of the layout, or, if minded to accept front parking, to support that by a reasoned assessment against DG19 and DP26 rather than the informal pre-application comment.

The scheme conflicts with further Design Guide principles that reinforce grounds made elsewhere: DG26 (play space to be central and overlooked, not marginalised) — the un-overlooked play areas at ground 5; DG21 and DG22 (servicing tested to avoid large turning areas and reversing, refuse stores not obstructing surveillance) — the reversing and long bin-drag distances at ground 9; DG48 (design out noise, air and light pollution, avoiding parking that creates headlight nuisance) — the northern lighting at ground 12 and the eastern-boundary glare at ground 19; DG38 and DG39 (architectural integrity and a sense of place) — the Design Review Panel’s finding that the scheme “lacks a strong sense of place and local character”; DG34 and DG16 (lower density and outward-facing frontages safeguarding hedgerows at the rural edge) — the Panel’s “over-development” finding and the outward-facing northern edge; DG27 and DG28 (native, longer-lived species, whose recommended list includes neither laurel nor yew) — the mass laurel and toxic planting at ground 10; DG45 (privacy of private amenity space achieved by separation and orientation, not a planting screen, with no BRE daylight/sunlight or separation-distance assessment provided) — the eastern boundary at ground 19; and DG30 (design for everyone) — the removed M4(3) wheelchair units at ground 2. Separately, DG23 requires sub-stations and pumping stations to be discreetly integrated and states that “locating sub-stations within areas of open space will not be acceptable”; the Council should confirm the sub-station and the north-west pumping station do not sit within, or intrude upon, the countryside open space or landscape buffers, nor impact bat sensitive areas. The Design Guide carries its own checklist, and I ask the Council to assess the reserved matters against it principle by principle and require amendment where they do not accord.

The Council’s own Urban Designer has now assessed this submission (Urban Design observations, 21 August 2026) and concludes that, against the scheme approved in principle at outline, “several aspects have not been improved and, in some cases, have become less successful” — a telling conclusion, from the Council’s own design adviser, about the very matters reserved for decision. (The observations are expressed as subject to a colleague’s review; I rely on them as her considered assessment of the submitted layout.) On layout and connectivity she finds “more dead ends and weakened pedestrian connectivity,” with “little evidence of how [the pedestrian routes to Bolney] will function,” a layout “too uniform” and lacking “focal points, hierarchy, and moments of distinction,” the legibility of the earlier design “now been lost,” so that “the second parcel feels detached and secluded” and “the layout lacks distinctiveness.” On landscape and character she finds the treatment “generic and overly reliant on standard catalogue-style playground equipment,” and — most tellingly — that the revised scheme has “made what was originally a landscape-led project feel more urbanised and less responsive to its rural environment,” a “noticeable dilution of its core principles,” with architecture that “does not reflect the strongest qualities of Bolney.” In fairness she considers the scheme “not overly dense,” — she and the Panel differ on density, but on design quality they do not. This independent assessment reinforces the concern in this ground and the setting of the National Landscape at ground 20, and supports returning the layout and landscaping to the Design Review Panel before approval (ground 14). It also engages Policy DP4(2)(c) of the Framework directly: a finding by the Council’s own design adviser that, measured against the scheme approved in principle at outline, several aspects “have not been improved and, in some cases, have become less successful” is a finding that quality has been diminished as the scheme has moved from outline to detail — which is the very thing that policy asks the authority not to allow.



**Materials, and the scope of condition 18.** Condition 18 of the outline permission provides that “[n]o development above slab level shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls, roofs and fenestration of the proposed building(s) have been submitted to and approved by the Local Planning Authority.” Appearance is nonetheless a reserved matter, and this submission includes a Dwelling and Boundary Materials Layout (DBML.01 Rev A, planning issue 28 July 2026) which allocates materials plot by plot: four bricks (Heathfield Ember, Tullamore Antique, Woodward Hampton Antique and Heathfield Russett), tile hanging, Arctic White and Midnight Black Hardie Plank boarding, and brown, red and grey Exmoor roof tiles. Every one of them is qualified “or similar”. Two consequences follow. First, the drawing does not actually fix anything: the “or similar” qualification leaves the product to be chosen later by the developer, so if the Council approves DBML.01 as submitted it will appear to have determined appearance while in substance having approved a palette that can be substituted at will. Second, the drawing is silent on fenestration, which condition 18 expressly covers — no window or door material, finish or colour is given in its key, and none is given on the house-type elevations or in the Design and Access Statement either, although the elevations draw the windows. National policy is directly in point on both consequences. Policy DP4(2)(b) of the National Planning Policy Framework (August 2026) provides that the authority should “[e]nsure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, including the approved use of materials where appropriate”, and Policy DP4(2)(c) that it should “[n]ot allow the quality of approved development to be materially diminished between permission and completion, as a result of changes proposed following its initial approval (for example through changes to approved details)”. A materials layout on which every entry is qualified “or similar”, and which is silent on one of the three components condition 18 names, is not a plan providing visual clarity about the approved use of materials, and it reserves to the developer exactly the post-approval substitution DP4(2)(c) asks the authority to prevent. (Policies DP3 and DP4 cited here are policies of the Framework; the DP-numbered policies cited elsewhere in this letter — DP21, DP26, DP28, DP29, DP39, DP42 — are policies of the adopted Mid Sussex District Plan. The prefixes unfortunately coincide.) I therefore ask the Council, if it is minded to approve, to make clear in its decision that condition 18 remains to be discharged in full, including fenestration, and to secure the palette actually assessed — whether by requiring the materials to be those named on DBML.01 unless otherwise agreed in writing, or by requiring samples before determination. That matters more here than it would on an unconstrained site: these dwellings sit in the setting of a Grade I listed church and the Bolney Conservation Area (ground 3), and the Council’s own Urban Designer has found that the architecture “does not reflect the strongest qualities of Bolney.”

## 9. Highways, movement and pedestrian safety

The applicant has now submitted a Reserved Matters Transport Statement (Robert West Consulting, ref 26/200 D001, August 2026), which answers some of the points below and, on others, confirms the concern in the applicant’s own words; I take each in turn. Since I first drafted this ground the highway authority has also responded on this application, and I deal with that first, because it bears on almost everything under this heading.

West Sussex County Council, as Local Highway Authority, responded on this application on 2 September 2026 (Jamie Brown, Planning Services). Its recommendation is “Advice”, and its conclusion is that “[t]he principle of the layout is acknowledged. The LHA would however seek some further clarity and detail on the points outlined above.” That is not a no-objection, and it is not an endorsement of the layout: it acknowledges the principle and then lists nine matters on which the authority wants more before it can be satisfied. I should record at once what it accepts. It records that “[v]isibility splays have been demonstrated at all internal junctions within the site layout” and that “[s]wept path diagrams have been submitted



demonstrating larger vehicles manoeuvring within the site, these all appear workable.” Both are findings by the responsible authority on matters squarely within its remit, and I accept both and do not press them. It also records that “[o]verall parking levels for vehicles and cycles [are] accepted by LHA”. I accept that too, but it needs reading precisely, because it is narrower than it looks. The word is “overall”, and the overall figure — an equivalent 441.5 spaces against a calculated demand of 431.4 — is the one thing under this heading I had already accepted. The response does not use the word “visitor” anywhere, does not mention the County’s own visitor allowance, and does not address the distribution in the Transport Statement’s Table 7.1. So it accepts the aggregate and is silent on the two things I actually say about parking. What follows is confined to what the response leaves open, what it does not address, and what it independently finds for itself.

Three of the authority’s own findings coincide with objections made in this letter, and they carry more weight from it than from me. On traffic calming it asks that “[i]nitially into the site there should be raised features in block work to help reduce vehicle speeds, this feature should be carried along the main internal estate roads and should be consistent throughout the site”, and adds that “the north/south link section is very long, possible raised features or block work features could be incorporated.” That is the point made below about calming being demonstrated only on the central link road, reached independently. On parking dominance it observes that “[b]etween plots 38/50 there is a lot of parking dominance, can this be segregated slightly with further areas of greenery or pathways?” — a different location from the terraced rows I identify at ground 8, which makes the point a scheme-wide one rather than a local one. And on pedestrian connectivity it finds that “[p]lot 32 at the southern end the pavement does not connect to the adjacent footway”, that “the connecting footway in close proximity to plots 60/ 61 to the east should connect to the path via tactile paving, there may be the requirement to reduce the width of the junction slightly to aid connectivity”, and — this is the important sentence — that “[t]hese are two examples; the applicant should review and make sure all desire lines connect.” The highway authority has therefore found drawn failures of pedestrian connectivity and of tactile paving, and has said they are examples of a wider problem. That is the inclusive-design deficiency set out below, found by the authority rather than alleged by me, and it corroborates the Council’s own Urban Designer on “more dead ends and weakened pedestrian connectivity”.

The response also opens two matters not previously in this letter, which I adopt. First, it asks for “[d]emonstration of the north/south access roads suitability ... to show vehicles can pass one another” — so the adequacy of the principal internal roads for two-way movement is not yet demonstrated. Secondly, on surfacing it says: “We would seek some further clarification on materials/various materials are areas to be raised or block work. At present there are different material designs. Ideally all shared surface areas should be one colour block work.” The highway authority cannot tell from the submitted drawings what is proposed — which is the same defect I raise at ground 8 about the “or similar” materials layout, and it engages Policy DP4(2)(b) of the Framework in the same way. I would add one caution on the authority’s own suggestion: a single colour across all shared surfaces removes the visual contrast on which partially-sighted pedestrians rely, so the resolution of this point should be tested against Inclusive Mobility rather than settled on appearance alone.

There is one of the authority’s nine points with which I respectfully disagree, and I say so rather than adopt the response selectively. It recommends that “[t]he footpath connecting the two parcels on the eastern side should be shared use for cyclists.” I ask the Council not to require that. This is a different route and a different question from the northern Footpath 44Bo dealt with below: 44Bo is a public footpath over which there is no right to cycle at all, so the objection there is one of legality, whereas the eastern link is an



internal path within the site and nothing prevents it being made shared use. The objection here is one of design and safety, and the national cycle-design standard is against it.

Local Transport Note 1/20 addresses both halves of the question. On shared use itself, paragraph 6.5.4 provides that “[i]n urban areas, the conversion of a footway to shared use should be regarded as a last resort”, that such facilities “are generally not favoured by either pedestrians or cyclists”, that “[i]t can create particular difficulties for visually impaired people”, and that “the interactions between people moving at different speeds can be perceived to be unsafe and inaccessible, particularly by vulnerable pedestrians.” Paragraph 6.5.6 then lists where shared use may nonetheless be appropriate: alongside interurban and arterial roads where there are few pedestrians; at and around junctions where cyclists are moving slowly; and where a length is needed to achieve continuity of a cycle route. An internal path between two housing parcels — on a site whose pedestrians will include young children walking to the play areas, and children and young people with learning disabilities and wheelchair users arriving at the Kangaroos centre — is none of those. Paragraph 6.5.5 adds that where shared use is contemplated there should be “early engagement with relevant interested parties ... particularly those representing disabled people”, and that such engagement “is an important step towards the scheme meeting the authority’s Public Sector Equality Duty.” This is therefore not a recommendation the Council can adopt from a consultation response without that engagement and without addressing the duty (grounds 2 and 9).

On where cyclists should go instead, paragraph 7.1.1 provides that “[w]here motor traffic flows are light and speeds are low, cyclists are likely to be able to cycle on-carriageway in mixed traffic”, and that “[m]ost people, especially with younger children, will not feel comfortable on-carriageways with more than 2,500 vehicles per day and speeds of more than 20 mph”, those figures being “desirable upper limits for inclusive cycling within the carriageway.” On the applicant’s own case the estate roads sit within them: the Transport Statement adopts “[a] design speed of up to 20 mph ... on the principal residential streets” and approximately 10–15 mph on lower-order streets, and these are internal roads serving 198 dwellings with a single vehicular access from the A272 and no motor through-function, the link to The Street being pedestrian and cycle only. The carriageway is therefore the right place for cyclists on this scheme, and the footway need not be taken. I put no traffic figure of my own; I ask that the internal links be tested against paragraph 7.1.1 using the applicant’s own trip generation.

That leaves the point I make below about whether the 20 mph is real, which I do not withdraw — but it points the same way rather than the other, and I put the two as alternatives. Either the estate roads are the low-speed, low-volume streets the applicant says they are, in which case cyclists belong on them and the eastern path should remain a footway; or they are not, in which case the remedy is to make them so — which is what the highway authority’s own request for raised block-work features carried consistently throughout the site would achieve — and not to displace cyclists onto a footway shared with pedestrians who include disabled children. On either reading the eastern link should remain a footway. Nor is this inconsistent with my objection below to shared-surface streets: that objection is to a street on which pedestrians, wheelchair users, cyclists and vehicles mix at one level with no kerb, removing the line blind and partially-sighted people rely on. Cyclists on a conventional carriageway with a kerbed footway alongside is the opposite arrangement, and it is the one LTN 1/20 prefers — paragraph 6.5.3 confining the term “shared use” to “facilities without any marked separation between pedestrians and cyclists.”

On parking, the Transport Statement now sets out the full calculation: 519 physical residential spaces for 198 dwellings, which — counting garages and integral spaces at 0.5 under the West Sussex County Council PBZ1 standard — it puts at an equivalent 441.5 spaces against a calculated demand of 431.4, a surplus of about ten. That headline surplus is, however, misleading, because the Transport Statement’s own Table 7.1 shows it is distributed in the wrong places: the one-bed homes are provided 16 equivalent spaces against a



demand of 24 — a shortfall of eight — and the four-or-more-bed family homes 185.5 against 191.7 — a shortfall of some six — while the two-bed homes alone carry a surplus of over twenty-one (118.5 against 96.9). The aggregate surplus of about ten is therefore an artefact of over-provision to the mid-sized homes masking real under-provision to both the smallest flats and the largest family houses, which are precisely the dwellings whose overspill is least easily absorbed on-street. Subject to that distributional point, I do not dispute the arithmetic of the calculation itself. The concern that remains is visitor parking: the scheme provides only 17 visitor/unallocated spaces (14 designated and 3 unallocated) for 198 homes, where the WSCC visitor allowance of 0.2 spaces per dwelling would indicate around 40. The Transport Statement seeks to justify the shortfall by arguing that the 0.2 figure is “not... an absolute minimum standard,” and that the ten-space allocated surplus reduces reliance on visitor spaces — while conceding, in terms, that “this allocated surplus is not treated as a direct substitute for dedicated visitor parking.” In a location of high car dependency, provision at well under half the guidance figure risks displacing visitor and overspill parking onto the estate streets and verges — the same footways on which, as set out below, bins are also to be presented. The Transport Statement’s own account of the County’s guidance shows why the shortfall matters, and it is more pointed than the Statement makes it sound. Paragraph 7.6 records that under paragraph 5.8 of the WSCC guidance, “where at least half of the parking provision is unallocated no special visitor provision should be made, while in other circumstances it ‘may be appropriate’ to allow additional visitor demand of 0.2 spaces per dwelling.” That is a conditional rule, and the applicant relies on the wrong limb of it. Of the 519 physical spaces, 3 are unallocated and a further 14 are designated visitor spaces — so on the most generous reading some three per cent of the provision is unallocated, against a threshold of a half. This is, on the Transport Statement’s own description, a scheme of “plot-specific parking”. The first limb therefore cannot apply, and it is the 0.2-per-dwelling limb that is engaged — the shortfall of some 22 spaces set out above. The Statement’s answer, that the allowance is “not expressed as an absolute minimum standard in every case”, is an argument about the word “may” rather than a demonstration that the standard is met, and it is made without confronting the fact that the limb which would have excused provision altogether is unavailable on this layout. The highway authority’s acceptance of overall levels does not dispose of the point, because the overall level is the aggregate and the visitor allowance is a separate calculation its response nowhere mentions. I therefore ask the Council, and the County as highway authority, to address the visitor provision specifically against paragraph 5.8 — and in particular whether its first limb can be relied on at all on a scheme in which some three per cent of the parking is unallocated.

Electric vehicle charging is not shown to meet the WSCC standard. The Energy and Sustainability Statement commits only to providing EV charging “in accordance with the requirements of Building Regulations Part S” — broadly one charge point per dwelling with a parking space. That building-regulations minimum is not the planning standard. West Sussex County Council’s Guidance on Parking at New Developments (September 2020), Principle B and paragraph 4.7, requires “active” charging points at a minimum of 20% of all parking spaces with passive ducting to all remaining spaces, and — critically — indexes the active figure to the year of construction (paragraph 4.21 and Appendix B), rising to 53% of all spaces for a scheme built in 2026 (58% for 2027). A commitment limited to Part S does not demonstrate that level of active provision across all spaces (including unallocated and visitor spaces), nor the passive ducting to the remainder that the guidance expects. As drawn, the scheme neither cites nor shows the WSCC construction-year figure and appears to fall short of it. This engages DP21 (Transport) and DP39 (Sustainable Design and Construction). I ask the Council to require the EV provision to be quantified against the WSCC year-indexed standard (active provision of the order of 53–58% of all parking spaces for construction in 2026–2027, with passive ducting to all remaining spaces) and confirmed by the County Council as highway authority, rather than left at a bare Part S commitment. A related omission on the same point: the Transport Statement records at paragraph 7.1 that motorcycle parking was, along with car and cycle parking and electric vehicle charging, a



reserved matter to be resolved at this stage, yet nowhere in the statement is any motorcycle parking provided, quantified or even discussed — the reserved matter is simply left unaddressed. I ask the Council to require the motorcycle parking provision to be shown and quantified before the reserved matters are approved.

**Cycle access to the northern public right of way.** The application is internally inconsistent as to whether it provides cycle access to Footpath 44Bo along the northern boundary, and to the extent it does — or simply fails to prevent it — that conflicts with the legal status of the route. Footpath 44Bo is a public footpath, which carries a public right of way on foot only; there is no public right to cycle on it, and cycling would be a trespass against the landowner. The applicant's covering letter describes the northern connection as "footpath connections to the existing PROW," and the Design and Access Statement Part 1 consistently distinguishes a "new pedestrian link to existing PROW" to the north from a "pedestrian and cycle link to The Street" to the east. The Design and Access Statement Part 2, however, twice states the opposite — that "dedicated pedestrian and cycle paths" connect the site "to the existing Public Right of Way (Footpath 44Bo) to the north," and lists the northern PROW connection under "Pedestrian and Cycle Links." Nothing in the submission identifies any barrier, dismount point or other feature that would prevent cycles on the site's internal cycleway network from continuing onto the footpath. Either cycle access to the footpath is intended, in which case it is unlawful to cycle there and undeliverable without a separate upgrade of the route to a bridleway or cycle track (a process this application neither includes nor can secure); or pedestrian-only access is intended, as the covering letter states, in which case the layout should positively demonstrate how cycles are deterred from the footpath and the Part 2 statements are errors to be corrected. The Council should require this to be resolved (see also section 14); as drawn, the scheme either promotes unlawful cycling on a public footpath or leaves the position unclear. The Transport Statement now resolves that ambiguity in the wrong direction: it states that "[c]yclists will enter the site from ... Footpath 44Bo" (paragraph 6.1) and that the scheme provides "direct walking and cycling connections to ... Public Footpath 44Bo" (paragraph 11.2). The applicant's own transport consultant therefore intends cycle use of a route that carries no public right to cycle — reinforcing rather than curing the objection, since cycling there is unlawful and cannot be delivered without a separate upgrade of 44Bo to a bridleway or cycle track that this application neither includes nor can secure.

**The peripheral edge and pedestrian safety.** The applicant presents a "Landscape-Led Outlook" in which "all peripheral dwellings [are] outward looking onto landscape buffer and open space," with "active frontages addressing... areas of open space." On the coloured site layout (CSL.01), however, many of the dwellings fronting the central open space have their on-plot front parking on that same open-space-facing frontage, so the outlook from the open space is in substantial part across driveways and parked cars, engaging DP26's requirement that parking be "well integrated" and "not dominate." Vehicular accesses run between the perimeter dwellings and the central open space — the applicant's own "Tree-lined Avenue" concept describes a "separation of carriageway and pedestrian [sic] footpath" along that edge — so a resident leaving even an outward-facing home to reach the open space, and the LEAP/LAP play areas within it (see ground 5), must cross their frontage parking and then a carriageway. Yet the only traffic-calming the submission demonstrates is on the central link road between the two parcels (build-outs and raised tables, added at the Design Review Panel's request); no pedestrian crossings, raised tables or equivalent measures are shown where the housing frontages and footpaths meet the estate roads around the open space and the play areas — which is precisely what the highway authority has now asked for, calming carried "along the main internal estate roads ... consistent throughout the site" — and the home zones the Landscape Design Statement describes — "shared-surface areas around homes, away from primary access routes, which encourage a sense of pedestrian priority" — are stated only in general terms (the Panel having criticised the street layout for lacking a clearly expressed hierarchy). For a scheme whose play provision is



aimed at young children — and which brings children with additional needs to the Kangaroos centre — the Council should require the layout to demonstrate safe, direct pedestrian routes and appropriate crossing points and traffic-calming between the dwellings, the open space and the play areas, in accordance with DP21 (safety of pedestrians), DP26 (safe, legible, pedestrian-friendly layout) and Manual for Streets.

A related point concerns the speed limit itself. The Transport Statement records (paragraph 4.5) that “[a] design speed of up to 20 mph is adopted on the principal residential streets”, with lower-order streets “designed to operate at approximately 10–15 mph through horizontal deflection, short link lengths and constrained residential geometry” — that is, it relies on geometry rather than on any legal limit, and says of the shorter forward-visibility distances that “[t]he reduced visibility is therefore not being relied upon in isolation to control speed.” But a design speed is not a legal limit. The primary/spine street is described as “adoptable”; if it is not in fact adopted, it remains a road to which the public has access, so road-traffic law applies — but the enforceable limit is fixed by statute, not by the applicant’s aspiration. If the street is lit (lamps not more than 200 yards apart) it is a “restricted road” under sections 81–82 of the Road Traffic Regulation Act 1984, so the enforceable limit is 30 mph, not 20; and if it were unlit, no restricted-road limit would apply and the national single-carriageway limit of 60 mph would apply by default until any lower limit were ordered. A legal 20 mph limit requires an order under section 84 of the 1984 Act that the traffic authority makes and signs — which an authority is typically reluctant to do on a road it does not adopt. I should record the limit of my source: the current revised text of the 1984 Act could not be obtained, so I state the effect of sections 81, 82 and 84 from the Act’s structure rather than by quoting their words, and I invite the highway authority to confirm the position. The scheme’s pedestrian-safety case — particularly around the Kangaroos drop-off and the play areas — therefore rests on a 20 mph environment that would be neither the legal limit nor police-enforceable if the road is unadopted, and that the applicant’s own consultant says cannot be relied on by design alone. I ask the Council to secure a genuinely low-speed environment — by adoption with a signed 20 mph limit, or by demonstrably robust self-enforcing geometry confirmed by West Sussex County Council as highway authority — rather than approve a layout whose safety depends on a 20 mph limit that would not apply if the road is not adopted.

The road geometry at the Kangaroos centre drop-off is a related safety concern. On the coloured site layout the estate road runs northwards before doing a near 90 degree bend to head west past the north side of the Kangaroos plot. The loop road connects also to the north of this east-west stretch, close to the coach drop-off, with the car-park access slightly further west. Locating stopping, coach manoeuvring and passenger set-down at or beside a sharp bend and a road junction is contrary to the forward-visibility and conflict-avoidance principles of Manual for Streets: turning and bending traffic, reversing coaches and alighting pedestrians are brought into conflict at the one point, with restricted visibility. The concern is acute here because the centre is used by children and young people with learning disabilities and additional needs, including wheelchair users, who are least able to judge traffic — so DP21, DP26 and the Public Sector Equality Duty are engaged. Contrary to any impression that the drop-off belongs to the later application, the coach drop-off is drawn on the estate road, outside the blue-edged community-building plot that this application excludes: only the Kangaroos building itself and the parking within its own curtilage (bays 1–15) are reserved for the separate application, whereas the coach set-down and its layby, the estate-road geometry, the sharp bend and the loop-road junction are all part of the layout the Council is being asked to approve now. The location of the drop-off is therefore fixed by these reserved matters, not deferred (see also ground 18). The Council should therefore not approve a coach set-down at this location. It should require the drop-off to be relocated to a straight, low-speed, well-overlooked frontage clear of the bend and the junction, with the input of West Sussex County Council as highway authority, before these reserved matters are approved — rather than fixing an unsafe set-down now and leaving the separate building application to work around it.



Refuse collection raises both servicing and safety concerns, and here the Transport Statement confirms the problem in the applicant's own figures. It concedes (paragraph 8.2) that "a limited number of properties have resident horizontal carry distances marginally in excess of the recommended 30m, with maximum distances of approximately 32m, 35m, 37m and 39m" — up to some 9m over the adopted maximum — and (paragraph 8.4) that the distance from the designated bin collection point to the refuse vehicle reaches "approximately 13m, 15m, 17m and, in the most constrained location, 22m," exceeding the 10m in section 6.1.4 of Mid Sussex District Council's Waste Storage and Collection Guidance (though within the 25m operative limit in section 6.1.2). These are the applicant's own numbers, and they corroborate the distances I had measured from the Refuse Collection Layout (RCL.01). The Transport Statement asks the Council to accept the departures as "operationally workable, subject to agreement with MSDC Waste Services"; but these are conceded breaches of the adopted guidance, on a scheme that relies on bins being wheeled up to about 39m along footways past neighbouring homes and presented at the kerb near the central open space and the play areas — a recognised source both of amenity disturbance and of obstruction of footways for wheelchair users, the visually impaired and pushchairs. The Transport Statement also asserts (paragraph 8.5) that the arrangements "avoid excessive vehicle reversing"; that assertion is contradicted by the applicant's own vehicle tracking drawings. Sheet 3 of the Refuse Vehicle Tracking set (5968-003-033) dimensions at least three separate reversing manoeuvres, each labelled "Reversing Distance" and each measured at 12m, into cul-de-sac spurs with dwellings on both sides; the same sheet records a "Waste Collection Distance: 22m" at the most constrained point. Reading every such label across the three Refuse Vehicle Tracking sheets, sheet 2 (5968-003-032) carries one "Waste Collection Distance: 11m" and sheet 3 carries four — 15m, 22m, 22m and, in the north-western spur, "Waste Collection Distance: 25m". The Transport Statement gives its worst case as 22m. The applicant's own drawing therefore shows a collection distance three metres longer than the maximum its consultant concedes, and that longer figure sits exactly on the 25 metres which paragraph 6.1.2(v) of the Council's guidance gives as "the maximum distance collection crews should have to move 2 wheeled bins". I do not say 25m breaches that paragraph; it does not. I say that the Council is being asked to accept a departure on figures which the drawings contradict, and that on the drawings the worst case sits on the limit with no margin at all. The Council should determine this on the drawn figures rather than the narrative ones, and ask the applicant to reconcile the two. Mid Sussex District Council's own Waste Storage and Collection Guidance provides that "Where reversing cannot be avoided, vehicles should not be required to reverse distances in excess of 12 metres (BS5906 2005)". The scheme therefore does not avoid reversing; it designs it to sit exactly on the 12-metre figure the guidance sets (the guidance adds that "[l]onger distances may be considered but the routes should be straight and free from obstruction", so 12 metres is a threshold rather than an absolute ceiling), in locations among the housing and close to footpaths and the play areas — precisely what Manual for Streets and the waste authorities seek to design out on pedestrian-safety grounds. I ask the Council not simply to accept the conceded departures, but to require the carry and collection distances to be brought within MSDC's standards and the reversing designed out before approval, with the input of West Sussex County Council and MSDC Waste Services. These matters engage Policies DP21 and DP26.

More fundamentally, the Transport Statement does not demonstrate the transport case against the policy framework the Council must apply. It is assessed against a narrow set of standards — the West Sussex parking standard, Manual for Streets geometry and the Council's waste guidance — but is silent on the development plan's own transport and design policies (Policies DP21 and DP26 of the Mid Sussex District Plan, and the Bolney Neighbourhood Plan), on the National Planning Policy Framework, on Local Transport Note 1/20 (Cycle Infrastructure Design), on the Department for Transport's Inclusive Mobility guidance, and on the public sector equality duty (section 149 of the Equality Act 2010). Because the decision must be



taken in accordance with the development plan under section 38(6) of the Planning and Compulsory Purchase Act 2004, a transport statement that never engages DP21 or DP26 has not shown compliance with the policies that govern it. The omissions are not merely formal. The cycle provision is not tested against LTN 1/20, the national cycle-design standard — the same silence that lets the scheme propose cycling onto the foot-only Footpath 44Bo. And although Chapter 5 is headed “Walking, Wheeling and Inclusive Design,” it asserts inclusive outcomes without any assessment against Inclusive Mobility, while proposing shared-surface secondary streets on which “pedestrians, wheelchair users, cyclists and vehicles” mix — an arrangement Inclusive Mobility identifies as a recognised hazard for blind and partially-sighted people, who rely on a kerb line to distinguish footway from carriageway. That gap is no longer a matter of assertion. The highway authority has found a pavement at plot 32 that “does not connect to the adjacent footway”, a footway near plots 60/61 that “should connect to the path via tactile paving”, and has said these are “two examples” and that the applicant “should review and make sure all desire lines connect”. A layout on which the highway authority can find, on a first reading, two broken pedestrian connections and a missing tactile crossing — and expects there to be more — has not been designed to Inclusive Mobility, whatever the Transport Statement asserts. That inclusive-design gap is the more serious because the scheme serves the Kangaroos centre for children and young people with disabilities and removes the M4(3) wheelchair-accessible homes (ground 2), so the equality duty is squarely engaged and unaddressed. I ask the Council to require the transport and inclusive-design case to be demonstrated against DP21, DP26, the NPPF, LTN 1/20 and Inclusive Mobility, and the equality duty to be discharged, before the reserved matters are approved.

A final point on this ground goes to who guarantees these highway standards at all. The Transport Statement confirms (Table 4.1) that the estate roads are “proposed to remain privately managed and maintained,” designed only “generally in accordance with” adoptable standards but not offered for adoption. The consequence is that a range of highway and amenity standards which, on an adopted estate, the highway authority would specify, inspect, bond and enforce are here left to a private management company — neither adopted nor secured by any of the outline conditions. Some of these the Council can and should secure through this reserved-matters decision: the footway widths, gradients, dropped kerbs, tactile paving and step-free routes, assessed against Inclusive Mobility (a matter of layout and inclusive design); the refuse carry and collection distances and the designing-out of reversing (a matter of layout); a genuinely self-enforcing low-speed geometry; and, by condition on any approval, the internal road construction specification with an independent verification report (mirroring condition 28 for drainage) and a street-lighting scheme reconciled with the bat-sensitive conditions 6, 31 and 32. Others cannot be delivered by this application at all and require adoption, a separate order of the highway authority, or the Section 106: a legally enforceable speed limit and on-street parking restrictions (which need a Traffic Regulation Order made by West Sussex County Council under the Road Traffic Regulation Act 1984, not a planning condition); winter maintenance; and a completion bond and adoption sign-off. I ask the Council, first, to secure the reserved-matters-stage items above by condition or amended plans before approval; and second, not to approve an unadopted estate on which the low-speed, accessibility, lighting, refuse and inspection assurances the scheme relies on are neither adopted nor conditioned, without first requiring those matters to be secured through adoption (a section 38 agreement under the Highways Act 1980) or the Section 106 — so that residents paying full council tax are not also left paying a private company for infrastructure built and maintained to no guaranteed public standard.

## **10. Landscaping — climate resilience, fire and establishment without mains irrigation**

Landscaping is a reserved matter. The planting should be drought-tolerant and climate-adaptive, given the site’s observed water stress, and fire-aware — avoiding concentrations of highly flammable planting hard



against dwellings and the community building, with defensible space and an appropriate maintenance regime. Critically, South East Water operates in an area classified by the Environment Agency as one of serious water stress (Water stressed areas — final classification 2021), and its draft Drought Plan 2027 proposes Temporary Use Bans that (per its Appendix F) extend to gardens open to the public. I take South East Water as the relevant supplier because the District Plan's own evidence base for Policy DP42 cites South East Water's Water Resources Management Plan and its Haywards Heath resource zone covers this part of the district; the scheme's public open space, hedgerows, play-area planting and street trees could therefore not be hosepipe- or sprinkler-watered during a ban, including newly-planted stock. The landscaping and management scheme should be capable of establishing and being retained without reliance on mains irrigation. I also ask the Council to confirm the northern landscape buffer to the public right of way is retained at full width and not thinned from the approved Illustrative Landscape Masterplan (FHF-44).

A specific point on the planting schedule (drawing 0817/26/A/22): it includes 412 cherry laurel (*Prunus laurocerasus* 'Otto Luyken', specified as mass groundcover at 4 plants per m<sup>2</sup>), 68 Portugal laurel (*Prunus lusitanica*, supplied as 1m pre-grown instant-hedge troughs, so some 68 linear metres of hedge) and 514 yew (*Taxus baccata*). Having checked all eleven planting sheets, these are not localised: cherry laurel is labelled on nine of the eleven, and yew on nine of the eleven — so the toxic and invasive element of the palette runs through the whole scheme rather than being confined to any one part of it. I should be precise about the play areas, because the submission does not allow more to be said: the six play drawings specify only "Tree planting", a "Native tree and shrub mix" and a "shrub and bulb mix", naming no species and giving no schedule, and the Landscape Planting Plans do not identify the play areas at all. It therefore cannot be established from these documents which species are proposed in or immediately around them. That is itself the objection on this limb: the mixes should be specified by species, and species toxic on ingestion excluded from the play areas and their surrounds, before the landscaping is approved. Cherry laurel is a widely-recognised invasive non-native that self-seeds and naturalises aggressively in woodland and hedgerow, shading out native ground flora; Portugal laurel is a non-native that is less notoriously invasive but, like cherry laurel, is toxic (cyanogenic — its foliage and seeds release hydrogen cyanide if eaten). Mass planting of an invasive, toxic non-native (the cherry laurel), alongside a further toxic non-native (the Portugal laurel), is inconsistent with the scheme's own biodiversity net-gain and native-hedgerow objectives; the cherry laurel in particular risks spread into the retained hedgerows and adjoining countryside, and both are undesirable in public open space close to the play areas. These species should be removed from the planting schedule and replaced with native, non-invasive alternatives, secured by condition.

A distinct and more serious child-safety point arises on routes to the Kangaroos community building — the centre which the Council's own Committee Report for the outline permission describes as "a community building to be used by Kangaroos a charity established in the District who support children, teenagers and adults with severe learning disabilities and complex needs". The landscaping now before the Council (Landscape Planting Plan 8 of 11, drawing 0817/26/A/18) places, in the beds on routes to that building, a concentration of toxic species. The drawing labels a block of ten yew ("10 No. TAX BAC", *Taxus baccata*) in the frontage bed immediately north of that building, together with 14 cherry laurel ("14 No. PIOL", *Prunus laurocerasus* 'Otto Luyken') in the same bed. Yew is among the most poisonous plants commonly grown in Britain: every part of it except the flesh of the berry is potentially fatal if eaten, and there is no antidote. Cherry laurel and Portugal laurel (*Prunus lusitanica*) are both cyanogenic, and the berries and leaves of privet (*Ligustrum vulgare*) are poisonous. Yew, cherry laurel, Portugal laurel and privet are all listed as harmful if eaten in the RHS/HTA guidance on potentially harmful plants, yew being in the more toxic category. This is a scheme-wide palette choice rather than a slip in one corner, and it matters particularly



here, because the ordinary assumption that planting will not be handled or eaten cannot safely be made in a scheme that includes a facility for children and young people with learning disabilities. Other species in the same beds (*Viburnum tinus* and *Hydrangea*) are lower-risk but are also commonly cited as harmful if ingested. Critically, these toxic species are not set back within enclosed private gardens: on drawing 0817/26/A/18 they are placed as public-facing frontage, verge and boundary planting — in the beds directly beside the estate roads, the footpaths and the coach drop-off, and, in the case of privet, in the mixed native boundary hedge of some 146 plants (“146 No.LIGVU”) along the eastern open-space edge — so every one of these beds is reachable by a child walking past on a road or footpath, playing in the open space, or arriving at the centre. Children and young people with learning disabilities are, as a group, more likely to touch, mouth or ingest plant material and less able to heed a warning; established good practice (RHS and RoSPA guidance, and ordinary local-authority landscape practice) treats yew and cherry laurel in particular as unsuitable immediately adjacent to spaces used by young children or vulnerable people. The Kangaroos building itself will be delivered under a separate reserved matters application, but the soft landscaping on routes to the Kangaroos plot — and the planting in the vicinity of the play areas — is part of this application and is being approved now. I ask that the planting be redesigned to remove yew, both laurels and other species toxic on ingestion; that the play-area planting mixes be specified by species and those species excluded from them; and that both be secured by condition.

## **11. Trees — retained trees are at risk of post-occupation removal**

The Arboricultural Implications Report devotes a section (Section 7) to the relationship of retained trees to the new dwellings, and identifies the risk that trees will come under pressure for removal after occupation “because of shading or apprehension.” Several retained trees sit on what will become south-facing rear garden boundaries. Where the layout places dwellings and gardens too close to retained trees, the predictable result is post-occupation pressure to fell or heavily prune them — defeating the very screening and landscape character the scheme relies on. The layout should be shown to give retained trees enough space (and light to the dwellings) to avoid that pressure, and tree protection should be secured by condition.

## **12. Ecology and external lighting**

The site supports protected species and retained hedgerows, a watercourse and a public right of way, and the outline permission already requires — by condition 31 — a biodiversity lighting strategy in accordance with ILP Guidance Note GN08/23 (Bats and Artificial Lighting) demonstrating that lighting will not disturb bats, and — by condition 32 — details of lux levels, times of use and obtrusive light. Neither condition is among those this application seeks to discharge, so both remain outstanding. The Lighting Report submitted here is a road-lighting design to BS 5489-1:2020 (classes P2 and C3, average around 15.6 lux) using neutral-white 4000K luminaires. 4000K is a comparatively blue-rich, cool white, whereas GN08/23 advises warm sources of 2700K or less near bat habitat. The Council should ensure the reserved-matters lighting is not fixed at 4000K in a way that pre-empts or conflicts with the condition 31 bat-lighting strategy, and that the external lighting is specified to a warm, bat-sensitive colour temperature with spill control and dark corridors retained along the hedgerows and the public right of way, consistent with the Habitats Regulations 2017 and the section 40 NERC Act 2006 duty.

There is a prior question about the environmental zone against which that lighting has been designed. The applicant’s Proposed Lighting Design document (MMA Lighting Consultancy Ltd, 3 August 2026) reproduces the environmental zones in ILP Guidance Note GN01/21 and concludes that “it would indicate that the area would be classified as E3 Medium District Brightness Areas”. On the definitions that document itself sets out, E3 is “[w]ell inhabited rural and urban settlements, small town centres of [sic] suburban locations” — I



quote its Table 2 as written, the slip for “or” being the applicant’s — while E2 is “[s]parsely inhabited rural areas, village or relatively dark outer suburban locations”. This is a greenfield site on the edge of a village which the applicant’s own Landscape Design Statement places in National Character Area 122 and describes as rural; E3 is not obviously the right classification for it, and the choice matters because the obtrusive-light limits in the same table are markedly more permissive at E3 than at E2 — on the applicant’s own figures, 2 lux of post-curfew vertical illuminance against 1 lux, and an upward light ratio of 5% against 2.5%. I ask the Council to require the environmental zone to be justified, and the lighting recalculated if a more rigorous zone applies. I should add that the High Weald National Landscape’s Planning Technical Advice Note: Dark Skies (July 2024), published under the Countryside and Rights of Way Act 2000 on behalf of fifteen authorities including this Council, treats the High Weald as zone E1 and advises that “where a rural site is outside of, but adjacent or very close to the AONB boundary, zone E1 should also be used”, and that colour temperature “should be less than 3000K, ideally 2700K”. On my own measurement the site’s northern boundary lies approximately 450 metres from the southern boundary of the National Landscape; that is an approximate figure taken from mapping rather than a survey, and I invite the Council to verify it against its own. That distance is not “adjacent”, and Bolney Parish Council was right to record, at paragraph 6.12 of the outline Committee Report, that the site does not “immediately abut the High Weald designated area”. But the Note’s test is “adjacent or very close to”, and the two are not the same: under half a kilometre is very close by any ordinary reading, and the more so given the Note’s own rule of thumb that “[i]n any rural setting in the AONB, roughly 2km from the nearest streetlit town, there is a high probability that the local skies are of sufficient quality (E1) to be classified as a ‘dark sky’ with the Milky Way able to be seen.” This development would introduce street lighting some 450 metres from the designated area, so land within the National Landscape would lie well inside the radius the Note associates with degraded sky quality. The principle the Note applies is the ordinary one that “where an area to be lit lies close to the boundary of two zones the obtrusive light limitation values used should be those applicable to the most rigorous zone”. I therefore ask the Council to determine whether E1, rather than E3, is the correct zone for this site; and in any event the proposed 4000K exceeds the Note’s 3000K ceiling. I note that the boundary nearest the National Landscape is also the northern bat corridor addressed above, so the lighting closest to the designated area is the lighting at the most sensitive ecological edge of the site.

A further point looks beyond first occupation. Unlike roof alterations, external lighting a resident later adds is generally not development, so it cannot be controlled by removing permitted-development rights; the tool is the lighting condition itself. I therefore ask that condition 31 be discharged, and any reserved-matters lighting approval framed, so as to (i) secure a genuinely dark corridor along the northern boundary and the hedgerows, and (ii) provide that no external lighting shall be installed within the defined bat-sensitive zones — the northern corridor and buffer, and the elevations and gardens of the plots adjoining them — at any time otherwise than in accordance with the approved bat-sensitive lighting strategy, and shall thereafter be so retained. Worded in that way the restriction attaches to those plots as an enduring obligation, enforceable by breach of condition even against lighting a future occupier installs, which an ordinary lighting condition — aimed at the lighting installed as part of the development — may not otherwise reach. The same discipline should apply to the elevations of the plots in the identified views to and from the Grade I church, so that future security or feature lighting does not erode the heritage-sensitive design; the ecological justification is the stronger, but both engage the necessity and precision tests in Policy DM6(1) of the NPPF (2026). This is a matter of condition wording and enforceability, not of removing permitted-development rights.

The importance of the northern boundary is not in doubt. The Committee Report for the outline permission (paragraph 12.214) records that activity surveys at the northern boundary logged 8,428 bat registrations, and that the assemblage includes light-sensitive species — 16.2% *Myotis* and 4.9% *Barbastelle*, the



Barbastelle being a rare Annex II bat documented as highly intolerant of artificial light — alongside Common and Soprano Pipistrelle and Long-eared bats. Two features of the reserved matters bear on that corridor. First, the reserved-matters lighting must accord with the mitigation already fixed at outline: condition 6 requires the mitigation to be carried out in accordance with, among other documents, the Lighting Impact Assessment (Nature Positive, April 2025) and Appendix D Predicted Light Spillage (RSK, April 2025), so a 4000K approach not shown to accord with that approved assessment conflicts with condition 6 as well as condition 31. Second, the layout compounds the risk: the applicant's own Design and Access Statement describes the northern public right of way as "overlooked by new homes" and the peripheral dwellings as "outward looking onto landscape buffer and open space," which brings domestic window-, garden- and security-lighting, and sweeping vehicle headlights, up to the dark corridor. The corridor should be demonstrably retained as genuinely dark, with any lighting near it specified to 2700K or less with spill control, and the northern-edge layout designed so that dwellings and their lighting do not illuminate it.

More broadly, the reserved-matters layout and landscaping must not foreclose the ecological mitigation the outline secures by condition — the Construction Environmental Management Plan (Biodiversity) and its protection zones, the Hazel Dormouse mitigation/licence, the Great Crested Newt District Licence measures, reptile mitigation, and the Biodiversity Enhancement Layout, none of which is discharged here. I ask the Council to satisfy itself, before approving the layout, that the retained hedgerows and ditch network are kept as continuous, connected corridors and not severed by roads, plots or services (dormice and reptiles depend on unbroken connectivity); that the on-site reptile receptor land the Council's Ecological Consultant supported on the northern and north-western boundaries and in the central area is retained at adequate size and quality, safeguarded from built development and light spill, and connected to retained habitat; and that the layout leaves room for the biodiversity enhancements and construction-phase protection zones. Great crested newts are addressed off-site through the NatureSpace District Licence (WML-OR136); the only pond supporting GCN lies about 80m offsite and is not directly affected, so on-site GCN habitat is not in issue — I ask only that the layout does not preclude the licensed on-site works the District Licence requires.

### **13. Consistency with the undetermined discharge applications**

The details on which this application depends — the affordable housing scheme and wheelchair provision, the play areas, the drainage, the levels, the boundary treatment and the allotments — are also the subject of the undetermined applications DM/26/1760 (S106 approvals) and DM/26/1962 (discharge of conditions 7, 12, 16, 17, 26, 30, 36, 37 and 41). Those applications remain pending and may or may not be approved. This reserved matters application cannot properly be approved inconsistently with the S106 or ahead of the resolution of the very conditions it also seeks to discharge, and its approval should not be used to pre-empt them.

There is a prior question here about what this application is for, which I raise because it affects what the Council may lawfully determine and what the public has been told. The applicant's own application form describes the development sought as "Approval of reserved matters (appearance landscaping layout & scale) ... and discharge of conditions 7, 12, 16, 17, 26, 30, 36, 37 & 41". The Council's description of the same application does not include that second limb: the entry on the online register, and the neighbour notification letter of 17 August 2026, both stop at "public open space and infrastructure". So the applicant says this application seeks to discharge nine conditions and the Council's own publicity does not mention it — while a separate and undetermined application, DM/26/1962, seeks to discharge the same nine. I make no suggestion of impropriety; the likeliest explanation is that the Council has treated the discharge element as belonging to DM/26/1962 and described this application accordingly. But the two descriptions cannot both be right, and which is right decides whether the conditions fall to be determined here or there. I ask



the Council to confirm which application determines conditions 7, 12, 16, 17, 26, 30, 36, 37 and 41; and, if any of them is to be determined under this application, to correct the description on the register and to re-publicise it, so that those consulted are told what is actually being decided. My submissions on those conditions are made in the alternative and apply on whichever application they fall to be considered.

#### 14. Adequacy and coordination of the submission

The submission contains drawing-management errors that should be corrected so that what is being approved is unambiguous. For example, two different Abingdon house-type sheets (End Option 1 and End Option 2) both carry the drawing number HT.AB.pe1 Rev B; the Walnut Option 4 (Weatherboard) elevation appears under two different file titles for the same drawing number (HT.WA.e4); and the Wayfaring elevation options are inconsistently numbered (two “Option 4” sheets, e4 and e5). These, with numerous title/spelling inconsistencies across the set, should be reconciled before determination. The submission also contains substantive internal contradictions, not just clerical ones — for example, the Heritage Compliance Statement relies on the northern-boundary planting screening the development from the adjacent footpath (para 4.25), while the Design and Access Statement promises that same footpath will be “overlooked by new homes” with “natural surveillance” (see ground 3 above). Contradictions of this kind mean the Council cannot take the applicant’s conclusions at face value.

There is also a transparency point about the independent design advice. The Planning & Affordable Housing Statement records that the scheme was taken to the Mid Sussex Design Review Panel (met 10 June 2026, with written advice received on 15 July 2026), but expressly states that the Panel’s advice “will not be listed in full for conciseness,” reproducing only selected points and the applicant’s own responses to them. The Design Review Panel is an independent expert body whose views are a material consideration, and the applicant should not be the sole filter of what it said. I ask the Council to place the Panel’s full written advice of 15 July 2026 on the public file, so that its observations — including on any matters the applicant has not volunteered, such as inclusive and accessible design — can be seen and weighed in the round rather than only as summarised by the applicant.

More fundamentally, the scheme should be referred back to the Panel before the application is determined. The Panel’s adopted Terms of Reference provide that “schemes will normally be considered by the DRP twice ... with the first submission at pre-application stage, and the second submission at the application stage,” by the same panel, dealing with “points that have been previously raised or points arising from the changes ... made since the original presentation”. On the documents submitted, the scheme has been to the Panel only once, at pre-application stage (Panel meeting 10 June 2026, written advice 15 July 2026). The applicant’s “Revised Design Response” entries in the Design and Access Statement are therefore its own account of how it says it has addressed the Panel’s concerns; they have not been tested or endorsed by the Panel. That matters because at the application-stage review the Panel gives an overall verdict — support, support with amendments, or object (with “support with amendments” withdrawn where a decision is imminent) — and its first-round concerns included excessive density and over-development and a lack of local character. This is not only a matter of the Panel’s own Terms of Reference. Policy DP4(2)(a) of the National Planning Policy Framework (August 2026) provides that the local planning authority should “[e]nsure that they have access to, and encourage the appropriate use of design review and other design tools and processes (especially for strategic sites and other significant projects), and take into account their outcomes, including any design recommendations made by design review panels”. A 198-dwelling allocated site is plainly a significant project; the Panel has made design recommendations; and the Council cannot take their outcomes into account on a scheme the Panel has not seen in its submitted form, nor while the only record of what the Panel said is the applicant’s own partial summary of it. I ask the Council to secure the second, application-stage Design Review Panel review that its



own Terms of Reference envisage (and which the applicant has already paid for) before determining this application, so that the adequacy of the Revised Design Responses is judged by the Panel rather than asserted by the applicant, with the Panel's comments published and reported to committee as the Terms of Reference require.

### **15. The Statement of Community Involvement does not reliably evidence the consultation**

Limited weight should be given to the Statement of Community Involvement (SCI) as evidence of community engagement or support, for four reasons, which I put factually and do not take to reflect any intention to mislead. First, the Conclusion states that the feedback “has been fed into the development of the *outline* planning application.” This is a reserved matters application, and outline consent was granted on 18 November 2025, some months before this consultation (which ran to 14 August 2026); the feedback cannot have fed into the outline application, and the sentence appears to be text carried over from an earlier document. The SCI seems to be poorly structured, with information about two different consultations possibly jumbled together. Second, the reported numbers are not clearly reconcilable: the SCI states that “20 completed feedback forms” were returned, but the question-by-question summary then refers only to six or seven respondents (“All seven respondents...”; “Six respondents provided an answer”; options “each selected by two respondents” and “chosen by three respondents”). I recognise these lower figures may represent only those who answered each particular question rather than the total returned; but on that reading the document does not report how the twenty forms as a whole responded, and on the alternative reading far fewer than twenty people engaged. On neither reading does the summary, as drafted, clearly evidence the level of engagement the headline figure implies. Third, the SCI records that “a further two emails were received” and characterises the emailed comments as focused on “traffic on the A272... the need for the development, play areas and cycle infrastructure.” I sent an emailed representation during the consultation, on 24 July 2026, which is not reflected in that summary; it is reproduced in full in the Appendix to this objection. Moreover, more than two people have confirmed to me that they emailed the applicant in response to the consultation, so the statement that only “two emails were received” is, on the face of it, inaccurate and understates the level of written objection. Fourth, the information provided to consultees in the July 2026 leaflets was wholly inadequate to allow meaningful comment. On the SCI's own account, the leaflet's substantive content was limited to four generic headings — “About Cala Homes,” “The site and planning background,” “The application proposals” and “Contact details” — with no drawings, schedules or detail of what was actually being sought. Consultees were therefore left with nothing concrete to consult on and could only assume that the scheme accorded with the outline permission. That assumption is contradicted by the applicant's own concurrent submission DM/26/1760, which seeks to discharge the Section 106 obligations in a way that omits the M4(3) wheelchair-accessible affordable dwellings and alters the affordable housing mix. Consulting the community against the outline prospectus while asking the Council to approve something less accessible is not meaningful engagement and does not meet the front-loading and early, effective engagement expected by the NPPF and the Council's adopted Statement of Community Involvement. I raised this same concern in my email of 24 July 2026. I therefore ask the Council to give only limited weight to the applicant's own characterisation of the consultation — in particular any suggestion that the scheme “responds positively to local feedback” or that concerns have been “appropriately addressed” — and to rely instead on the representations actually made to it.

### **16. The sustainability assessment is not tested against current and emerging climate and water policy**

The Energy and Sustainability Statement, though dated June 2026, does not test the scheme against the current and emerging climate and water position. Its water section reproduces the Mid Sussex District



Plan's Policy DP42 supporting text, whose "Evidence Base" still cites South East Water's superseded Water Resources Management Plan 2014; the current statutory plan is South East Water's WRMP24 (its Water Resources Management Plan 2024, published October 2024), two review cycles later. The Statement engages neither WRMP24, nor South East Water's serious-water-stress designation, nor the draft South East Water Drought Plan 2027, nor the draft West Sussex Climate Change Mitigation and Adaptation Action Plans, prepared jointly by the County Council and the district and borough councils and out to consultation in August 2026. I accept these are emerging documents that carry limited weight, and that the operative internal-water standard (110 litres/person/day, via DP42 and Part G) is unaffected. The omission nonetheless matters in two ways. First, a sustainability assessment resting on a decade-old evidence base cannot be relied on as demonstrating that the scheme reflects the up-to-date water-resources and climate position, so its "policy-compliant" self-characterisation should carry correspondingly less weight. Second, on external water the scheme runs against the direction of the draft Drought Plan: as set out at ground 10, the landscaping and play-area establishment rely on mains irrigation that a Temporary Use Ban would prohibit. Taken with the unreconciled drainage (ground 6) and the bare Part S electric-vehicle commitment and unmaximised solar orientation (grounds 8 and 9), the scheme is not shown to deliver the climate- and water-resilient design these current and emerging documents seek.

### **17. Reserved-matters concerns raised by outline consultees are not addressed**

At the outline stage several statutory and technical consultees raised concerns that were expressly matters for reserved matters — appearance, landscaping, layout and scale all being reserved — so this application is the stage at which they fall to be resolved. On the documents submitted, the most significant of them are not addressed.

**Crime prevention (Sussex Police, Designing Out Crime Officer).** The Police made recommendations on the layout and design of the scheme under Secured by Design and CPTED principles, and confirmed on 28 July 2025 that "my previous comments remain extant." Those recommendations included communal parking sited in small, overlooked groups; the discouragement of rear parking courtyards (which introduce concealment and anti-social behaviour); defensible-space boundary treatment (low walls and railings to frontages, robust 1.8m barriers and lockable gates to vulnerable side and rear boundaries); and — as summarised in the officer's report — that the community building is at risk of graffiti and that play areas without adequate passive surveillance are at risk of anti-social behaviour. This application contains no Secured by Design or crime-prevention statement at all. The Design and Access Statement's road-hierarchy plan does include a street type labelled "Private Driveways and Parking Courts," but parking is otherwise stated to be "generally on-plot," and the Parking Plan does not identify parking courts as a distinct category, so the extent of any rear courts is unclear from the applicant's own documents; to the extent any are provided, the application does not demonstrate that they are gated or overlooked as the Police recommend. Several play areas are not overlooked (ground 5); and graffiti is addressed only by reactive removal in the Landscape Management Plan rather than designed out. The Police concerns are therefore not shown to be met.

**Landscape set-back (the Council's Landscape Consultant).** The Landscape Consultant, while not objecting in principle, had "remaining concerns regarding the detailed design and how the layout can accommodate these," and recommended reducing the development away from the northern boundary to protect the rural amenity of Public Right of Way 44Bo, and setting the development back from Foxhole Lane. The record shows the applicant chose not to pull the development back from the northern boundary. That concern is not addressed, and it compounds both the heritage-screening contradiction (ground 3) and the treatment of the northern edge and its footpath (ground 9).



Other consultee concerns engaging reserved matters are, at best, only partly addressed: the Conservation Officer's conclusion of harm (below the substantial-harm threshold, in the terms of Policy HE5(2) of the 2026 NPPF) to designated heritage assets is conceded rather than eliminated (ground 3); the Environmental Health Officer's points on lighting and noise remain live (grounds 12 and 4); and the Public Rights of Way Officer's concern about damage to Footpath 44Bo from intensified use is unresolved alongside the contradictory cycle/footpath status of the northern link (ground 9). I ask the Council to require the applicant to demonstrate, before the reserved matters are approved, how each of these consultees' reserved-matters concerns has been addressed — in particular by providing the Secured by Design / crime-prevention response, and by reconciling the layout with the Landscape Consultant's recommendations.

## **18. Omission of the community building and self/custom-build plots**

The Planning & Affordable Housing Statement (paragraph 1.5) confirms that the Site Location Plan for this application differs from that approved at outline because the Custom/Self-Build plots and the Community Building have been removed, with separate reserved matters applications for those elements to “come forward separately in due course.” This application is therefore for 198 dwellings within a permission for up to 200, with the two custom/self-build plots and the community (Kangaroos) building deferred.

That creates a coordination difficulty. The submitted layout (SL.01) shows and surrounds the Kangaroos plot, so this application fixes the access, coach drop-off and surrounding landscaping serving that building while the building's own design is deferred — locking in the drop-off arrangement, its setting and the planting around it before the building that generates those movements has been designed. As set out at ground 9, that drop-off is drawn on the estate road within this application and sits at a poor location by a sharp bend and a junction; and the landscaping around it includes toxic species inappropriate next to a facility for children and young people with learning disabilities (ground 10). The Council should not approve a layout that pre-empts the safe and workable design of the community building. There is also a specific mechanism which ought to have been engaged first. Paragraph 1 of the FIFTH SCHEDULE to the S106 requires the Owner to submit the Community Building Specification — defined in the Deed as “the specification for the design, construction and use of the Community Building” — to the District Council and to Kangaroos for approval “prior to the submission of any Reserved Matters Application relating to the Community Building Land”, and paragraph 2 imposes the same requirement for the Community Building Management Plan. Filtering the register for DM/25/1129 by the word “Community” returns three entries out of 559 — the indicative floor plan, the indicative elevations and the Statement of Community Involvement — and no Specification appears. It may have gone to the Council and to Kangaroos outside the planning register, and if it has I withdraw this point; but if it has not, the document that is to fix the design of this building has not been approved while this application fixes its setting. That matters because the building's height is barely controlled. The Building Heights Parameter Plan (P20074-RFT-XX-XX-DR-A-0114 Rev P03), an approved plan under condition 2, limits Use Class F1 land to “up to 1 storey” — but no document in the outline permission gives this building a height in metres. The Community Hub Indicative Elevations (P20074-RFT-CH-ZZ-DR-A-0321 Rev P02) show four elevations carrying no height dimension at all, and the only metre figures in the outline landscape evidence attach to other things: the Landscape and Visual Appraisal models two-storey dwellings and apartments at 9m and single-storey garages at 5.5m, and describes the hub only as “single-storey”. The S106 fixes nothing dimensional either — the plan it annexes at APPENDIX 8 is the Land Use Parameter Plan, which fixes location and use class alone. A single-storey building in the agricultural-barn idiom those elevations depict can carry a substantial ridge, and the Committee Report records this building as some 25.6 metres from the boundary with Little Foxhole. I ask the Council to confirm whether the Community Building Specification has been submitted and approved



under paragraph 1 of the FIFTH SCHEDULE, and, if it has not, not to fix the access, drop-off and landscaping around a building whose design that Schedule requires to be settled first.

The custom/self-build plots are governed by condition 25, which requires a design code and plot passport to be approved before any reserved matters for those plots. The layout (CSL.01) shows the two self-build plots (181 and 182) land-locked in the middle of the northern parcel, enclosed by market housing rather than located on a serviceable parcel edge. That is a poor location for custom/self-build, which is built out individually and later: construction traffic, materials storage and disturbance would run through completed, occupied streets, and an interior “gap” plot risks standing part-built for a prolonged period. I ask that the two plots be located where they can be built out and serviced independently — at or near a parcel edge, with their own access — and that this be settled now rather than pre-empted by fixing the surrounding housing around them, so the outstanding condition 25 process is not foreclosed.

The community building and the transfer of the Kangaroos land are secured by the S106, but the building’s detailed design is deferred. The Council’s own Environmental Health Officer records (20 August 2026) that the concerns he identified for the community building — hours of operation, deliveries and servicing, plant and machinery, odour control and noise from activities — fall to be considered only when that separate application comes forward. Those operational impacts bear directly on the drop-off, parking and boundary arrangements this application fixes now, which should not be settled in a way that pre-empts them.

Finally, good acoustic design begins with layout. Condition 16 requires the hierarchy of good acoustic design to be applied “in descending order,” the first tier being site layout and orientation. Layout and orientation are being fixed now, and the Environmental Health Officer has confirmed (20 August 2026) that the layout has been used to this end — increased setbacks (the nearest dwellings some 36 metres from the A272), orientation and screening — but that a number of dwellings still cannot meet internal noise standards with windows open, and that condition 16 should not be fully discharged until the ventilation and cooling strategy for those dwellings is agreed. That residual overheating and ventilation gap (ground 4) is a direct consequence of the layout fixed here; I ask that noise be minimised at source so far as the layout allows.

## **19. Amenity of existing homes on the eastern boundary (The Street)**

The estate (spine) road and its traffic run down the eastern side of the development, and at points — in particular around the community-building access and coach drop-off — the carriageway and its vehicle movements come close to existing dwellings on The Street. This engages Policy DP26, which requires that development not “cause significant harm to the amenities of existing nearby residents... taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution,” and Policy DP29 (Noise, Air and Light Pollution).

The applicant’s own Landscape Design Statement concedes the issue: the eastern green buffer is intended “to block potential glare from headlights of cars using [the] access road from disturbing adjacent properties and gardens to the east.” The applicant therefore accepts that the road, as laid out, would disturb homes to the east and relies on planting to mask it. Where a road needs a buffer to mask its impact on existing homes, the better course is to minimise that impact by design and to secure the mitigation robustly.

That concession is not the applicant’s alone: the Council’s own Design Review Panel raised the same issue independently. The applicant’s Planning & Affordable Housing Statement, summarising the Panel’s written advice of 15 July 2026, records that “[c]oncerns were raised about lighting/glare to the east from the link road between the northern and southern parcel.” The applicant’s stated response was not to redesign the road but to plant: the same Statement lists, among the changes made since the Panel’s review, “[b]olstered



landscaping on the eastern boundary to minimise impact of lighting and glare on the existing properties along the Street that back onto the eastern boundary of the site.” An independent expert panel therefore identified glare to the east, and the applicant’s own account of how it answered that concern is a thicker screen. That is precisely the approach this ground asks the Council to test against a design solution, and — if planting is nonetheless to be relied on — to secure robustly rather than leave to a landscape scheme that can be thinned or lost. I note that the Panel’s own words on this point are available only through the applicant’s summary of them, which reinforces the request at ground 14 that the Panel’s full advice of 15 July 2026 be placed on the public file.

There is a third, and more striking, concession, and it is the applicant’s landscape architect’s own. The Landscape Visual Assessment (Hill-Wood & Co (Kent) Ltd) states in its conclusions: “There is also likely to be some negative impact to residents living along the eastern boundary of the site. However, the visual impact on these properties has not been assessed owing to the appraisal only covering publicly accessible viewpoints.” The applicant therefore accepts that its scheme is likely to harm the residents on this boundary, and states in terms that it has not assessed that harm. The mitigation offered in the same breath — “mitigation planting and buffers are proposed to be enhanced and created along the eastern boundary to reduce the visibility of development to nearby existing residents” — is a response to an effect whose scale nobody has measured. On a reserved-matters application in which layout, scale and landscaping are the very matters for determination, an assessment that expressly excludes the receptors most affected does not enable the Council to judge those matters. I ask that a private-view assessment of the dwellings on the western side of The Street, with sections showing existing and proposed levels and separation distances, be required before determination — the same drawings I ask for at ground 8.

The same record discloses a second Panel concern directed at these very properties. The Planning & Affordable Housing Statement records, as the second of the Panel’s key points, that “[c]oncerns were raised about gardens flooding for properties along the western edge of The Street.” The applicant’s own list of the changes made in response to the Panel — revisions to the link road, bolstered eastern landscaping, softened link-road planting and the relocation of air source heat pumps — includes nothing responding to this concern. The submission does address The Street, but on a different mechanism: the Drainage Technical Note states at paragraph 6.1.5 that the proposed separate networks “will capture and divert both surface water and foul flows away from The Street,” “thereby reducing the risk of sewer flooding” in the existing combined sewer. That is a claim about flows entering the public sewer in the highway. The Panel’s concern was about gardens along the western edge of The Street — the rear gardens backing onto this site’s eastern boundary — which is a question of overland and exceedance flow off the site, not of sewer capacity in the road; answering the second does not answer the first. I do not assert that those gardens flood, or that this development would cause them to flood; I have no evidence either way. The concern is the Panel’s, as recorded by the applicant, and my point is only that it has not been answered. Given that the drainage is in any event not demonstrated on a consistent basis (ground 6), I ask the Council to require the applicant to address the Panel’s concern expressly. The Panel’s concern remains to be answered: the applicant’s own summary of the changes made since the review does not mention it, and I have not found it addressed elsewhere in the submission.

I ask the Council to require the layout to minimise disturbance to existing homes on The Street, and to secure by condition (none of which depends on relocating the road): (a) a guaranteed, thickened eastern landscape buffer of dense, largely native evergreen planting, retained and maintained in perpetuity; (b) control of headlight glare and light spill through site levels, low earth bunding and boundary planting; (c) an external lighting scheme for the eastern edge specified to avoid spill toward existing homes and, consistent with ground 12, to a warm, bat-sensitive colour temperature; and (d) measures on the eastern estate road



and the coach movements (alignment, surfacing and speed control) to limit noise and disturbance. These are all matters for this reserved-matters decision.

## 20. The setting of the High Weald National Landscape

The applicant's own landscape evidence is more equivocal than its planning case. The Landscape Visual Assessment records that, within the Mid Sussex Capacity Assessment (2014), the site forms part of "Landscape Capacity Area 60: Bolney Sloping High Weald, and assessed as having Low/Medium capacity to accommodate development" — the LVA fairly notes the study's caveat that such scores are indicative and need site-specific testing. On its own viewpoint analysis, it concludes that "viewpoints 1 & 3 will experience a Moderate Significance of Impact; and viewpoints 2 & 4 will experience a Moderate to High Significance of Impact". As to the National Landscape itself, the assessment does not re-appraise the question but adopts the outline-stage finding, stating that the earlier conclusion "that the High Weald National Landscape would experience Minor and Neutral landscape effects ... stands". I do not dispute that finding, and I do not suggest the development would be widely visible from within the National Landscape; my point at this ground is the narrower one about lighting and dark skies set out above. I note only that the assessment relied upon was carried out by Hill-Wood & Co (Kent) Ltd, which the document records as having been "actively involved in the design process" and which also prepared the scheme's landscape masterplan and planting plans — so it is the designer's appraisal of its own design.

The application site lies in the setting of the High Weald National Landscape (formerly the High Weald Area of Outstanding Natural Beauty). The applicant's own Landscape Design Statement places the site within National Character Area 122 (the High Weald), in the "High Weald Fringes," adjacent to the High Weald AONB, and the outline Committee Report records the site as on the "edge of AONB."

Policy N4(4) of the National Planning Policy Framework (2026) provides that "development proposals within the setting of Protected Landscapes should be sensitively located and designed to avoid or minimise adverse impacts on the Protected Landscape." Because the site is in the setting of — rather than within — the National Landscape, this is the applicable limb, and it is directed squarely at the reserved matters: appearance, scale, layout and landscaping.

N4(4) is not, however, the only or the strongest policy engaged, and I should have put the point on the development plan first. Policy DP16 (High Weald Area of Outstanding Natural Beauty) of the adopted Mid Sussex District Plan provides 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". That is an adopted policy, so by section 38(6) of the Planning and Compulsory Purchase Act 2004 it is the starting point, and unlike N4(4) it is expressed as a restriction rather than a design aspiration. Its location limb was settled at outline; its design limb is a reserved matter and is live now. That the site is land contributing to the setting does not depend on my assertion: the High Weald AONB Management Plan 2024–2029 states that "due to the high synergy in character between the National Landscape boundary and the wider High Weald National Character Area (NCA), land within the NCA should be considered as falling within the setting of the National Landscape", and it is the applicant's own Landscape Design Statement that places this site in National Character Area 122.

I recognise that the principle and quantum, and the acceptability of the site in landscape terms as a matter of principle, were settled at outline (where the Council found the site's own landscape was not a "valued landscape"). My point is confined to whether the detailed design now proposed minimises the adverse



impact on the setting of the designated National Landscape, as N4(4) requires. On the material before the Council it is not shown to: the Design Review Panel found the density “excessive, resulting in an over-development of the site,” on the scheme it saw at pre-application stage, and the layout turns outward-facing housing onto the northern and countryside edges — a form that increases rather than minimises the development’s presence in views from and towards the National Landscape and relies on peripheral planting to soften it.

I do not overstate this: N4(4) attaches no particular weight direction to development in the setting of a Protected Landscape (unlike development within one). I ask only that, before approving the reserved matters, the Council satisfy itself — against N4(4) and on an adequate landscape assessment — that the scale, density, edge treatment and landscaping avoid or minimise the adverse impact on the setting of the High Weald National Landscape, and require amendment where they have not.

## **21. Emerging allocations MM86 and MM87**

The emerging Mid Sussex District Plan 2021–2039, as proposed to be modified (Schedule of Main Modifications, July 2026), allocates two sites adjoining this one (DPA14): MM86 (“Foxhole Farm Buildings, Foxhole Lane, Bolney,” 20 dwellings) and MM87 (“Land north of Foxhole Farm buildings, Bolney,” 13 dwellings). Each is required, among other things, to “provide integration and connectivity with the adjacent site DPA14, Foxhole Farm,” and to improve and connect to public right of way BOL-44BO. The nature of the required “integration and connectivity” is not defined in the emerging policy.

I recognise the emerging plan carries limited weight — it is not adopted, and these appear to be newly-proposed main modifications — and that the principle and quantum of the DPA14 scheme are fixed by the outline permission. My point is confined to the reserved matter of layout: I ask the Council to satisfy itself that the layout now proposed does not foreclose the pedestrian, green-infrastructure and design integration the adjoining emerging allocations are required to provide with this site — in particular along the western and northern edges and in relation to BOL-44BO — so that, if those allocations are adopted, a coherent relationship remains possible. I do not suggest the emerging plan requires any particular road alignment or vehicular connection; only that the layout retain the flexibility to integrate rather than preclude it.

Two documents from the plan’s examination bear directly on how the DPA14 criteria stand in relation to this application, and I put them before the Council because they are its own. In written questions on site allocations issued in March 2026, the Inspector asked of DPA14: “As this site has planning permission for development, why should it remain in the plan?” and “Were it to remain in the plan, would the policy criteria (including any proposed modifications) fairly and accurately reflect the conditions of the planning permission?” The Council answered in April 2026 that Policy DPA14 “should be retained to ensure that there remains a clear policy framework to determine any future reserved matters application(s) and/or, in the event that the current permission lapses, any future planning application”, and that “[t]he proposal subject to the planning application has been developed to be in general conformity with the policy requirements of the draft allocation” (Council’s response to the Inspector’s written questions on site allocations, examination reference MS-15, April 2026, section 8, printed page 19). This is that reserved matters application. I do not suggest the emerging policy binds this decision — it is not adopted, and I do not give it weight it cannot carry. The narrower point is that the Council has told the Inspector, in April 2026, that the DPA14 criteria are retained precisely to provide the policy framework for determining reserved matters here; it should therefore record on this file how the layout now proposed measures against those criteria, rather than treat them as having spent their force at outline.



## Summary of conflicts

| Issue                              | Requirement / policy                                                                                                                                     | Why it conflicts                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| M4(3) wheelchair units             | S106 Second Schedule Pt Two; DP28; Affordable Housing SPD 2018 (paras 2.46–2.49); Equality Act s.149                                                     | Statement recites the 4% requirement then omits it on an unevidenced “site location” basis                                                                                                                                                                                                                                                                                           |
| Play areas                         | S106 First Schedule (minimum 2 LEAP; LEAP ≥400m <sup>2</sup> ); Play Areas defined as 0.15ha; provision figures on the Deed’s annexed Open Space Drawing | LEAP/LAP classification of drawing /36 unclear, so the Deed’s minimum of two LEAPs may not be met; areas not stated and drawings marked preliminary; Biodiversity LAP sited at the edge of a 1.74m-deep attenuation basin with no water-safety assessment                                                                                                                            |
| Drainage                           | Condition 7/30; approved FRA & Drainage Strategy rates                                                                                                   | Northern rate 38.7 l/s ≠ approved 44.2 l/s; contributing areas inconsistent between the applicant’s own documents                                                                                                                                                                                                                                                                    |
| Allotments                         | Description of development; S106; condition 41                                                                                                           | Omission/substitution proposed; not deliverable by RM or condition discharge                                                                                                                                                                                                                                                                                                         |
| Density / over-development         | DP26; Bolney NP BOLD1; NPPF (2026) DP3                                                                                                                   | Council’s Design Review Panel finds density “excessive, resulting in an over-development”; layout/scale conflict with village character                                                                                                                                                                                                                                              |
| Scale, parking & EV                | Building Heights Parameter Plan (0114); WSCC parking guidance (incl. EV); DP21/DP39                                                                      | Heights only “in the main” confirmed; LHA accepts overall levels but does not mention visitor parking — 17 visitor/unallocated spaces (14 designated) for 198 homes against the 0.2-per-dwelling limb of WSCC para 5.8, whose “half unallocated” limb cannot apply to a plot-specific scheme; garage sizes unconfirmed; EV committed only to Part S, not WSCC’s ~53% active for 2026 |
| Affordable distribution            | Affordable Housing SPD 2018 (≤10-dwelling clusters, paragraph 2.43)                                                                                      | Fifteen affordable dwellings are grouped in one part of the site; whether that is “concentrated in one location” within paragraph 2.43 to be addressed before approval                                                                                                                                                                                                               |
| Landscaping                        | Reserved matter; DP26/landscape policy; SEW Drought Plan (TUBs)                                                                                          | Must be drought/fire-resilient and establish without mains irrigation; northern PROW buffer to be retained                                                                                                                                                                                                                                                                           |
| Heritage                           | P(LBCA)A 1990 ss.66/72; NPPF (2026) HE4–HE6; DP34/DP35                                                                                                   | Applicant concedes harm (below the substantial-harm threshold, NPPF HE5(2)) to a Grade I church, a Grade II cottage and the Conservation Area                                                                                                                                                                                                                                        |
| Noise / amenity                    | Condition 16; BS8233; Approved Document O                                                                                                                | Plots 44/45 need 1.8m walls; parts of the site need closed windows + mechanical ventilation, conflicting with overheating control                                                                                                                                                                                                                                                    |
| Ecology / lighting                 | Habitats Regs 2017; NERC s.40; BCT/ILP GN01                                                                                                              | 4000K road-lighting scheme with no bat-sensitive lighting strategy on a protected-species site                                                                                                                                                                                                                                                                                       |
| Trees                              | BS5837; DP26                                                                                                                                             | Retained trees at risk of post-occupation removal where the layout crowds them                                                                                                                                                                                                                                                                                                       |
| Sustainability assessment currency | WRMP24 (2024); draft SEW Drought Plan 2027; draft WSCC climate strategy; DP42                                                                            | Relies on superseded 2014 WRMP; does not engage current/emerging water & climate policy                                                                                                                                                                                                                                                                                              |



| Issue                           | Requirement / policy                                                     | Why it conflicts                                                                                                                                                                                                                                                                                                     |
|---------------------------------|--------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Outline consultees' RM concerns | Sussex Police (SBD/CPTED); Urban Design consultant; Landscape Consultant | No Secured by Design response; Police CPTED recommendations (overlooked communal parking, defensible boundaries) not demonstrated; northern set-back declined; no response from the Police, the Landscape Consultant or the Conservation Officer is publicly available on the planning portal at the time of writing |
| Design Guide compliance         | Mid Sussex Design Guide SPD (2020) DG16–DG48; DP26                       | Front-of-house parking contrary to DG19 on both its terraced and lower-density limbs; play, servicing, species, privacy and rural-edge principles engaged; Urban Designer finds aspects “less successful”                                                                                                            |
| Community building / self-build | Description of development; condition 25; S106                           | Layout fixes the Kangaroos coach drop-off and setting before the deferred building; self-build plots 181/182 land-locked mid-parcel                                                                                                                                                                                  |
| Eastern boundary amenity        | DP26; DP29                                                               | Applicant concedes headlight glare to homes on The Street and relies on a buffer to mask it rather than design it out; the Design Review Panel raised the same glare concern and, separately, garden flooding on the western edge of The Street, which the submission does not answer                                |
| National Landscape setting      | NPPF (2026) N4(4)                                                        | Not shown that the detailed design minimises adverse impact on the setting of the High Weald National Landscape                                                                                                                                                                                                      |
| Emerging allocations            | Emerging MSDP MM86/MM87 (DPA14 integration)                              | Layout should not foreclose the required pedestrian/green-infrastructure integration with adjoining allocations                                                                                                                                                                                                      |

### Conditions sought to be discharged by this application — my position on each

For completeness, DM/26/1961 also seeks to discharge nine outline conditions. My position on each is below; the fuller condition-by-condition analysis is in my separate representation on DM/26/1962, with which this objection should be read.

I have also reviewed all forty-one conditions on the outline permission against what is now before the Council. Twenty-two of them are engaged by these reserved matters, and each of those is dealt with somewhere in this objection or in my representation on DM/26/1962; the remaining nineteen are triggered at commencement, above slab level, during construction or before occupation, and are not matters for this application.

| Condition | Subject              | My position                                                                                                                                                                                                                                                                                                                |
|-----------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7         | SUDS / surface water | Object — the Northern discharge rate (38.7 l/s) departs from the approved 44.2 l/s and the applicant's own contributing areas are inconsistent, so the drainage is not demonstrated (ground 6). Southern Water's no-objection does not cure this.                                                                          |
| 12        | Levels               | No objection to the levels principle, but the approved levels must be consistent with, and must not preclude, the low earth bunding along the eastern boundary sought at ground 19 to control headlight glare and light spill toward The Street; a drawing-numbering error is also noted in the DM/26/1962 representation. |



| Condition | Subject                                                  | My position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------|----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 16        | Noise                                                    | Object — the layout requires 1.8m garden walls (plots 44/45) and, in places, closed windows with mechanical ventilation, in tension with overheating control (ground 4).                                                                                                                                                                                                                                                                                                                        |
| 17        | Landscaping (a reserved matter; condition 17 also cited) | No objection to the whole landscape scheme being submitted — landscaping is a reserved matter and is properly determined in full through this application (the narrow public-apparatus scope point applies to the DM/26/1962 condition-discharge route, not here). Object on the merits: the toxic planting around the Kangaroos building and play areas and the invasive laurel should be removed, and a dark-corridor-compatible northern boundary secured, by condition (grounds 10 and 12). |
| 26        | Travel Plan                                              | Not objected here; the wrong-document and reference-drift points are addressed in the DM/26/1962 representation.                                                                                                                                                                                                                                                                                                                                                                                |
| 30        | Foul / surface-water disposal                            | Object — as condition 7; the two applications’ figures must be reconciled (ground 6).                                                                                                                                                                                                                                                                                                                                                                                                           |
| 36        | Play space                                               | Object — areas unstated and drawings marked “preliminary”; drawing /36 classified as a LEAP on its face and as a LAP in the Landscape Management Plan, so the Deed’s minimum of two LEAPs is not shown to be met; positions not overlooked; the Biodiversity LAP sited at the edge of Lined Attenuation Basin 3 with no water-safety assessment (ground 5).                                                                                                                                     |
| 37        | Boundary treatment                                       | Interacts with appearance and layout (reserved); confirm consistency with the defensible-space / Secured by Design points (grounds 9 and 17).                                                                                                                                                                                                                                                                                                                                                   |
| 41        | Allotments                                               | Object — omission/substitution conflicts with the description of development and the S106, and is not deliverable by condition discharge (ground 7).                                                                                                                                                                                                                                                                                                                                            |

### Procedural requests of 17 August 2026 — status and renewal

In my covering email to the case officer of 17 August 2026 I made a number of procedural requests. Several go to information the Council and, if the application is referred to it, the committee will need in order to determine this application properly. I set them out below with the position as I understood it on 4 September 2026, so that it is clear which remain outstanding. Where a request has been overtaken by events I say so rather than repeating it. I renew each request that is still live, and ask that it be resolved, and the position reported, before the application is determined.

| No. | Requested on 17 August 2026                                                                                                                                                                                                                                                                                                                        | Position as at 4 September 2026                                                                                                                                                                                                                                                                                                                                                 | What I ask now                                                                                                                                                                                                         |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1   | That the substance of the pre-application advice (enquiry reference DM/26/0645, submitted 12 March 2026; officer response issued 20 May 2026), and any caveats within it, be placed on the public file. It is the stated basis both for the “site location” justification and for the removal of the M4(3) wheelchair-accessible affordable homes. | Not actioned. Nothing answering that description appears among the 204 documents on the DM/26/1961 register, and a search of the register for DM/26/0645 still returned “no results” on 4 September 2026. Documents are held under that reference in the Council’s document store, but the Council’s own formal written response of 20 May 2026 — named as an attachment in the | Renewed. I ask that it be placed on the file, or that the Council confirm in writing that it will not be published and why, so that the justification can be tested (ground 2, and the linked application DM/26/1760). |



|   |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                        |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |                                                                                                                                                                                                                                                  | covering email of that date on that file — is not among them.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                        |
| 2 | That the Design Review Panel's full written advice of 15 July 2026 be placed on the public file, rather than only the applicant's selective summary of it.                                                                                       | Not actioned; the Panel's advice is not publicly available on the planning portal at the time of writing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Renewed (ground 14). The Panel's first-round findings on density and sense of place are now echoed by the Council's own Urban Designer, which makes the full text more material to the determination, not less.                                                                                        |
| 3 | That the scheme be referred back to the Design Review Panel for the second, application-stage review that the Panel's Terms of Reference envisage and which the applicant's fee expressly covers.                                                | Nothing on the register indicates that a second review has been arranged. The Urban Designer's response of 21 August 2026, published on the register on 24 August, finds that the layout now has "more dead ends and weakened pedestrian connectivity" and that "the layout lacks distinctiveness".                                                                                                                                                                                                                                                                                                                                                                                             | Renewed (ground 14). The Urban Designer's response is the Council's own officer reaching, at application stage, conclusions close to the Panel's at pre-application stage; the Panel's view on whether its comments have been answered is the missing step.                                            |
| 4 | That Sussex Police (Designing Out Crime Officer), the Council's Landscape Consultant, the Conservation Officer and the Environmental Health Officer be re-consulted on the reserved matters, and their positions confirmed before determination. | Partly actioned. Four consultation responses are now on the DM/26/1961 register: the Environmental Health Officer (20 August 2026), Street Naming and Numbering (18 August 2026), the Urban Designer (written 21 August 2026, published on the register 24 August) and West Sussex County Council as highway authority (2 September 2026). The Environmental Health Officer raised no objection but expressly deferred acoustics to DM/26/1962 and the remaining outline matters to the relevant discharge applications, so those concerns are deferred rather than resolved. No response from Sussex Police, the Landscape Consultant or the Conservation Officer is publicly available on the | Renewed as to Sussex Police, the Landscape Consultant and the Conservation Officer. I do not press the request as against the Environmental Health Officer, who has now responded, but I note that the response defers the reserved-matters issues rather than addressing them (grounds 4, 12 and 17). |



|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                | planning portal at the time of writing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 5 | That West Sussex County Council, as Highway Authority, confirm the visitor and unallocated parking provision and garage sizes; the electric-vehicle charging provision measured against the County's year-indexed parking guidance rather than the bare Building Regulations Part S minimum; the refuse-collection arrangements shown on the Refuse Collection Layout; and the road geometry around the Kangaroos community-building drop-off. | Largely actioned. West Sussex County Council, as highway authority, responded on this application on 2 September 2026, recommendation "Advice". It accepts overall parking levels, the internal visibility splays and the swept paths. It does not mention visitor parking, garage sizes, the electric-vehicle provision measured against the County's year-indexed guidance, the refuse-collection arrangements, or the road geometry at the Kangaroos drop-off. Its earlier response of 24 August 2026 was made on DM/26/1962 and addressed the Travel Plan alone. | Renewed as to every matter the response does not reach: the visitor and unallocated provision measured against paragraph 5.8 of the County's own guidance (the response accepts overall levels and does not mention visitor parking at all); garage sizes; the electric-vehicle provision against the County's year-indexed standard; the refuse carry and collection distances against MSDC's waste guidance; and the road geometry and coach set-down at the Kangaroos drop-off, on which the response is silent. I do not press the internal visibility splays or the swept paths, both of which the authority has now confirmed (ground 9). |
| 6 | That the Lead Local Flood Authority reconcile the applicant's internally inconsistent drainage figures before conditions 7 and 30 are discharged; and that Southern Water's point about a sewer "now deemed to be public" possibly crossing the site be secured by condition or informative, with a build-over or diversion agreement if a public sewer is confirmed.                                                                          | First limb not actioned: no Lead Local Flood Authority response appears on either DM/26/1961 or DM/26/1962. Second limb now supported by Southern Water's own response of 14 August 2026 on DM/26/1962, which states that "It is possible that a sewer now deemed to be public could be crossing the development site" and that an investigation would be required to ascertain ownership before any work commences on site.                                                                                                                                         | Renewed. On the first limb the inconsistency stands unexamined by the body best placed to examine it (ground 6). On the second, Southern Water has now identified the risk in terms, and I ask that it be secured by condition or informative rather than left to be discovered during construction. Both bite on DM/26/1962 before they bite here.                                                                                                                                                                                                                                                                                             |
| 7 | That the Council's Public Sector Equality Duty (section 149 of the Equality Act 2010) be discharged in writing before any decision is taken, the application                                                                                                                                                                                                                                                                                   | Nothing on the register records a Public Sector Equality Duty assessment having been carried out.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Renewed (grounds 2 and 9). The duty is one of substance and must be discharged before the decision is taken, not recorded after it.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |



|  |                                                                                                                                      |  |  |
|--|--------------------------------------------------------------------------------------------------------------------------------------|--|--|
|  | proposing to remove wheelchair-accessible housing required by Policy DP28, the Affordable Housing SPD and the Section 106 agreement. |  |  |
|--|--------------------------------------------------------------------------------------------------------------------------------------|--|--|

The positions recorded above are taken from the Council’s own document registers for DM/26/1961 (204 documents) and DM/26/1962 (66 documents) as at 4 September 2026. I re-checked both registers on 4 September 2026: nothing has been added to either since 2 September, and no request below has been overtaken. Where I say that a request has not been actioned, I mean only that nothing answering that description appears on the register; if any of these matters has been dealt with otherwise than on the public file, I would be glad to be corrected and to withdraw the request.

**Conditions requested if the Council is nonetheless minded to approve**

If, having considered the matters set out above, the Council is nonetheless minded to grant these reserved matters (see the Conclusion below), I ask that it impose at least the following conditions. Each is directed at a reserved matter, or is capable of being conditioned on its approval, and each is put to the tests for conditions in the National Planning Policy Framework (2026).

| No. | Condition requested                                                                                                                                                                                                                                                                                                                                                                                                  | Purpose / policy basis                                                       | Trigger                       |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------|
| 1   | A revised landscape scheme removing every species toxic to humans — including yew, cherry laurel, Portugal laurel and privet — from the vicinity of the Kangaroos plot, the play areas and children’s routes, substituting non-toxic native species.                                                                                                                                                                 | Child safety; DP24/DP26; Design Guide DG27/DG28 (grounds 8, 10)              | Before planting               |
| 2   | Removal of cherry laurel and other invasive non-native species from the wider planting schedule, substituted with native species.                                                                                                                                                                                                                                                                                    | Biodiversity and native-planting objectives; DG27/DG28 (ground 10)           | Before planting               |
| 3   | Amended play-area drawings showing each LEAP and LAP dimensioned to at least the minimum sizes, its classification stated consistently across the submission, and positioned to be overlooked by dwelling frontages; and either the relocation of the Biodiversity LAP away from Lined Attenuation Basin 3 or a water-safety risk assessment with the basin edge treatment designed and drawn in accordance with it. | DP26; Fields in Trust; Secured by Design; RoSPA; CIRIA RP992/17 (ground 5)   | Before occupation             |
| 4   | A thickened, largely native evergreen eastern-boundary buffer, retained and maintained, with site levels and any low bunding consistent with condition 12.                                                                                                                                                                                                                                                           | Amenity of homes on The Street; DP26/DP29 (grounds 12, 19)                   | Before occupation; retained   |
| 5   | An external lighting scheme avoiding spill toward existing homes and a warm, bat-sensitive colour temperature, consistent with conditions 6, 31 and 32.                                                                                                                                                                                                                                                              | Amenity and protected species; DP26; DG48 (grounds 12, 19)                   | Before occupation             |
| 6   | Amended plans showing footways and step-free routes designed to Inclusive Mobility and LTN 1/20, with safe crossings and traffic-calming where frontages and footpaths meet the estate roads around the open space and play areas, and with the eastern path between the parcels retained as a footway rather than converted to shared use.                                                                          | DP21; DP26; Equality Act 2010 s.149; Manual for Streets; LTN 1/20 (ground 9) | Amended plans before approval |



| No. | Condition requested                                                                                                                                                                                                                | Purpose / policy basis                                            | Trigger                        |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|--------------------------------|
| 7   | Amended plans bringing refuse carry and collection-point distances within MSDC's Waste Storage and Collection Guidance and designing out vehicle reversing.                                                                        | DP21; DP26; MSDC waste guidance (ground 9)                        | Amended plans before approval  |
| 8   | The internal estate roads constructed to West Sussex County Council's adoptable specification, with an independent construction verification report (mirroring condition 28 for drainage).                                         | Road safety; a secured standard on an unadopted estate (ground 9) | Verification before occupation |
| 9   | The Kangaroos coach drop-off relocated to a straight, low-speed, well-overlooked frontage clear of the sharp bend and loop-road junction, with West Sussex County Council input.                                                   | Road safety; DP21; public sector equality duty (grounds 9, 18)    | Amended plans before approval  |
| 10  | Electric vehicle charging provided to the WSCC year-indexed standard (of the order of 53–58% active provision for construction in 2026–27, with passive ducting to the remainder), and motorcycle parking provided and quantified. | DP21; DP39; WSCC parking standard (ground 9)                      | Before occupation              |
| 11  | No approval of the layout adjoining the A272 and spine road until the condition 16 noise and overheating mitigation is demonstrated to be built into that layout.                                                                  | Residential amenity; DP26 (ground 4)                              | Before approval of that part   |

Three sets of matters cannot be secured by a reserved-matters condition, and I draw them to the Council's attention for the correct mechanism. First, the M4(3) Wheelchair Accessible Units the Section 106 requires, and the full twenty per cent M4(2) complement condition 39 requires, must be shown on the approved plans now (ground 2) — they cannot be left to a condition. Second, a legally enforceable 20 mph speed limit and any on-street parking restrictions require a Traffic Regulation Order made by West Sussex County Council under the Road Traffic Regulation Act 1984, not a planning condition. Third, winter maintenance and a completion bond and adoption sign-off for the roads, footways and lighting require adoption (a section 38 agreement under the Highways Act 1980) or the Section 106 (ground 9). I ask the Council to secure the first on the approved plans before approval, and to require the second and third through the appropriate mechanism rather than leave them to an unadopted private arrangement.

## Conclusion

For the reasons above I object, and I ask the Council to deal with this application in the following order of preference. First, to refuse the reserved matters: the harm to the setting of the Grade I listed Church of St Mary Magdalene and to the Bolney Conservation Area conceded by the applicant's own heritage consultant (ground 3), the over-development and design failings found by the Council's own Design Review Panel and Urban Designer (ground 8), the omission of the M4(3) wheelchair-accessible affordable homes the S106 requires (ground 2), and the coach drop-off fixed at a sharp bend and junction beside a facility for disabled children (ground 9) are failings of the reserved matters of layout, scale, appearance and landscaping that in my submission justify refusal, not merely matters of detail. I do not ask, even in the alternative, for the application to be deferred. I had considered asking for a deferral so that the scheme could return to the Design Review Panel for the second, application-stage review its terms of reference envisage, and I still ask for that review (ground 14) — but I ask for it before determination rather than as a reason to postpone one. A deferral would not be the neutral step it ordinarily is. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 come into force on 31 October 2026, and paragraph 13 of Schedule 1, read with regulation 4, requires a reserved matters approval application in respect of an outline planning permission “other than a large outline permission” to be determined by an officer — a “large outline permission” being defined in regulation 2(1) as one permitting 500 or more



dwellings, or 50,000 square metres or more of floorspace, neither of which this permission approaches. An item deferred beyond that date could not lawfully return to committee at all. I therefore ask the Council to determine this application, not to postpone it. Secondly, and only if the Council is nonetheless minded to approve, to withhold approval of the reserved matters — and to withhold the discharge of conditions 7, 16, 17, 30, 36, 37 or 41 — unless and until: (i) the affordable house types provide the M4(3) Wheelchair Accessible Units required by the S106, DP28 and the Affordable Housing SPD (or a lawful, consulted-on variation is made and the Public Sector Equality Duty is discharged in writing); (ii) the play provision is confirmed against the S106 on a consistent basis; (iii) the drainage is reconciled to a single, consistent set of contributing areas, discharge rates and storage volumes meeting the approved rates and the climate-change storm standards; (iv) allotments are provided as the permission describes, or the matter is resolved through a lawful variation; (v) every dwelling's height is confirmed to accord with the approved Building Heights Parameter Plan; (vi) the landscaping is shown to be drought- and fire-resilient and capable of establishment without mains irrigation; and (vii) the acoustic mitigation is shown to be necessitated by the layout rather than a substitute for a better one and to be compatible with overheating control (condition 16), any approval under condition 17 being confined to the planting in proximity to public apparatus. The specific conditions I would ask the Council to impose in that event are set out in the section immediately above. As to the consultee position: as at 2 September 2026 four consultees have responded on this application. West Sussex County Council as Local Highway Authority responded on 2 September 2026, recommendation "Advice", acknowledging the principle of the layout while seeking "further clarity and detail" on nine matters — dealt with at ground 9, where I record what it accepts and what it independently finds. The Council's Urban Designer, written 21 August 2026 and received on the register on 24 August, gives the assessment set out at ground 8. The Council's Environmental Health Officer, 20 August 2026, defers acoustics to DM/26/1962 and relies on the outline conditions for the remaining matters. The Council's Street Naming and Numbering officer, 18 August 2026, gives an administrative response raising nothing bearing on the reserved matters. No response from Sussex Police, the Council's Landscape Consultant or the Conservation Officer is publicly available on the planning portal at the time of writing (ground 17). The Council's Housing Enabling Officer (14 August 2026) and Southern Water (14 August 2026) have responded on the linked applications DM/26/1760 and DM/26/1962 rather than on this one. That count is as I read the register on 4 September 2026 and I would of course withdraw anything in this paragraph that a later response overtakes. Save where those responses are relied on above, this objection is made on the documents submitted by the applicant.

All factual matters set out above are stated to the best of my knowledge and belief.

Yours faithfully,

A solid black rectangular box used to redact the signature of the author.



## Annex — documents relied upon

Every document quoted or relied upon above is listed below, with the edition or date relied on, so that each quotation can be checked. Where I have quoted a document through another document that reproduces it, the row says so. Where a consultee has responded on one of the linked applications rather than on this one, that is stated.

| Source                                                                          | Edition / date relied on                          | Where used                                                                                 |
|---------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------------------------------------------------------------|
| <b>APPLICANT’S SUBMITTED DOCUMENTS (DM/26/1961)</b>                             |                                                   |                                                                                            |
| Planning & Affordable Housing Statement, CALA Management Ltd                    | July 2026                                         | ground 2, ground 14, ground 18, ground 19                                                  |
| Design and Access Statement Part 1, Thrive Architects Ltd                       | submitted August 2026                             | ground 2, ground 3, ground 9                                                               |
| Design and Access Statement Part 2, Thrive Architects Ltd                       | submitted August 2026                             | ground 2, ground 9                                                                         |
| Heritage Compliance Statement                                                   | submitted August 2026                             | ground 3, ground 14                                                                        |
| Reserved Matters Transport Statement, Robert West Consulting, ref 26/200 D001   | August 2026                                       | ground 9                                                                                   |
| Noise Impact Assessment, Suono Consultancy Ltd, ref 2A73.RP.01.1                | 16 July 2026                                      | ground 4                                                                                   |
| Energy and Sustainability Statement                                             | June 2026                                         | ground 1, ground 9, ground 16                                                              |
| Landscape Design Statement, Parts 1–3                                           | submitted August 2026                             | ground 19, ground 20                                                                       |
| Landscape Visual Assessment, Parts 1–2, Hill-Wood & Co (Kent) Ltd               | submitted August 2026                             | ground 19, ground 20                                                                       |
| Landscape Management Plan                                                       | submitted August 2026                             | ground 17                                                                                  |
| Arboricultural Implications Report                                              | submitted August 2026                             | ground 11                                                                                  |
| Lighting Report / Proposed Lighting Design document                             | submitted August 2026                             | ground 12                                                                                  |
| Proposed Lighting Design document, MMA Lighting Consultancy Ltd (project 20362) | 3 August 2026                                     | ground 12                                                                                  |
| Drainage Technical Note and Appendices A–E                                      | submitted August 2026                             | ground 6, ground 19                                                                        |
| Statement of Community Involvement                                              | submitted August 2026                             | ground 10, ground 15                                                                       |
| Site layout SL.01 Rev A and coloured site layout CSL.01 Rev A                   | Rev A                                             | ground 2, ground 5, ground 9, ground 18                                                    |
| Affordable Housing Layout AHL.01 Rev A, Thrive Architects                       | Rev A, “Planning issue” 28.07.26; status PLANNING | ground 2 — the tenure key and the grouping of the affordable dwellings at plots 126 to 141 |
| Parking Allocation Layout PAL.01 Rev A                                          | Rev A                                             | ground 8                                                                                   |
| Refuse Collection Layout RCL.01 Rev A                                           | Rev A                                             | ground 9                                                                                   |
| Landscape Planting Plans 0817/26/A/11–21 and Notes and Schedules /22            | Rev A                                             | ground 10                                                                                  |
| Play area drawings 0817/26/A/31–36                                              | Rev A                                             | ground 5                                                                                   |



|                                                                                         |                                                                                                                                                                        |                                                                                                                                 |
|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Proposed Drainage Layout, Sheet 3 of 3, 5968-003-203                                    | Rev A02                                                                                                                                                                | ground 5, ground 6                                                                                                              |
| Proposed Drainage Details, Sheet 5, 5968-003-505 (Typical Through Basin Detail)         | Rev A01                                                                                                                                                                | ground 5                                                                                                                        |
| <b>OUTLINE PERMISSION DM/25/1129 AND RELATED</b>                                        |                                                                                                                                                                        |                                                                                                                                 |
| Decision notice DM/25/1129                                                              | 18 November 2025                                                                                                                                                       | throughout                                                                                                                      |
| Parameter Plan – Building Heights, P20074-RFT-XX-XX-DR-A-0114, Re-Format LLP            | revision P03, 27 June 2025                                                                                                                                             | ground 8                                                                                                                        |
| Parameter Plan – Green Infrastructure, P20074-RFT-XX-XX-DR-A-0113, Re-Format LLP        | revision P02, 24 April 2025 on the drawing’s own revisions panel; listed on the outline decision notice as P02, 29.04.2025; suitability “S0 Work in Progress”          | ground 3 — the key’s definition of the “AP” marker                                                                              |
| Illustrative Masterplan, P20074-RFT-XX-XX-DR-A-0101, Re-Format LLP                      | revision P08, 27 June 2025 on the drawing’s own revisions panel; listed on the outline decision notice as P08, 04.07.2025; 1:1250 at A1; suitability “S4 For Planning” | ground 3 — condition 41 ties the location of the Allotments Proposal to the illustrative masterplan                             |
| Committee Report, DM/25/1129                                                            | committee meeting of 2 October 2025; published on the register 22 September 2025                                                                                       | ground 2 — paragraphs 2.10 and 13.9, the Council’s description of the community building and of Kangaroos; ground 12, ground 20 |
| Lighting Impact Assessment, Nature Positive                                             | April 2025 — an approved document under condition 6 of DM/25/1129; named, not quoted                                                                                   | ground 12 — the lighting mitigation fixed at outline                                                                            |
| Appendix D Predicted Light Spillage, RSK                                                | April 2025 — an approved document under condition 6 of DM/25/1129; named, not quoted                                                                                   | ground 12 — the lighting mitigation fixed at outline                                                                            |
| Section 106 Agreement                                                                   | 18 November 2025                                                                                                                                                       | ground 1, ground 2, ground 5, ground 7, ground 13, ground 15, ground 18; summary tables and Conclusion                          |
| <b>CONSULTEE RESPONSES</b>                                                              |                                                                                                                                                                        |                                                                                                                                 |
| West Sussex County Council (Local Highway Authority), J. Brown — response on DM/26/1961 | 2 September 2026, recommendation “Advice”                                                                                                                              | ground 8, ground 9; summary tables and Conclusion                                                                               |
| MSDC Urban Design observations, A. Kramarczyk-Dillon                                    | 21 August 2026                                                                                                                                                         | ground 8; summary tables and Conclusion                                                                                         |
| MSDC Environmental Health Officer, O. Benson                                            | 20 August 2026                                                                                                                                                         | ground 17, ground 18; summary tables and Conclusion                                                                             |
| MSDC Housing Enabling Officer, N. Royle (on DM/26/1760)                                 | 14 August 2026                                                                                                                                                         | grounds 1 and 2 — M4(3); the tenure split (16 First Homes and 44 rented); summary tables and Conclusion                         |
| Southern Water (on DM/26/1962)                                                          | 14 August 2026                                                                                                                                                         | ground 6; summary tables and Conclusion                                                                                         |
| Sussex Police, Designing Out Crime Officer (on DM/25/1129)                              | 28 July 2025                                                                                                                                                           | ground 17                                                                                                                       |



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| Mid Sussex Design Review Panel, written advice (as summarised by the applicant)                                                                     | 15 July 2026                                                                                                             | ground 3, ground 6, ground 8, ground 9, ground 14, ground 19, ground 20; summary tables and Conclusion   |
| <b>POLICY AND GUIDANCE</b>                                                                                                                          |                                                                                                                          |                                                                                                          |
| Mid Sussex District Plan 2014–2031 (adopted)                                                                                                        | adopted plan                                                                                                             | ground 2, ground 8, ground 9, ground 16, ground 20, ground 21                                            |
| Bolney Neighbourhood Plan 2015–2031 (made)                                                                                                          | September 2016                                                                                                           | ground 8, ground 9                                                                                       |
| Mid Sussex Design Guide SPD                                                                                                                         | 2020                                                                                                                     | ground 8                                                                                                 |
| Mid Sussex Affordable Housing SPD                                                                                                                   | 2018; paras 2.43, 2.46–2.49, 2.50 and 2.51                                                                               | ground 2 — wheelchair provision and the ten-dwelling maximum cluster size; summary tables and Conclusion |
| National Planning Policy Framework                                                                                                                  | August 2026 edition                                                                                                      | ground 3, ground 8, ground 9, ground 12, ground 15, ground 17, ground 20; summary tables and Conclusion  |
| High Weald National Landscape, Planning Technical Advice Note: Dark Skies                                                                           | July 2024                                                                                                                | ground 12                                                                                                |
| High Weald AONB Management Plan 2024–2029                                                                                                           | 2024–2029 plan                                                                                                           | ground 20                                                                                                |
| Mid Sussex Design Review Panel Terms of Reference                                                                                                   | approved January 2018                                                                                                    | ground 8, ground 14; summary tables and Conclusion                                                       |
| WSCC Guidance on Parking at New Developments                                                                                                        | September 2020                                                                                                           | ground 9                                                                                                 |
| Emerging Mid Sussex District Plan 2021–2039, Schedule of Main Modifications                                                                         | July 2026, as revised 10 August 2026                                                                                     | ground 21                                                                                                |
| Mid Sussex District Plan examination — Council’s response to the Inspector’s written questions on site allocations, examination ref MS-15           | April 2026 on its face; section 8, printed page 19 (PDF page 20)                                                         | ground 21 — the Council’s reason for retaining Policy DPA14 and its “general conformity” statement       |
| Mid Sussex District Plan examination — Inspector’s written questions concerning site allocations (Inspector Jonathan Bore), examination ref IDJB-10 | undated on its face; PDF created 13 March 2026 — cite as March 2026, not April, which is the date of the Council’s reply | ground 21 — the two questions asked of DPA14                                                             |
| Department for Transport, Manual for Streets                                                                                                        | 2007                                                                                                                     | ground 5, ground 9                                                                                       |
| Department for Transport, Local Transport Note 1/20, Cycle Infrastructure Design                                                                    | 2020; paras 6.5.3–6.5.6 and 7.1.1                                                                                        | ground 9                                                                                                 |
| Department for Transport, Inclusive Mobility                                                                                                        | 2021 edition                                                                                                             | ground 9                                                                                                 |
| National Design Guide                                                                                                                               | 2021 edition                                                                                                             | ground 8                                                                                                 |
| Mid Sussex District Council, Waste Storage and Collection Guidance for New Developments                                                             | current edition; sections 6.1.2, 6.1.3 and 6.1.4                                                                         | ground 9                                                                                                 |
| BS 5906:2005 (12-metre reversing figure)                                                                                                            | not held — quoted through the Council’s Waste Storage and                                                                | ground 9                                                                                                 |



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|                                                                                                         | Collection Guidance, which reproduces it                                                                                                                                                                                                                   |                                                                                |
| ILP Guidance Note GN01/21, Reduction of Obtrusive Light                                                 | 2021; environmental-zone definitions quoted as reproduced in the applicant's Proposed Lighting Design document                                                                                                                                             | ground 12                                                                      |
| Bat Conservation Trust / ILP Guidance Note GN08/23, Bats and Artificial Lighting                        | 2023                                                                                                                                                                                                                                                       | ground 12                                                                      |
| Fields in Trust, Guidance for Outdoor Sport and Play (England)                                          | 2015 England edition; relied on for the expectation that play space is overlooked, for the definition of a LAP as aimed at very young children, and for the passage contemplating dual use of attenuation areas for play — not for any numerical benchmark | ground 5                                                                       |
| Secured by Design, Homes                                                                                | 2025 edition                                                                                                                                                                                                                                               | ground 5, ground 17                                                            |
| RoSPA, "Sustainable Urban Drainage Systems (SuDS) & Safety"                                             | web guidance, undated on its face; captured 1 September 2026                                                                                                                                                                                               | ground 5                                                                       |
| CIRIA, "Health and safety principles for SuDS: framework and checklists", Paper RP992/17                | November 2013; an interim output of the SuDS Manual update, prepared with RoSPA input — cited as that framework, not as CIRIA C753 itself, which is not publicly available                                                                                 | ground 5                                                                       |
| RHS / HTA guidance on potentially harmful garden plants                                                 | current list                                                                                                                                                                                                                                               | ground 10                                                                      |
| Building Regulations Approved Document S (electric vehicle charging)                                    | 2021 edition                                                                                                                                                                                                                                               | ground 9                                                                       |
| Building Regulations Approved Document G; Nationally Described Space Standard                           | AD G 2015 edition with 2024 amendments; NDSS as in PPG Housing: optional technical standards (2015)                                                                                                                                                        | ground 1, ground 16                                                            |
| Mid Sussex Strategic Housing Market Assessment Update                                                   | 2024                                                                                                                                                                                                                                                       | ground 2                                                                       |
| Mid Sussex Landscape Capacity Assessment                                                                | 2014 — quoted as reproduced in the applicant's Landscape Visual Assessment                                                                                                                                                                                 | ground 20                                                                      |
| Mid Sussex District Council, adopted Statement of Community Involvement                                 | adopted version                                                                                                                                                                                                                                            | ground 15                                                                      |
| South East Water, Water Resources Management Plan 2024 (WRMP24), 2025–2075                              | final plan published October 2024; contrasted with the superseded Water Resources Management Plan 2014 which the District Plan's DP42 supporting text still cites                                                                                          | ground 16 — the currency of the sustainability assessment's water evidence     |
| South East Water, Draft Drought Plan 2027–2032, Appendix F (Temporary Use Bans: Additional Information) | consultation draft, May 2026 — a draft, relied on as supporting context only                                                                                                                                                                               | grounds 10 and 16 — Temporary Use Bans extending to gardens open to the public |



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| West Sussex Joint Climate Change Board, “Delivering Climate Action in West Sussex: A Joint Approach to Climate Change Mitigation and Adaptation” — Consultation Summary Document | August 2026; a consultation draft prepared jointly by the County Council and the district and borough councils — limited weight, relied on as supporting context only                                                                                                     | ground 16                                                                   |
| Building Regulations Approved Document O (overheating)                                                                                                                           | 2021 edition                                                                                                                                                                                                                                                              | ground 4 and the summary table — overheating control alongside condition 16 |
| BS 8233:2014, Guidance on sound insulation and noise reduction for buildings                                                                                                     | named as the standard the applicant’s Noise Impact Assessment applies; not quoted                                                                                                                                                                                         | ground 4 and the summary table                                              |
| BS 5489-1:2020, Design of road lighting — Part 1                                                                                                                                 | named as the standard the applicant’s Proposed Lighting Design applies; not quoted (BSI copyright, not freely available)                                                                                                                                                  | ground 12                                                                   |
| BS 5837:2012, Trees in relation to design, demolition and construction                                                                                                           | named in the summary table only; the ground itself rests on the applicant’s own Arboricultural Implications Report and is not put on the standard                                                                                                                         | ground 11 and the summary table                                             |
| Natural England / NatureSpace great crested newt District Licence WML-OR136                                                                                                      | the licence document itself is not held — Natural England does not publish organisational licences — so I state only that licensed works exist and must not be precluded, not what the licence itself requires; the framework is taken from Natural England TIN176 (2019) | ground 12 — off-site GCN compensation                                       |
| <b>LEGISLATION AND AUTHORITY</b>                                                                                                                                                 |                                                                                                                                                                                                                                                                           |                                                                             |
| Planning (Listed Buildings and Conservation Areas) Act 1990, ss.66 and 72                                                                                                        | as amended                                                                                                                                                                                                                                                                | ground 3                                                                    |
| Town and Country Planning Act 1990, incl. s.96A and Sch.7A; s.73B (not in force)                                                                                                 | as amended; revised text in force to 11 August 2026 (library copy generated 2026-08-11). s.73B commencement re-checked against that text 4 September 2026 — s.73B has no enacted body and appears only in the outstanding-changes list, LURA 2023 s.110 not commenced     | ground 7                                                                    |
| GPDO 2015, Sch.2 Part 1, Classes B and C                                                                                                                                         | revised text as amended to 22 July 2026, “no known outstanding effects”; Class AA read and not relied on (AA.1(c))                                                                                                                                                        | ground 3                                                                    |
| Open Space Drawing annexed to the Section 106 Agreement, SLR Consulting for Wates Developments Ltd, project 403.06269.00044, 1:2,000 @ A3                                        | Rev 01 “UPDATED LAYOUT”, 01/10/25 (Rev 00, 25/04/25), as executed 18 November 2025 — the typology markers and the legend provision figures both read from the rendered page of the executed Deed                                                                          | ground 5, ground 7                                                          |



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| National Planning Policy Framework, Policies DP3 and DP4                                                              | August 2026 edition, Chapter 14                                                                                                                                                                                                                                                                                                            | ground 8, ground 14; summary tables     |
| Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, S.I. 2026/854 | made 15 July 2026; in force 31 October 2026 — reg. 4, Sch. 1 paras. 13 and 14                                                                                                                                                                                                                                                              | Conclusion                              |
| Environment Agency, Water stressed areas — final classification 2021                                                  | 1 July 2021                                                                                                                                                                                                                                                                                                                                | ground 6, ground 10, ground 16          |
| Equality Act 2010, s.149                                                                                              | as enacted                                                                                                                                                                                                                                                                                                                                 | ground 2, ground 9                      |
| Road Traffic Regulation Act 1984, ss.81–82 and 84                                                                     | the current revised text could not be obtained (legislation.gov.uk’s revised PDF did not generate); only the as-enacted 1984 text is held, and ss.81, 82 and 84 have all since been amended. The effect of those sections is therefore stated from the Act’s structure and not quoted, and is offered for the highway authority to confirm | ground 9; summary tables and Conclusion |
| Conservation of Habitats and Species Regulations 2017; NERC Act 2006 s.40                                             | as amended                                                                                                                                                                                                                                                                                                                                 | ground 12                               |
| Barnwell Manor Wind Energy Ltd v East Northamptonshire DC [2014] EWCA Civ 137                                         |                                                                                                                                                                                                                                                                                                                                            | ground 3                                |
| Finney v Welsh Ministers [2019] EWCA Civ 1868                                                                         |                                                                                                                                                                                                                                                                                                                                            | ground 7                                |
| Planning and Compulsory Purchase Act 2004, s.38(6)                                                                    | as amended                                                                                                                                                                                                                                                                                                                                 | ground 20; Planning balance             |
| Highways Act 1980, s.38                                                                                               | as amended                                                                                                                                                                                                                                                                                                                                 | ground 9                                |



## Appendix — my email response to the applicant's consultation

*The following is the text of the email I sent to the applicant's consultation team on 24 July 2026, referred to at section 15 above. It is reproduced here in full.*

Dear consultation team (presumably Cratus on behalf of Cala?),

Having reviewed your current “public consultation” on the Foxhole Farm development, I want to register two concerns.

First, disappointment that the very first thing Cala has submitted to Mid Sussex District Council since securing outline permission — application DM/26/1760, to discharge obligations under the Section 106 Agreement — waters down accessibility and changes the delivery of affordable homes. It omits the M4(3) wheelchair-accessible affordable dwellings the S106 requires, and it alters the affordable housing size mix. What the change to the mix actually is cannot even be verified, because the submission contains an error: the comparison table gives a Second Schedule split that totals 116%, which cannot be right.

The stated basis for dropping the wheelchair-accessible homes — an assertion of “limited demand” — is not supported by the evidence. Around 3% of households contain a wheelchair user (English Housing Survey: 3.3% in 2011–12, ~3% in 2018–19), and there are an estimated 1.2 million wheelchair users in the UK; the S106 requirement is only 4% of the affordable homes, equating to just two dwellings on this site. Wider mobility need is greater still: mobility impairment is the most common form of disability, affecting roughly 41% of working-age disabled adults and about 69% of disabled people of pension age, and studies of older adults in England find around a fifth use a walking aid indoors and closer to half outdoors. Need is also not static — households acquire it through ageing and injury, which is exactly why policy requires a small, fixed proportion of accessible homes in every scheme rather than responding to point-in-time “demand” at one site.

Second, despair — and I choose that word deliberately — that the “public consultation” provides nothing concrete to consult on. With no detail supplied, consultees can only assume that what is proposed is what the outline permission describes. Yet DM/26/1760 shows that this is precisely not what Cala intends to deliver. Consulting the community against the outline prospectus while simultaneously asking the Council to approve something less accessible is not meaningful consultation.

Yours faithfully,

A solid black rectangular box used to redact the signature of the sender.