

LETTER OF REPRESENTATION — DM/26/1962 (DISCHARGE OF CONDITIONS)

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

Re: Application DM/26/1962 — discharge of conditions 7, 12, 16, 17, 26, 30, 36, 37 and 41 of outline permission DM/25/1129; Land at Foxhole Farm, Foxhole Lane, Bolney

I am writing about application DM/26/1962, by which Cala Management Limited — the applicant named on the application form — seeks to discharge nine conditions of the outline permission. Having reviewed the submission against the conditions, the Section 106 Agreement relating to this permission (“the S106”) and the approved drainage documents, I ask the Council to refuse to discharge the conditions identified below, for the reasons given; I explain in the Request why I ask for refusal rather than for the application to be held open. On condition 16, the Council’s own Environmental Health Officer has advised (20 August 2026) that it should not be fully discharged until further ventilation and cooling details are provided, as set out at paragraph 7 below; my remaining concerns are directed at the other conditions.

I should record at once that the Council’s published consultation period on this application closed on 1 September 2026, so this representation is made after it. The application has not been determined, and I ask that this representation be taken into account before it is. I make no complaint about the timetable and I do not ask for it to be reopened. Everything below is drawn from the submitted documents and from the three consultation responses on the register, the latest of which was received on 24 August 2026; I have set it out as shortly as the material allows.

I should say at the outset what is not in issue. I do not object to the levels submitted under condition 12, which appear to meet the scope of that condition, nor to the boundary details submitted under condition 37; my points on those two conditions are confined to a clerical correction and to the stage at which they should be settled. I accept that the Landscape Management Plan deals comprehensively with the future management of the play areas, and that the Noise Impact Assessment demonstrates good acoustic design, as the Council’s Environmental Health Officer has found. The grounds below are advanced individually and cumulatively.

Every condition quoted in this letter is quoted from the decision notice for DM/25/1129 dated 18 November 2025, and every obligation from the Section 106 Agreement relating to it, which was completed on 18 November 2025. The executed copy on the register is dated in manuscript on its face, “DATED 18 November 2025”; the applicant’s own application forms on DM/26/1760 and DM/26/1985 both give the date the obligation was entered into as 18/11/2025; and the covering letter on this application records the permission as “approved on the 18th November 2025”. Where I refer to an approved plan, I mean a plan listed in the decision notice under “Plans Referred to in Consideration of this Application” and therefore controlled by condition 2.

Preliminary: what this application is, and which application decides these conditions

The applicant’s application form on DM/26/1961 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 same nine conditions that are the subject of this application. The Council’s own description of DM/26/1961 on the register, and the neighbour notification letter of 17 August 2026, do not include that second limb. So on the applicant’s own form two undetermined applications each seek to discharge the same nine conditions. I make no suggestion of impropriety; the likeliest explanation is that the Council has treated the discharge element as belonging to this application and described DM/26/1961 accordingly. But which is right decides what the Council may lawfully determine on each file. I ask the Council to confirm which application determines conditions 7, 12, 16, 17, 26, 30, 36, 37 and 41, and I make my submissions in the alternative so that they apply on whichever application they fall to be considered. I raise the same question on DM/26/1961.

Preliminary: reserved-matter details cannot properly be fixed before the reserved matters are approved

Appearance, landscaping, layout and scale are all reserved on this permission. This application nonetheless seeks to fix, through condition discharge, the full landscape and planting scheme (condition 17), the play-area details (36), boundary treatment (37) and site levels (12) — all of which depend on a detailed layout that has not yet been approved through a Reserved Matters application. Determining these details against an unapproved

layout is premature and risks inconsistency if the reserved layout changes; the landscaping scheme in particular belongs in a Reserved Matters application where it is properly assessed, not in a set of condition discharges. That the layout is still moving is apparent from the applicant's own drawings: the revisions panel on each Landscape Strategy Plan — legible in the title block, which carries no searchable text — records Rev A as “Proposals revised to new layout and drainage” (13/07/26) and Rev B as “Proposals amended due to design development” (28/07/26).

This is not only my own view of where these details belong. Informative 9 to the decision notice states that “Any reserved matters application should be accompanied by the following documents: Hard Landscape Plan, Soft Landscape Plan, Landscape Management Plan, Boundary Treatment Plan, SUDS strategy (including existing watercourses), Planting Strategy.” Four of those six documents — the Hard Landscape Plans, the soft landscape and planting scheme, the Landscape Management Plan and the boundary treatment plan — are precisely what has been submitted here under conditions 17, 36 and 37 instead. The approved Green Infrastructure Parameter Plan (P20074-RFT-XX-XX-DR-A-0113 Rev P02, a condition 2 plan) says the same thing in its own legend, which identifies the locations for the LAPs, the LEAPs, the informal play area, the outdoor gym, the community allotments and the outdoor educational space, each “(exact location and size to be resolved through reserved matters)”. The Council's own approved documents therefore place this material at reserved matters.

The approved plans say the same thing in their own notes. The Illustrative Landscape Masterplan (FHF-44 Rev 07, a condition 2 plan) carries a note that “Location and design of play areas and paths within public open space subject to confirmation of proposed levels/gradients and detailed design”, and a further note that “Locations of trees and other planting is indicative only and dependent on location of services and detailed design.” Both bear directly on what this application seeks to fix. The first ties the play areas (condition 36) to the levels (condition 12) and to a detailed design that does not yet exist; the second ties the planting to the location of services — which is precisely the subject of condition 17, and precisely what Southern Water has declined to comment on. The plan also states, at its first note, that it is “For outline planning purposes only and not to be relied upon for construction.”

I take no such point on conditions 7 and 41, whose own terms require them to be dealt with at this stage: condition 7 requires the surface-water scheme to be submitted “[p]rior to or in conjunction with the submission of the first Reserved Matters application”, and condition 41 requires the Allotments Proposal “[p]rior to or concurrently with the submission of the first of the reserved matters application for residential development”. My objections to those two conditions are on their substance, below.

1. Condition 41 (Allotments) — not discharged, and in conflict with the S106 and the permission

The application submits no Allotments Proposal. The covering letter instead asserts — expressly unevidenced (“evidence can be provided on request”) — that Bolney Parish Council will not take on ownership and that there is “no demand,” and then proposes replacing the allotments with “a picnic area or an outdoor gym,” asking the Council's view. In fairness to the applicant, the covering letter records that it was the Parish Council which asked whether an alternative community use of that kind could be provided; the difficulty is not the suggestion but that condition 41 does not permit it.

This does not discharge condition 41: (a) the condition turns on need, and a parish's unwillingness to adopt the land is a management question, not evidence of no need; (b) even if no need were demonstrated, the condition's only fallback is “incorporation of the allotments into the wider countryside open space” — not substitution with a picnic area or gym, which is outside the condition altogether; and (c) allotments are a committed part of this scheme. They appear in the description of development; condition 41 requires the Proposal to address “the need for the site to deliver allotments in the area identified in the illustrative masterplan”, and that masterplan (P20074-RFT-XX-XX-DR-A-0101 Rev P08) is an approved plan controlled by condition 2, its key identifying item 12 as “Community allotments”; and the S106 First Schedule provision table records allotments as “Required: 0.15ha / Provided: 0.15Ha”.

There is a further difficulty with the substitution proposed. An outdoor gym is not an alternative to the allotments — it is already a separate committed feature of the approved scheme. The approved Illustrative Masterplan lists both “11. Outdoor gym” and “12. Community allotments” as distinct items in its key, and the approved Green Infrastructure Parameter Plan likewise identifies a “Location for outdoor gym” and a “Location for community allotments” as separate features. The Open Space Drawing annexed to the executed Deed itself shows the same thing: the allotments as a discrete hatched parcel and a separate “GYM” marker, with its legend

giving “Allotments — Required: 0.15ha, Provided: 0.15Ha”. Substituting one for the other would therefore delete a committed element of the scheme and deliver, in its place, something the permission and the Deed already require elsewhere. It is no answer to the loss.

Removing them would require a variation of the S106 and, because allotments are part of the description of development, a variation of the description itself. A section 73 application cannot alter a description of development: *Finney v Welsh Ministers* [2019] EWCA Civ 1868, where the Court of Appeal held at paragraph 42 that “the planning authority cannot use section 73 to change the description of the development.” Section 73B of the Town and Country Planning Act 1990, inserted by section 110(2) of the Levelling-up and Regeneration Act 2023, would permit an application to amend a permission where the amended scheme is not substantially different — but it is not in force: the commencement information for section 110 of the 2023 Act records only that it was not in force at Royal Assent, no commencing instrument having been made (checked at source on 31 August 2026). On that footing the only route presently available is a fresh application. None has been made, and a condition discharge can deliver none of this. I ask the Council to refuse to discharge condition 41 as submitted.

2. Condition 17 (landscaping near public apparatus) — used as a vehicle for the entire landscape scheme

Condition 17 is narrow: it requires details of “the landscaping proposals in proximity of public apparatus,” to be approved “(in consultation with Southern Water)”, its stated reason being “In order to protect Southern Water public apparatus in accordance with Southern Water’s guidance and to comply with Policy DP41 of the Mid Sussex District Plan 2014-2031.” The Council defined the scope of that apparatus itself, at Informative 7 to the decision notice: “In respect of condition 17, public apparatus for Southern Water refers to the extensive network of public water and sewer infrastructure it is responsible for maintaining and managing. This could include water mains, public sewers, and hydrants.” Condition 17 is therefore a condition about planting near water mains, sewers and hydrants, and nothing wider. Under it, the applicant has submitted the whole landscape scheme — three Landscape Strategy Plans, eleven Planting Plans plus notes, three Hard Landscape Plans and the six play-area drawings. Landscaping is a reserved matter; the full scheme should be dealt with through a Reserved Matters application, not discharged through a public-apparatus condition. I ask the Council to confine any approval under condition 17 to the planting genuinely in proximity of Southern Water apparatus, and to require the balance to come forward as reserved matters.

There is a further and more fundamental difficulty with condition 17, which the consultation responses have now exposed. The condition requires the details to be approved in consultation with Southern Water. Southern Water’s response of 14 August 2026 says in terms: “We do not have any comments on conditions 12 (Levels), 16 (Noise), 17 (Landscape around public apparatus); 26 (Travel Plan), 36 (Play Space), 37 (Boundary Treatment) and 41 (Allotments) as these do not relate to the drainage.” The one condition on this list whose entire subject-matter is the protection of Southern Water’s own apparatus has therefore been returned as not relating to drainage, and the undertaker has offered no view on the planting proposed around its assets. The consultation the condition requires has not, in substance, taken place. That is not a criticism of Southern Water, which was asked about nine conditions at once and answered the drainage ones; it is a reason why condition 17 cannot properly be discharged today. I ask the Council to re-consult Southern Water specifically on the planting in proximity of its apparatus, identifying the assets in question, before any approval is given under this condition.

There is also a threshold difficulty with the drawings themselves. Every one of the drawings submitted under conditions 17 and 36 is stamped “PRELIMINARY”: the three Landscape Strategy plans (0817/26/A/101–103 Rev B), the eleven Landscape Planting Plans (.../11–21 Rev A) and their notes and schedules sheet (.../22 Rev A), the three Hard Landscape Plans (.../41–43 Rev B) and the six play-area drawings (.../31–36 Rev A) — twenty-four drawings in all. I have checked each sheet individually. Conditions 17 and 36 each require details to be submitted to and approved in writing by the Local Planning Authority. The Council cannot properly approve as a final detail a set of drawings which the applicant itself marks as preliminary, and an approval granted on them would be uncertain in scope and difficult to enforce. That is not only a practical objection. Policy DP4(2)(b) of the National Planning Policy Framework (August 2026) — a national policy, not the Mid Sussex District Plan policies of the same prefix cited elsewhere in this letter — provides that the local planning 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”. A set of drawings stamped preliminary by their author is not a set of clear and accurate plans in that sense. I ask that the drawings be finalised and re-issued before any approval is given under condition 17 or condition 36.

One substantive point on the northern boundary should also be secured through condition 17. The boundary and landscape treatment adjoining the northern bat corridor should be dark-corridor compatible — dark boundary treatment, and no lighting columns, bollards or fixed lighting infrastructure within the corridor, its buffer or the boundaries adjoining it — so that this discharge does not foreclose the outstanding condition 31 bat-sensitive lighting strategy, which this application does not seek to discharge. I ask that condition 17 not be discharged in a way that builds in lighting infrastructure, or a boundary treatment, incompatible with a genuinely dark northern corridor.

In any event, if the Council is minded to consider the planting scheme under this condition rather than requiring it to come forward as reserved matters, the scheme as submitted is objectionable on two substantive grounds.

First, it places species that are harmful or toxic if eaten immediately outside the community building for Kangaroos. The Council's own officer's report to the District Planning Committee for its meeting of 2 October 2025 (published on the register on 22 September 2025) describes that building, at paragraphs 2.10 and 13.9, 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". Landscape Planting Plan 8 of 11 (drawing 0817/26/A/18 Rev A, 1:250 at A1) shows the Kangaroos building with a coach drop-off on its northern side. In the frontages immediately opposite that drop-off, the same sheet specifies 10 No. TAX BAC (*Taxus baccata*, yew), 14 No. PIOL (*Prunus laurocerasus* 'Otto Luyken', cherry laurel) and 65 No. L vu (*Ligustrum vulgare*, common privet — 18 and 47 in two adjacent groups). *Prunus lusitanica* (Portugal laurel) also appears on this and neighbouring sheets. On the Horticultural Trades Association categories reproduced by the RHS in its list of potentially harmful garden plants, *Taxus* is Category B, "toxic if eaten", and cherry laurel, Portugal laurel and privet are each Category C, "harmful if eaten"; RoSPA's garden-safety guidance names yew berries specifically as attractive to young children. Planting of that kind at the arrival point of a building for users the Council itself describes in those terms is inappropriate, and it is a matter the Council can address now. I ask that these species be removed from the vicinity of the Kangaroos building and replaced with non-toxic planting.

Second, the schedule specifies substantial quantities of laurel: 412 No. *Prunus laurocerasus* 'Otto Luyken' and, as pre-grown instant hedging, 68 No. *Prunus lusitanica*. *Prunus laurocerasus* is a non-native evergreen that is well established as spreading into and shading out native woodland and hedgerow ground flora. I recognise that 'Otto Luyken' is a low, compact cultivar specified here at 30–40cm and four per square metre, so I do not suggest it will behave as a self-seeding woodland invader in the way the unimproved species does; but it remains a dense non-native evergreen specified in quantity alongside the retained native hedgerows on which the permission's protected-species mitigation depends, and it sits uneasily with the scheme's biodiversity net gain and native-hedgerow objectives. I ask that, whether under this condition or at reserved matters, native, non-invasive species be substituted where the laurels adjoin retained hedgerow or woodland edge.

3. Conditions 7 and 30 (Drainage) — the Northern parcel discharge rate does not match the approved FRA

Condition 7 requires the surface-water scheme to accord with "the approved drainage strategy and discharge rates ... within the approved Flood Risk Assessment, Drainage Strategy and both addendums." The approved Drainage Strategy restricts each parcel to its FEH greenfield rate: 44.2 l/s for the Northern Parcel, with a total storage volume of 4,184 m³, and 46.3 l/s for the Southern Parcel, with 4,456 m³ (elsewhere given as approximately 4,200 m³ and 4,500 m³). The foul flow is 1.8 l/s.

The submitted Drainage Technical Note (Robert West Consulting, ref 598-003-001 Rev B) instead proposes to restrict the Northern Parcel to 38.7 l/s and the Southern Parcel to 46.4 l/s (foul flow 1.8 l/s). The Southern rate and the foul rate are consistent with the approved figures; the Northern surface-water rate is not. It is some 12% below the approved 44.2 l/s. A lower rate is more restrictive and may well be acceptable in principle, but three points follow: (a) it is a departure from the approved discharge rate, which the Council and the Lead Local Flood Authority must positively accept rather than simply confirm as compliant; (b) a lower rate requires greater attenuation storage than the approved 4,184 m³, so the revised storage volume should be confirmed as increased and as fitting on site without encroaching on the open space or play areas; and (c) the submission is internally inconsistent, because it also appends the approved FRA and Drainage Statement (Appendix A) which still states 44.2 and 46.3 l/s.

There is a further consequence which this application does not address at all. Condition 29, which is not among the conditions sought to be discharged, requires that "All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment". The approved Flood Risk Assessment specifies 44.2 l/s

for the Northern Parcel. Approving 38.7 l/s under condition 7 while condition 29 continues to bind the development to the approved FRA would leave the permission internally inconsistent, and the point should be resolved rather than left to emerge later. The same is true of conditions 27 and 28, which remain outstanding and which require the maintenance and management arrangements, and then a post-completion verification report, for whatever scheme is approved under condition 7 — the mechanism by which Policy F8(2)(b) of the Framework is met on this site.

The reason for the change can be traced, and it is the reason the Council should look at it. The Note adopts a greenfield runoff rate of 5.5 l/s per hectare and applies it to a stated contributing area for each parcel: 84,445 m² (8.44 ha) for the Southern Parcel, giving 46.4 l/s, and 70,315 m² (7.03 ha) for the Northern Parcel, giving 38.7 l/s. On the same rate, the approved 46.3 l/s implies a Southern area of about 8.42 ha — effectively unchanged — while the approved 44.2 l/s implies a Northern area of about 8.04 ha. The Northern contributing area has therefore been reduced by roughly one hectare since the approved Flood Risk Assessment, and nothing in the submission explains why. That is the substance of the departure, and it is what the applicant should be asked to justify.

A related question arises on the areas themselves. The Drainage Technical Note and the Greenfield Run-off drawing (5968-003-131) give the Northern Parcel as 70,315 m² and the Southern as 84,445 m², described at paragraphs 2.4.2 and 2.4.3 respectively 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.” The Impermeable Area Plans within Appendix E label the same parcels “Northern Parcel Area = 76,593m² (7.66Ha)” and “Southern Parcel Area = 87,363m² (8.73Ha)”, without any such qualification. I do not suggest the two figures are necessarily irreconcilable: the difference of some 6,278 m² on the Northern parcel could represent the part of the parcel that does not drain to the system. But nothing in the documents says so, and the same label is used for both figures. Nor can the composition of the developed area be checked against them: the impermeable-area schedule at paragraph 4.2.1 resolves it into roof areas (with a 10% urban creep allowance), “Hardstanding” and the attenuation basins, and identifies nothing else, so what the “Hardstanding” figure takes in is not apparent from the submission. The Council and its Lead Local Flood Authority should establish which areas the hydraulic model actually used, and what they comprise, before conditions 7 and 30 are discharged.

A related inconsistency of reference: the Drainage Technical Note is numbered 598-003-001, yet the drainage drawings are numbered 5968-003-... and the covering letter cites the note as “5968-003-001 RevB.” The reference and revision should be reconciled so it is clear which document is being approved.

These are not merely drafting points. Condition 7 exists to secure surface-water drainage that performs in the 1-in-100-year-plus-climate-change event. Policy F8 of the National Planning Policy Framework (August 2026) requires sustainable drainage systems to be designed in accordance with the National Standards, to have maintenance arrangements in place for the anticipated lifetime of the development, and — for major development — to “take account of advice from the Lead Local Flood Authority”; Policy F7(1) requires that development proposals “should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere”, and F7(2) adds, where development is proposed in a location known to be at risk from any form of flooding, that it must be safe throughout its lifetime and that it must be demonstrated that flood risk will not be increased elsewhere. The Lead Local Flood Authority’s own strategy is to the same effect: the West Sussex Local Flood Risk Management Strategy 2025–2030 (July 2025) describes its role in the planning process as including “Checking relevant documents are using up to date climate change allowances, to ensure future flood risk and the effects of climate change on severe storms is addressed in the design of SuDS.” (The draft West Sussex Climate Change Adaptation Action Plan, out to consultation in August 2026, lists, among its Priority Actions, Action 10: “Accelerate sustainable drainage system implementation across the county”; being a draft, I put it no higher than supporting context.) A discharge that rests on unreconciled contributing areas and an unexplained change in discharge rate cannot be said to demonstrate that performance.

The submitted hydraulic calculations show why the area question matters, and they have not, so far as I can see, been drawn to the Council’s attention. The Drainage Calculations for each parcel (Site3D v9.000 using EPA SWMM, Robert West Consulting, 22 July 2026) model the 1-in-100-year event with the 45% climate-change allowance. I should say at once what they do not show: no manhole in either parcel returns any flood volume, so the model does not predict flooding to ground in the design event, and I do not suggest otherwise. What they do show is the margin. The model is run with a stated check of “Manhole Flood Risk Freeboard: 0.300m”, and in the 100-year-plus-45% run the Northern parcel returns 8 manholes at “Flood Risk” status and 23 surcharged, out of 56, and the Southern parcel 12 at “Flood Risk” and 23 surcharged, out of 54 — twenty manholes across the two parcels at which the peak water level comes within 300mm of cover level, against the modeller’s own margin. Surcharging in a piped system is ordinary; running the design event with less than the checked

freeboard at twenty nodes is a thinner margin than the narrative conveys. That is the practical consequence of the area question: if the areas actually modelled are the lower of the two competing figures and the higher figures are correct, the margin at those nodes reduces further. The Council and its Lead Local Flood Authority should establish which contributing areas the model used before conditions 7 and 30 are discharged, and should be satisfied that the freeboard the modeller set for itself is met.

Southern Water's consultation response does not resolve these points. Southern Water replied on 14 August 2026 stating that it has no objection to the discharge of conditions 7 (SUDs) and 30 (foul/surface-water disposal). I do not suggest otherwise, but that response is not an answer to the matters above: as a statutory undertaker Southern Water assesses whether the public sewerage 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 "Following a review of the documents submitted."

The asset plan Southern Water supplied with that response is worth recording, because it supports part of the applicant's case and raises one open question. The plan ("Map Title: SW Print", printed 14 August 2026, at a stated "Map Scale: 5000") carries a legend distinguishing foul, combined, sludge, treated effluent, surface water and private wastewater pipes. The public gravity assets it shows through Bolney are drawn in the foul colour, with a private line alongside; no surface-water pipe appears anywhere on the sheet, although the legend provides a symbol for one. I record that as supporting, not undermining, the proposed strategy of discharging surface water to a watercourse rather than to a sewer. The plan also shows a highlighted symbol whose meaning I have not been able to establish from the legend, and I record it as unexplained rather than guess at it. Read against the base mapping it appears to fall within the application site, but the plan carries no site boundary, so that is my reading of its position and not the plan's; the Council may wish to ask Southern Water what it is. The plan states on its face that "Actual positions of assets should always be determined on site."

That leaves Southern Water's substantive caveat, which does need securing. Its response records that a sewer "now deemed to be public" may cross the site, and asks that "should any sewer be found during construction work, an investigation of the sewer will be required to ascertain its ownership before any work commences on site." The Council should secure this by an appropriately-worded condition or informative and, if a public sewer is confirmed, a build-over or diversion agreement, so that the development is not constructed over public sewerage infrastructure.

Since that response, West Sussex County Council has also replied on this application, on 24 August 2026, and that reply does not fill the gap either. West Sussex is both the highway authority and, under section 6(7) of the Flood and Water Management Act 2010, the Lead Local Flood Authority for this area — but its response is given in its highways capacity, states that "For the purposes of this Discharge of Condition application Condition 26 (Travel Plan) is most relevant to highway matters", and addresses the Travel Plan alone. It offers no comment on conditions 7 or 30. The position is therefore that the drainage figures raise a question which the body whose statutory function it is to answer has not been asked in that capacity. That is exactly the advice NPPF Policy F8(2)(c) requires the Council to take account of on a major development. I ask that West Sussex County Council be consulted as Lead Local Flood Authority, and that it reconcile the contributing areas, the change in the Northern discharge rate and the resulting storage volumes, before conditions 7 and 30 are discharged. I make the same requests on the reserved matters application (DM/26/1961), but both fall to be resolved on this application first, and I renew them here.

4. Condition 26 (Travel Plan) — the wrong document has been submitted

Condition 26 requires approval of "the Framework Travel Plan (ITB16634-004D)" — a document by i-Transport. What has been submitted is a different document by a different consultant: the "Final Residential Travel Plan" prepared for CALA Homes (South Home Counties) Limited by Stuart Michael Associates Limited, SMA Ref 7467/FTP, Issue 02, dated May 2026. The framework-at-this-stage requirement is itself entirely normal for an outline permission; my concern is what has been submitted against it, and five points arise.

(a) It does not correspond to the document the condition names, and the references do not reconcile. The condition names ITB16634-004D; the S106 defines the Travel Plan as one "based on the framework travel plan reference ITB-16634-013D"; the submitted document identifies itself as SMA 7467/FTP, and at its paragraph 1.3 records that the framework travel plan was "produced by i-Transport and submitted on the 29th April 2025, followed by an update on the 4th August 2025 (reference: ITB-16634-013D)". On the applicant's own account, therefore, the framework document is 013D and not the 004D the condition names. The Council must decide whether a differently-authored Final plan discharges a condition written for approval of a specific Framework Travel Plan, and must resolve which framework reference is correct.

(b) Discharging condition 26 does not satisfy the separate S106 travel-plan obligation. Under the Sixth Schedule (covenants to the County Council) the Owner must submit the Travel Plan to West Sussex County Council for approval prior to Commencement of Development; must appoint a Travel Plan Co-ordinator before the Occupation of any Dwelling; and must pay the £3,950 Index Linked Travel Plan Monitoring Fee to the County Council before the Occupation of any Dwelling. That is a different approving body (County, not District) and, for the Travel Plan itself, a different and earlier trigger (commencement, not occupation); approval of condition 26 by the District leaves the S106 covenant outstanding.

(c) The submitted Travel Plan mis-states that obligation. At its paragraph 1.4 it quotes the S106 correctly — “To submit the Travel Plan to the County Council for approval prior to commencement of Development” — and then at paragraph 1.5, summarising what “it is required that the Travel Plan will provide”, restates the requirement as “To submit the Final Travel Plan for approval prior to first occupation on site” and “To pay the Travel Plan monitoring contribution to the council prior to first occupation”. Neither is right: the trigger for submission is commencement, not first occupation, and the fee is payable to the County Council, not to the District. If the Council approves condition 26 on the basis of a document that records the wrong trigger and the wrong payee, there is a real risk the County covenant is overlooked. I ask the Council to correct this expressly in any approval or informative.

(d) A “Final” Travel Plan is premature ahead of Reserved Matters. A final plan should be based on the approved layout and dwelling mix, which are reserved and not yet determined; it may therefore need revisiting once the Reserved Matters are approved.

(e) The highway authority itself asks for the Travel Plan to be expanded before it is fit. West Sussex County Council, as highway authority, responded on 24 August 2026 (recommendation: “Advice”) that condition 26 “is most relevant to highway matters,” and that “the TP specific measures should have commitments expanded (with more detail) to include” fast broadband for home working, space for delivery vehicles and “potential publicly accessible parcel delivery/drop off points,” cycle-shop discounts “in addition to the cycle vouchers offered,” bus taster tickets, and promotion of the Easit network. The responsible authority therefore does not regard the submitted Travel Plan as complete.

I therefore ask the Council to confirm how condition 26, and separately the S106 travel-plan covenant, are to be satisfied on a consistent and correctly-referenced basis, and not to treat condition 26 as discharged until the expanded commitments sought by the highway authority are incorporated and secured.

5. Condition 12 (Levels) — scope met, but a drawing-numbering error to correct

Condition 12 requires details of the existing and proposed site levels. Having reviewed the Levels Strategy sheets (5968-003-101/102/103, Rev A02), these do show existing levels — the Levels Key includes “Existing Topographical Survey Level” and “Existing Tie into level” alongside proposed spot levels and contours — so the scope of the condition appears met, and I do not object to the levels themselves. The one point outstanding is a clerical error in the covering-letter list, which gives the same number (5968-003-102-A02) for both “Proposed Levels Strategy 2” and “Proposed Levels Strategy 3”, so that sheet 103 does not appear at all; this should be corrected so the approved drawings are unambiguous. Two further points of substance. First, condition 29 requires all new residential dwellings to have “a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.” The levels approved under condition 12 are what will determine whether that is achievable, and the Council should satisfy itself that the two are consistent before approving either. Second, the approved levels should be consistent with, and should not preclude, low earth bunding along the eastern boundary to control headlight glare and light spill toward existing homes on The Street — a matter I am also raising on the reserved matters application (DM/26/1961). I ask the Council to ensure the levels approved under this condition leave that eastern-boundary mitigation deliverable.

6. Condition 36 (Play areas) — classification, specification and two missing requirements

Six areas are submitted — two LEAPs and four LAPs. I must begin this ground by withdrawing something. On DM/26/1760, and in earlier correspondence on this application, I said that the composition departed from the S106, which defines the Play Areas as “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”. I no longer pursue that, because the definition says “including”, which makes the list a minimum

and not an exhaustive specification, so four Local Areas do not depart from a requirement of two. The Council is entitled to read the rest of this ground with that withdrawal in mind, and I therefore put what follows narrowly and on the face of the documents.

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)". 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, for two reasons: the same key resolves exact location and size to reserved matters, and the parameter plan carries the suitability "S0 Work in Progress" on its own title block, which the Council will wish to weigh even though the plan is listed on the decision notice and controlled by condition 2. 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, condition 36 is the point at which the Council should approve it on its merits and with reasons, rather than treat it as no change at all.

The area figures need care too. The definition fixes 0.15ha. The legend to that same Open Space Drawing, headed "Policy DP15 Provision Standard Requirements for Open Space, Sport and Recreational Facilities", gives for "Equipped/ Designated Plan" [sic] "Required: 0.125Ha" and "Provided: 0.15Ha", and for "Allotments" "Required: 0.15ha" and "Provided: 0.15Ha". (I read those figures from the rendered page of the executed Deed rather than from its text layer, the scan not extracting reliably at that line. The legend attributes those standards to "Policy DP15". Policy DP15 of the adopted Mid Sussex District Plan 2014–2031 is New Homes in the Countryside; the open space, sport and recreational facilities provision standards appear as Policy DP15 of the emerging District Plan 2021–2039, which is not adopted. I therefore rely on these figures as the Deed's own record of what is required and provided, and not as an adopted standard.) What matters for this application is that none of these figures can be tested against what is drawn, for the reason given below. I ask the Council to confirm the provision against them.

The First Schedule also sets requirements for each LEAP which go beyond area: the specification "shall ensure that each LEAP area shall be no less than 400 square metres complying with NPFA standards and containing no less than five types of play equipment together with a landscape buffer complying with NPFA standards", and the specification for the Play Areas is to be "prepared in accordance with the current Code of Good Practice for Play Areas published by RoSPA". In fairness to the applicant I have checked the equipment requirement and it is met: the Tractor LEAP and the Combine Harvester LEAP each show six items of play equipment before benches, bins and fencing, comfortably above the minimum of five types. The 400m² areas and the NPFA landscape buffers, however, cannot be checked at all on these drawings.

More materially, the same drawing is classified two different ways within this submission. Drawing 0817/26/A/36 is titled "Combine Harvester LEAP" on the drawing itself and in the covering letter, but the Landscape Management Plan — the document that will govern the space after occupation — calls it the "Combine Harvester LAP". On the Landscape Management Plan's own list, therefore, the scheme provides one LEAP (the Tractor LEAP) and five LAPs. Since the S106 requires at least two LEAPs — and the Open Space Drawing annexed to the executed Deed shows two — the discrepancy goes to whether the obligation is met. On the Landscape Management Plan's classification only one LEAP is provided, which would be one short of the Deed's minimum. This is the point that survives on the composition of the play provision, and it should be resolved on the face of the documents before condition 36 is discharged.

Two titles have also diverged between the applicant's own documents. Drawing 0817/26/A/33 is titled "PLAY – Natural Trail LAP" on the drawing and on the Council's portal, but is listed as "Natural Play LAP" in both the covering letter and the Landscape Management Plan. Drawing 0817/26/A/34 is titled "PLAY – Creepy Crawlies LAP" on the drawing and in the Landscape Management Plan, but appears in the covering letter as "Creepie Crawlies LAP". These are small points on their own; they matter only because the covering letter's lists are what an approval would attach to.

Condition 36 requires the layout, drainage, equipment, landscaping and fencing of the areas, a timetable for implementation and arrangements for future management. The Landscape Management Plan comprehensively addresses future management (inspections to BS EN 1177, independent inspection by an entity such as ROSPA,

and a management company funded through the residents), and layout, equipment, fencing and landscaping are shown across the Landscape Strategy Plans (0817/26/A/101–103) and the LAP/LEAP detail sheets. Two of the elements the condition requires nonetheless appear to be missing. The drainage of the play areas is not addressed anywhere in the submission — the Landscape Management Plan’s only reference to drainage is the topping up of permeable paving jointing aggregate as a maintenance activity. And there is no play-specific timetable for implementation: the only timetable provided is the generic landscape one at section 4.1 of the Landscape Management Plan, which provides that the proposals will be implemented “in the next planting season (October- March) post completion of the construction”.

The equipment and fencing are also specified in a way that would not survive the approval. Condition 36 requires the equipment and fencing of the areas to be approved. I have checked all six play drawings, and every item named on them is qualified: the play units are “by OPUK or similar approved” and “by Miracle Play or similar approved”, the fencing on the five drawings that name one is “Post and Rail Fence by Jacksons Fencing or similar approved”, and the litter bins are “by Broxap or similar approved”. The Hard Landscape Plans qualify the named surfacing products in the same way (“Marshalls Urbex or similar approved”, “Breedon Golden Amber or similar”). The sixth drawing is worse rather than better: on the Natural Trail LAP (0817/26/A/33) the key carries “Fencing” and “Litter bins” with no product named at all, so on that sheet there is nothing for the Council to approve. Approving these drawings as submitted would therefore approve a substitutable palette rather than the equipment and fencing the condition requires to be approved, and it would be difficult afterwards to say what had been approved or to enforce it. Policy DP4(2)(b) of the Framework is directly in point: conditions should refer to plans providing visual clarity about the design “including the approved use of materials where appropriate”, and Policy DP4(2)(c) asks the authority not to 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)” — which is precisely what an open-ended substitution right permits. If the Council is minded to approve under this condition, I ask that any approval be tied to the items actually named and assessed, that the fencing and litter bins on drawing 0817/26/A/33 be specified, and that any substitution require the written agreement of the Local Planning Authority.

A prior and simpler difficulty is that none of the six drawings states the area of the space it shows. Each is identified only as a LEAP or a LAP in its title, and each is marked “PRELIMINARY”. Scaling them suggests the Tractor LEAP is comfortably above the 400m² minimum, and I do not suggest the scheme provides too little play space — for all I can tell it provides more than is required. The point is that the application does not demonstrate it. A condition requiring the provision of play space cannot be discharged on drawings that state no areas and are marked preliminary. Each LEAP and LAP should be dimensioned, the aggregate confirmed against whichever S106 figure the Council regards as binding, the NPFA landscape buffers shown, and the drawings finalised before condition 36 is treated as satisfied.

Finally, and as with the Travel Plan, condition 36 sits alongside a separate S106 obligation which its discharge would not satisfy. Under the First Schedule the Owner may not commence development of the relevant Phase containing a Play Area until the District Council has approved “the Detailed Specification and Management Plan” in writing, and must construct and deliver the approved Play Areas in accordance with it. Approval under condition 36 is not that approval, and I ask the Council to confirm that the S106 covenant is understood to remain outstanding.

On planting within the play areas, I put the point as one of information rather than of established fact. The six play drawings specify only “Tree planting”, a “Native tree and shrub mix” and a “shrub and bulb mix”, with no species named and no schedule; and the Landscape Planting Plans do not identify the play areas, so it cannot be established from the submission which species are proposed in or immediately around them. Given the species specified elsewhere on the site (section 2 above), I ask that the mixes be specified by species before condition 36 is discharged, and that species which are toxic or harmful if eaten be excluded from the play areas and their immediate surrounds.

A further point on establishment: the Landscape Management Plan’s watering and establishment provisions should not assume mains irrigation. South East Water’s supply area is classified by the Environment Agency, in its final classification of 2021, as seriously water stressed for metering purposes (Water stressed areas — final classification 2021), and its draft Drought Plan 2027 proposes Temporary Use Bans which, per its Appendix F, extend to “gardens open to the public”. I take South East Water as the relevant supplier because the Mid Sussex District Plan’s own evidence base for Policy DP42 cites South East Water’s Water Resources Management Plan, and South East Water’s Haywards Heath resource zone covers this part of the district — so the play areas and their planting could not lawfully be hosepipe- or sprinkler-watered during a ban. The Drought Plan is a

consultation draft and I put it no higher than that, but the Council should be satisfied that the play-area planting can establish and be maintained without reliance on mains watering that a drought restriction would prohibit.

7. Condition 16 (acoustics, ventilation and overheating) — ventilation and cooling details outstanding

Condition 16 should not yet be treated as discharged, and this is confirmed by the Council's own Environmental Health Officer. In his consultation response of 20 August 2026 he accepts that the Noise Impact Assessment demonstrates good acoustic design — the layout having been used to reduce noise exposure through increased setbacks (the nearest dwellings approximately 36 metres from the A272), dwelling orientation and screening, before any reliance on façade mitigation. He nonetheless identifies that a number of dwellings cannot achieve the required internal noise levels with windows open and will need alternative ventilation; that the report's overheating and ventilation approaches (its Sections 5.38 to 5.42) are expressly "not prescriptive"; and that details of the proposed ventilation and cooling strategy for those affected dwellings "should be submitted and agreed prior to full discharge of the condition." He recommends that condition 16 be approved only "Subject to the submission and agreement of these ventilation and cooling details." Condition 16 itself requires the scheme to show, where the standards cannot be achieved with windows open, how those standards will be met with windows closed and how adequate ventilation and cooling will be provided; on the officer's own assessment that has not yet been done. I therefore ask that condition 16 not be discharged until the ventilation-and-cooling strategy for the affected dwellings has been submitted to and agreed by the Council.

8. Condition 37 (boundary treatment)

Condition 37 relies on the Dwelling and Boundary Material Plan (DBML.01). I raise no separate objection to the details submitted; but as boundary treatment forms part of appearance and layout (both reserved), it interacts with the reserved-matters point in the Preliminary above and should be considered in that light.

The consultation position, as checked on 4 September 2026

For completeness, and so that the Council can see the basis on which I put the points above: filtering the document list for this application on the Council's own online register by document type "Consultation response" returned, when I last checked it on 4 September 2026, four entries out of sixty-six — West Sussex County Council (Highways) on 24 August 2026, Mid Sussex District Council Environmental Protection on 20 August 2026, and Southern Water together with its asset plan on 14 August 2026. No response from West Sussex County Council in its capacity as Lead Local Flood Authority appears on the register, and no response from Bolney Parish Council. Of the three consultees who have responded, one offers advice only on the Travel Plan, one recommends approval of condition 16 only subject to further details, and one offers no objection on the two drainage conditions while expressly declining to comment on the other seven. That is checkable by the officer in one filter, and I would of course withdraw anything in this paragraph that later responses overtake.

Request

For the reasons above, I ask the Council to refuse to discharge conditions 41, 17 (beyond the public-apparatus planting, and not before Southern Water has been consulted on it), 7 and 30 (drainage — the Northern-parcel rate and the unreconciled contributing areas), 16, 26 and 36 as submitted. I ask for refusal rather than for the application to be held open pending amendment, and I should say why, because the distinction matters here more than it usually would. Section 74A of the Town and Country Planning Act 1990 and articles 28 to 30 of the Development Management Procedure Order allow an applicant to serve a deemed discharge notice where the authority has not determined an application made under a condition within the period allowed; Schedule 6 exempts eleven categories of condition, and only eleven: those relating to the environment (EIA development and European sites), flooding, sites of special scientific interest, contaminated land, archaeology, highways (access between the development and the highway, or a section 278 agreement), the approval of reserved matters, planning obligations, development orders, land in a simplified planning zone or an enterprise zone, and Crown development or government authorisation under section 90 or section 293A of the 1990 Act. None of them reaches conditions 12, 16, 17, 26, 36, 37 or 41 — this site is in neither a simplified planning zone nor an enterprise zone, and this is not Crown development. I should deal with the one head that could be said to reach some of them. Paragraph 8 exempts a condition attached to an outline permission "in relation to the approval of any reserved matter", and I have submitted above that conditions 12, 17, 36 and 37 concern subject-matter that is reserved. In my submission paragraph 8 is directed at the condition that governs the reserved-matters process

itself rather than at every condition whose subject-matter overlaps a reserved matter, so it does not apply here. But nothing I ask turns on which reading is right: if the Council took the wider view, the consequence would be that those four conditions are not at risk of deemed discharge at all, and the second Preliminary above — that they belong with the reserved matters — would be reinforced rather than answered. I leave conditions 7 and 30 out of that list because paragraph 3 of the Schedule exempts a condition “intended to manage the risk of flood”, which may well cover them; that is a matter for the Council rather than for me, and it does not affect what I ask. An application left open past that period is therefore an application that may be discharged by default, without anyone having assessed the details at all — which would be a worse outcome, for the Council as much as for me, than a refusal the applicant can appeal or answer with a fresh submission. There is a second reason not to let this application drift. From 31 October 2026, paragraph 14 of Schedule 1 to the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (S.I. 2026/854), read with regulation 4, requires an application made under article 27(1) of the Development Management Procedure Order — which this is — to be determined by an officer, and it could not lawfully go to committee at all. I ask the Council to determine this application on its merits, and promptly, rather than hold it open. The matters that a fresh submission would need to address are those set out above, and in particular the removal of the toxic and harmful planting identified outside the Kangaroos building under condition 17, the specification of the play-area planting mixes under condition 36, the ventilation and cooling details for the windows-closed dwellings that the Council’s Environmental Health Officer requires before condition 16 can be discharged, and the finalisation of the preliminary drawings under conditions 17 and 36.

On condition 12, the prematurity point in the second Preliminary applies but I do not press it to refusal: I do not object to the levels themselves; I ask only that the drawing-numbering error in the covering letter be corrected, and that the approved levels leave the eastern-boundary bunding deliverable. On condition 37 I raise no separate objection to the details submitted, and I do not suggest there is anything wrong with them; my objection is to the route rather than the content, and I ask the Council to refuse to discharge it through this application, because boundary treatment is an aspect of the appearance and layout now before the Council on DM/26/1961 and should be settled there. Separately, in relation to conditions 7 and 30, I ask the Council to secure by condition or informative that any sewer found during construction is investigated to establish its ownership before works commence, with a build-over or diversion agreement if a public sewer is confirmed, so that the development is not built over public sewerage infrastructure. Finally, and because this representation is made after the close of the published consultation period, I ask that it be taken into account before the application is determined; and if any part of it is thought to come too late to be entertained, I ask that the remainder be considered regardless, the points being severable. I would be grateful to be kept informed of the Council’s decisions on this application.

Note on the submitted files

Four labelling points arise, which I raise only so that any approval attaches to an unambiguous set of drawings. (i) The covering letter lists all three Landscape Strategy Plans (0817-26A-101B, -102B and -103B) as “Landscape Strategy Plan 1 of 3”; two of these should read 2 of 3 and 3 of 3. (ii) The covering letter lists the three Hard Landscape Plans as 0817-26-A-41A, -42A and -43A — that is, Revision A — whereas the drawings submitted are Revision B (0817/26/A/41–43 Rev B); the list should name the revision actually submitted. (iii) On the Council’s portal, two different drawings are both titled “Proposed Impermeable area plan Sheet 3 of 3” (drawings 5968-003-221 and 5968-003-223); the covering letter has this right, listing 221 as Impermeable Area Plan 1, so it is the portal title for 221 that should read “Sheet 1 of 3”. (iv) The play-drawing titles diverge between the drawings, the covering letter and the Landscape Management Plan as set out at paragraph 6 above. Together with the condition 12 duplication noted at paragraph 5, these mean the lists as they stand would not identify the approved drawings with the precision an approval requires.

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

Yours faithfully,

A black rectangular box redacting the signature of the author.

Annex — documents relied upon

Source	Edition / date relied on	Where used
Covering letter, Tom Davies MRTPI, Cala South Home Counties Ltd, to Mid Sussex DC	10 August 2026	Throughout — the applicant’s account of the submission, and the submitted-document lists
Outline permission DM/25/1129 — decision notice	18 November 2025	Throughout — conditions 2, 7, 12, 16, 17, 26, 27, 28, 29, 30, 31, 36, 37, 41 and Informatives 7 and 9
Section 106 Agreement (Mid Sussex DC, WSCC, J A C Allen, Wates Developments, Barclays Bank UK plc)	Completed 18 November 2025	Sections 1, 4 and 6 — allotments, travel plan, play areas
Illustrative Masterplan, P20074-RFT-XX-XX-DR-A-0101 Rev P08 (approved plan)	revision P08, 27 June 2025 on the drawing’s own revisions panel; listed on the outline decision notice as P08, 04.07.2025	Section 1 — key items 11 and 12
Green Infrastructure Parameter Plan, P20074-RFT-XX-XX-DR-A-0113 Rev P02 (approved plan)	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”	Preliminary and Sections 1 and 6 — legend
Illustrative Landscape Masterplan, FHF-44 Rev 07, SLR Consulting for Wates Developments Ltd, 1:1000 @ A1 (approved plan)	June 2025, submitted 4 July 2025	Preliminary — Notes 1, 4 and 5
Final Residential Travel Plan, Stuart Michael Associates Ltd for CALA Homes (South Home Counties) Ltd, SMA Ref 7467/FTP, Issue 02	May 2026	Section 4
Drainage Technical Note, Robert West Consulting, ref 598-003-001 Rev B	July 2026	Section 3 — discharge rates, contributing areas, impermeable areas
Drainage Technical Note Appendix A — FRA and Drainage Statement (approved)	As appended, July 2026	Section 3 — approved rates 44.2 / 46.3 l/s and storage 4,184 / 4,456 m ³
Drainage Technical Note Appendix E — Impermeable Area Plans and Drainage Calculations	As appended, July 2026	Section 3 — parcel areas 76,593 m ² and 87,363 m ²
Drainage Calculations, Northern and Southern parcels (Site3D v9.000 / EPA SWMM)	22 July 2026	Section 3 — 100-year + 45% manhole results and freeboard check
Landscape Planting Plans 1–11 of 11, drawings 0817/26/A/11–21 Rev A, Hill-Wood & Co (sheet 8 of 11 is drawing 0817/26/A/18, 1:250 @ A1)	Rev A (sheet set dated May 2026)	Sections 2 and 6 — species specified opposite the Kangaroos building (sheet 8); no play area identified on any of the eleven sheets
Landscape Planting Plans notes and schedules, drawing 0817/26/A/22 Rev A	Rev A	Sections 2 and 6 — planting schedule quantities and species
Landscape Strategy Plans 0817/26/A/101–103 Rev B	Rev B, 28 July 2026	Preliminary and Sections 2 and 6 — PRELIMINARY status; revisions panel
Hard Landscape Plans 0817/26/A/41–43 Rev B	Rev B	Section 6 — “or similar approved” qualifiers; Note on the submitted files — the revision letter listed
Play area drawings 0817/26/A/31–36 Rev A	Rev A	Section 6 — areas not stated; equipment and fencing “or similar approved”
Landscape Management Plan (condition 36)	As submitted, August 2026	Section 6 — future management, timetable, drawing titles
Southern Water consultation response	14 August 2026	Sections 2 and 3
Southern Water asset plan, “SW Print”, scale 1:5000	Printed 14 August 2026	Section 3
Mid Sussex DC Environmental Protection (Senior EHO) consultation response	20 August 2026	Opening and Section 7
West Sussex County Council (Highways Authority) consultation response	24 August 2026	Sections 3 and 4

Source	Edition / date relied on	Where used
National Planning Policy Framework	August 2026 edition	Section 3 — Policies F7 and F8
West Sussex Local Flood Risk Management Strategy 2025–2030	July 2025	Section 3 — the LLFA’s stated role
Flood and Water Management Act 2010	As amended	Section 3 — s.6(7), Lead Local Flood Authority
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)	Sections 1 and 6 — play typologies, allotments and outdoor gym; provision figures from the legend (read from the rendered page)
Mid Sussex District Plan 2014–2031, Policy DP42	adopted plan	Section 6 — water efficiency evidence base
Town and Country Planning (Development Management Procedure) (England) Order 2015, arts 27–30 and Sch. 6	as amended	Preliminary and Request — article 27 route; deemed discharge
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 and Sch. 1 para. 14	Request — determination route from 31 October 2026
National Planning Policy Framework, Policies DP4(2)(b) and (c)	August 2026 edition	Sections 2 and 6 — clear and accurate plans; quality not to be materially diminished
Environment Agency, Water stressed areas — final classification 2021	1 July 2021	Section 6 — South East Water’s supply area classified as seriously water stressed
Application forms, DM/26/1962 (article 27 DMPO), DM/26/1760 and DM/26/1985 (section 106A)	as submitted; 1760 signed 17 July 2026, 1985 signed 7 August 2026	Preliminary — the statutory route, and the date the obligation was entered into (18/11/2025)
BS EN 1177	as referred to in the Landscape Management Plan	Section 6 — impact-absorbing surfacing inspection regime
Finney v Welsh Ministers [2019] EWCA Civ 1868	Judgment of 5 November 2019	Section 1
Town and Country Planning Act 1990 / Levelling-up and Regeneration Act 2023 s.110(2)	As amended; s.73B not commenced so far as established	Section 1
RHS / HTA, Potentially harmful garden plants (HTA categories)	HTA Guide, 3rd ed. 2022, as reproduced by the RHS	Sections 2 and 6
RoSPA, Garden safety — poisonous plants	Current guidance	Sections 2 and 6
South East Water, Draft Drought Plan 2027, Appendix F	Consultation draft, May 2026	Section 6
West Sussex Climate Change Adaptation Action Plan (draft) — Consultation Summary Document	August 2026 (draft; limited weight)	Section 3
Noise Impact Assessment, Suono Consultancy Ltd, Ref. 2A73.RP.01.1	16 July 2026	Opening and Section 7 — good acoustic design; Sections 5.38 to 5.42 (ventilation and overheating)
Proposed Levels Strategy, drawings 5968-003-101, -102 and -103, Robert West Consulting	Rev A02	Section 5 — Levels Key; existing and proposed levels
Dwelling and Boundary Material Plan, DBML.01	As submitted	Section 8 — condition 37 boundary details
Greenfield Run-off calculations, drawing 5968-003-131, Robert West Consulting	Rev A01	Section 3 — parcel contributing areas
Town and Country Planning Act 1990, section 74A	As amended; inserted by section 29 of the Infrastructure Act 2015	Request — deemed discharge of planning conditions
Application form and Council description, DM/26/1961 (reserved matters), and the Council’s neighbour notification letter	As submitted; notification letter 17 August 2026	Preliminary — the second limb of the applicant’s description, seeking discharge of the same nine conditions
Mid Sussex District Plan 2014–2031, Policy DP15; emerging Mid Sussex District Plan 2021–2039, Policy DPI5	Adopted plan; emerging plan (not adopted)	Section 6 — the standards the Deed’s legend attributes to “Policy DP15”