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26th March 2026

Dear Mrs Dubberley

Re: Byanda, Brighton Road, Hassocks, West Sussex

Following the submission of DM/26/0732 we are writing in respect of the above property and applications DM/23/0002 and DM/16/4514. We request that this correspondence is added to all three submissions.

We note that an application has been submitted to discharge conditions in relation to DM/23/0002 however no supporting detail is provided. We will be continuing to monitor the submission and may make further representation as necessary.

As you are aware, the permission that we secured under DM/16/4514 has been unlawfully commenced. This was commenced unlawfully as the landowner did not possess the appropriate architectural licence to implement the consent and is subject to separate legal claim.

The land is also subject to a covenant with a known active beneficiary and as such, any redevelopment delivery cannot be confirmed. This is known to the landowners.

Whilst an application has been made to discharge all conditions, clearly a lot of supporting detail is missing from the submission and is expected to follow. This representation only seeks to add comment on the those conditions which need to be cleared prior to commencement.

Condition 1

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Please see below. It would appear that content which was due to be provided as part of the submission has not been undertaken and it is challenged that conditions can be cleared in time to allow this condition to be met.

Condition 5

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Foul Water

It is unusual to have a private rising main underneath a carriageway, these are typically adopted to ensure ongoing compliance. It is unconfirmed if the pumpstation is private, if so then it will also need to be confirmed by West Sussex County Council Highways they will permit a privately pumped FW main under their carriageway as this will be subject to further legal agreement.

As there are no details provided of the pump station this the condition cannot be determined. Design detail typically includes it's size, capacity, flow rate, emergency provision and depth. Connection into a highway drain should be detailed along with appropriate confirmation from the determining authority.

The depth of manhole ref: 8400 should be confirmed by survey submitted to and approved by the determining authority as sewer records are not to be relied upon.

Storm Water

There is a lot of information to submit to clear this condition given the complex nature of the Storm Water and as noted in the MSDC Drainage representation that needs to include details of the proposed Flood Compensation Storage.

The text in relation to this condition is basic at best and pays no attention to the comments of MSDC Drainage engineers when reviewing the application. Storm Water drainage was of

particular concern to officers in determining the application and will require the same level of attention to detail to seek a condition to be discharged.

For ease, the below is extracted from MSDC Drainage consultation dated 20.06.23 which appears to set out the challenges succinctly.

The below is an extract from the MSDC Drainage consultation dated 20.06.26:

*The **principle** of surface water drainage is considered to have been met for this application. Significant details, including infiltration rates at the proposed soakaway/ infiltration tank location, have been provided to show the viability of using infiltration as a means of drainage. The flood risk and drainage team recommend the finalised details are conditioned to ensure drainage is based on finalised development details and the latest design guidance. We advise the applicant that climate change allowance will need to be based on the latest guidance, which at the time of writing would require a +45% allowance for climate change. (Set out in the Environment Agency's online guidance.) Use of an alternative drainage scheme would require significant evidence to be provided as part of any design to ensure it was fully viable. We would advise that infiltration drainage should be prioritised over all other means of surface water drainage.*

Whilst the 'principle' of drainage was met the detail needs to be addressed as part of the conditions application.

The condition application has not been supported with any groundwater testing to confirm infiltration is viable. Only two rudimental tests have been submitted 3 years ago and it is unclear if groundwater saturation has been modelled or considered. This is especially relevant given the comments about flooding in the applicants text.

Details are not available to determine whether the +45% increase in design for climate allowance has been met and what impact this has on the wider design.

As part of MSDC Drainage consultation the following condition was suggested but appears to have not been included in the decision. Whilst not a condition attached to the application it is expected the content should be provided as part of the drainage submission.

The development hereby permitted shall not commence unless and until details of the flood risk management measures, including the flood compensation, on site have been submitted to and approved in writing by the local planning authority. No building shall be occupied, or brought into use, until all the approved flood risk management works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its

lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

In addition to the above, also included as part of MSDC Drainage Consultation, the following was set out:

SURFACE WATER DRAINAGE Finalised detailed surface water drainage design is required to be submitted and approved prior to construction starting on site. The design should be based on the Environment Agency's latest climate change allowances and follow the latest West Sussex Lead Local Flood Authority Policies and Guidance. The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development. The locating of attenuation, detention, or infiltration devices (including permeable surfacing) within flood extents is not acceptable, this includes areas of increased surface water flood risk. Drainage calculations should utilise a CV value of 1. Table 1 overleaf sets out a list of information the detailed surface water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

For ease Table 1 details of the requirements of Table 1 understood to be relevant to this application are noted below:

Table 1: Detailed surface water drainage design requirement summary sheet

- 1. Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)*
- 2. On-site infiltration test results*
- 3. Plans / details of areas to be drained based on finalised development plans*
- 4. Calculations showing the system has been designed to cater for the 1 in 30 with climate change and 1 in 100 with climate change storm events*
- 5. Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system*
- 6. Maintenance and management plan*
- 7. For soakaways*
 - a. Sizing calculations (to cater for 6-hour, 1 in 100year plus climate change event)*
 - b. Half drain time (<24 hours)*
 - c. Construction details*

When the requisite information is provided it will allow further review and representation.

Condition 9

9.No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- * the anticipated number, frequency and types of vehicles used during construction,**
- * the method of access and routing of vehicles during construction,**
- * the parking of vehicles by site operatives and visitors,**
- * the loading and unloading of plant, materials and waste,**
- * the storage of plant and materials used in construction of the development,**
- * the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),**
- * details of public engagement both prior to and during construction works.**

The information provided in this respect is entirely inadequate. A recent fatality occurred on this driveway by way of a collision with a delivery driver and pedestrian and it is unthinkable no provision has been made for pedestrian safety given this very recent (2026) occurrence.

The information submitted suggests that all operatives are to travel by bus or train and no parking is provided on site.

There is no confirmation of a gate person to manage day to day traffic movements along with their location and duties.

To facilitate the obvious parking of on site vehicles, the commencement of development can be phased to allow onsite parking of operatives and visitors and management. Expected day to day headcount should be provided along with detail of how welfare is met to accommodate such headcount. It would be expected a day to day headcount of c50 operatives would be reasonable for a build of this scale.

Details of the mechanical wheel wash are to be provided. A build of this scale would be expected to have a proprietary system to manage day to day deliveries and on site activities until ground floor slab for all buildings is reached.

Tracking details should be provided to confirm how the articulated lorries in the applicants submission can be accommodated. This detail should take into consideration the gradient of the road.

As is normal practice, a standalone CMP should be provided as a control document to be managed against. This should include reporting procedures to MSDC and WSCC on a monthly basis with details of any breaches of amendment.

Condition 13

13. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Tim Moya Associates, December 2022) and the Bat Survey and Mitigation Report (Tim Moya Associates, November 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Please note, the PEA submitted was an update on a report commissioned in 2020.

The PEA is deemed valid for a duration of 18 months, after which time it is recommended that an update site assessment is undertaken.

The PEA is now 20 months out of date and over 6 years old since the original report was undertaken

Whilst not written as a pre commencement condition, it is such given what is required to discharge it.

As part of the application, it was confirmed on 20.02.2023 that a Bat Licence would need to be provided and in order for such bat licence to be provided further surveys would be required between May and August. It was confirmed as part of the ongoing correspondence of 20.02.23 that these further surveys would be secured by condition.

In order to implement the consent, works associated with Bat mitigation will need to be considered and cleared by Natural England. The applicant is reminded that undertaking construction works next to an identified roost is a criminal offence.

In addition, the county ecologist confirmed eDNA would be required for Pond P3 between April and June. This appears to be missing too.

Condition 14

14. No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.**
- b) Review of site potential and constraints.**
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.**
- d) Extent and location/area of proposed works on appropriate scale maps and plans.**
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.**
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.**
- g) Persons responsible for implementing the works.**
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).**
- i) Details for monitoring and remedial measures.**
- j) Details for disposal of any wastes arising from works.**

Please note, the PEA submitted was an update on a report commissioned in June and July 2020.

The PEA is deemed valid for a duration of 18 months, after which time it is recommended that an update site assessment is undertaken.

The PEA is now 20 months out of date and over 6 years old since the original report was undertaken

On this basis the reptile surveys should be updated as it cannot be confirmed the population has not increased over that determined in 2020 and the mitigation report as submitted is valid under Habitat Regulations.

The above is confirmed as the PEA notes:

8.22 Recommendation: A reptile mitigation strategy will be required. Depending on the time since previous surveys, update reptile surveys may be required to inform the reptile mitigation strategy. Surveys can be undertaken between March-September inclusive.

Condition 15

No development shall commence until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices)

to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

As noted above (Condition 9) it is normal practice for a standalone document such as a CEMP to be provided as a control document to be managed against. This should include reporting procedures to MSDC and WSCC on a monthly basis with details of any breaches of amendment.

In conclusion, the application to clear such complex conditions on a site which was subject to deferment, refusal and finally an approval is lacking of detail to allow it to be considered properly.

Consultant reports with appropriate confirmation of personnel and their qualifications and modelling software should be submitted to support any application for discharge of condition.

We appreciate this letter is lengthy and detailed however sets out where the application needs attention to be determined.

