

From: [REDACTED]
Sent: 10 September 2026 14:44
To: Joanne Fisher; planninginfo
Subject: DM/26/1985 — Foxhole Farm, Bolney — representation on the section 106A application (Countryside Open Space Detailed Specification and Management Plan)
Attachments: Representation - DM-26-1985 s106A obligation as submitted(10Sep2026).docx

Dear Ms Fisher,

I attach a representation on application DM/26/1985, by which Cala Management Limited applies under section 106A of the Town and Country Planning Act 1990 in respect of the Section 106 Agreement of 18 November 2025 relating to outline permission DM/25/1129.

I ask the Council to determine that the obligation shall continue to have effect without modification, and, before it reaches that question, to satisfy itself that it has power to entertain the application at all: section 106A(3) permits an application only after the expiry of the relevant period, which here is the five years fixed by section 106A(4)(b), and the applicant's own form records the obligation as less than five years old.

Five requests, if I may. The first, second and fourth are practical; the third and fifth are made, so far as they need to be, under the Environmental Information Regulations 2004.

1. Please confirm whether the application has been publicised as regulation 5(1) of the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 requires, and if so by which of the three permitted means — site notice, service on the owners and occupiers of adjoining land, or newspaper advertisement — and on what date; and please show the resulting representation deadline on the register. As at 10 September 2026 the register gives no such deadline and holds no site notice and no copy of any neighbour notification, although the Council published both on DM/26/1961. Regulation 6(1) provides that the application may not be determined before the period allowed for representations has expired, so I would be grateful for confirmation of the position, and I would ask that this representation be treated as made in time whenever the period is fixed.
2. Please record on the file which statutory route the Council is treating this application as having taken — an application under section 106A, or a submission for approval under paragraph 1.2 of the Third Schedule to the Deed. The covering letter argues that the obligation has been satisfied; the form asks for statutory discharge. I do not ask the Council to prefer either reading; my representation proceeds on the route the form names and pleads the alternative, and its requests hold on both. But the answer decides the timetable, the publicity, the reasons the Council must give and the appeal rights, on this application and on DM/26/1760.

3. Please confirm whether a map was submitted with the application, and if one was, publish it or supply me with a copy. Regulation 3(2)(b) requires an application of this kind to include a map identifying the land to which the obligation relates, and the form's own checklist records that two copies of a plan were submitted; the register held only the application form and the covering letter when I checked it on 10 September 2026. The Deed defines the Countryside Open Space by reference to boundaries to be identified in the reserved matters application, so the map is the only document that would show what land is in issue.

So far as it is necessary, I make this request under regulation 5 of the Environmental Information Regulations 2004. The map is environmental information within regulation 2(1)(c), being information on a measure affecting or likely to affect the state of the land. I would be grateful to have it in electronic form. If the Council considers any part of it exempt, please give a refusal notice under regulation 14 specifying the exception relied on and the reasons for it, bearing in mind the presumption in favour of disclosure in regulation 12(2).

4. Please confirm the date the application was received. The register gives a determination deadline of 21 October 2026, which is eight weeks from validation on 26 August 2026, whereas regulation 6(2)(a) measures the eight weeks from receipt, and the form and covering letter are dated 7 August 2026. I raise it only so that the file is clear about which date governs; if an extended period is agreed with the applicant under regulation 6(2)(b), that would resolve any difficulty.

5. Please confirm whether the applicant has made the submission required by paragraph 1.2 of the Third Schedule to the Deed, and if so, on which application reference it is held, and publish it or supply me with a copy. Paragraph 1.2 requires the Countryside Open Space details to be submitted to the Council for written approval at the same time as the relevant Reserved Matters Application, which would place them on DM/26/1961 rather than on this application. I ask because DM/26/1985 seeks relief in respect of an obligation which, on the material published so far, does not appear to have been performed or attempted; if the submission exists, it bears directly on what the Council is being asked to decide, and if it does not, that too is material.

Again, so far as it is necessary, this is a request under regulation 5 of the Environmental Information Regulations 2004, on the same terms as request 3. I recognise that there is no duty on the Council to place documents delivered under a section 106 obligation on the planning register — article 40 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires copies of the obligation itself, and particulars of any modification or discharge, but not the submissions made under it — so I raise this as a request rather than as any kind of criticism.

There are two matters in the representation which are not requests but which I should flag, because they concern the Deed rather than the application.

Section 6 notes an apparent inconsistency in the Deed about who issues the Certificate of Compliance (Open Space): the definition at page 5 says the District Council, while limb (b) of the definition of "Practical Completion" at page 18 says the Certifier, whose role the Deed defines by reference to the applicant's construction contracts rather than as an officer of the Council. The same certificate governs the restriction on occupation of 75% of the dwellings. Section 7 notes that the Deed's definition of the Countryside Open Space Plan points to "the attached plan at Appendix 5", whereas Appendix 5 of the executed Deed is the Payment Notice and the Countryside Open Space Plan is at Appendix 6; and that on the key to that plan the land hatched as Countryside Open Space is also shaded as "Parks and Gardens", both given as 4.19Ha. I raise these neutrally and only because the Council has the file open.

I would be glad to be told if I have misunderstood any part of this.

Yours sincerely,



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