

Katherine Williams

From: Katherine Williams
Sent: 01 August 2025 17:12
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: DM/25/0961 - 201 Junction Road Burgess Hill
Attachments: [REDACTED]

Dear Paul,

As per [REDACTED] email yesterday, all sites providing 5 units or more are due to pay S.106 contributions, as per his comments dated 30th June. My apologies for the previous miscommunication.

As the application was received before 23rd July the payments required are in line with the Development Infrastructure and Contributions SPD. This document also sets out the justification for the contributions and the relevant calculations to comply with the requirements of policy DP20.

As set out within my previous email the only justification for not providing these contributions is if there is a case for viability and a Viability Appraisal has been submitted to demonstrate that the scheme would be unviable with the contributions. This would be independently assessed by a consultant appointed by the Council and paid for by the applicant.

It is considered that as the application stands, without the required S.106 to secure the required contributions the application is contrary to DP20 and will be refused.

Please confirm if you intend to proceed with the S.106 and provide the required Obligation Form.

Kind Regards

Katherine Williams BSc (Hons) MSc
Senior Planning Officer
Development Management
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01444 477214
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 - **SAVE A TREE** Only print this email if absolutely necessary.

From: Paul Burgess <paul.burgess@lewisplanning.co.uk>
Sent: 31 July 2025 10:31

To: Katherine Williams <Katherine.Williams@midsussex.gov.uk>

Subject: RE: DM/25/0961 - 201 Junction Road Burgess Hill

Dear Katherine,

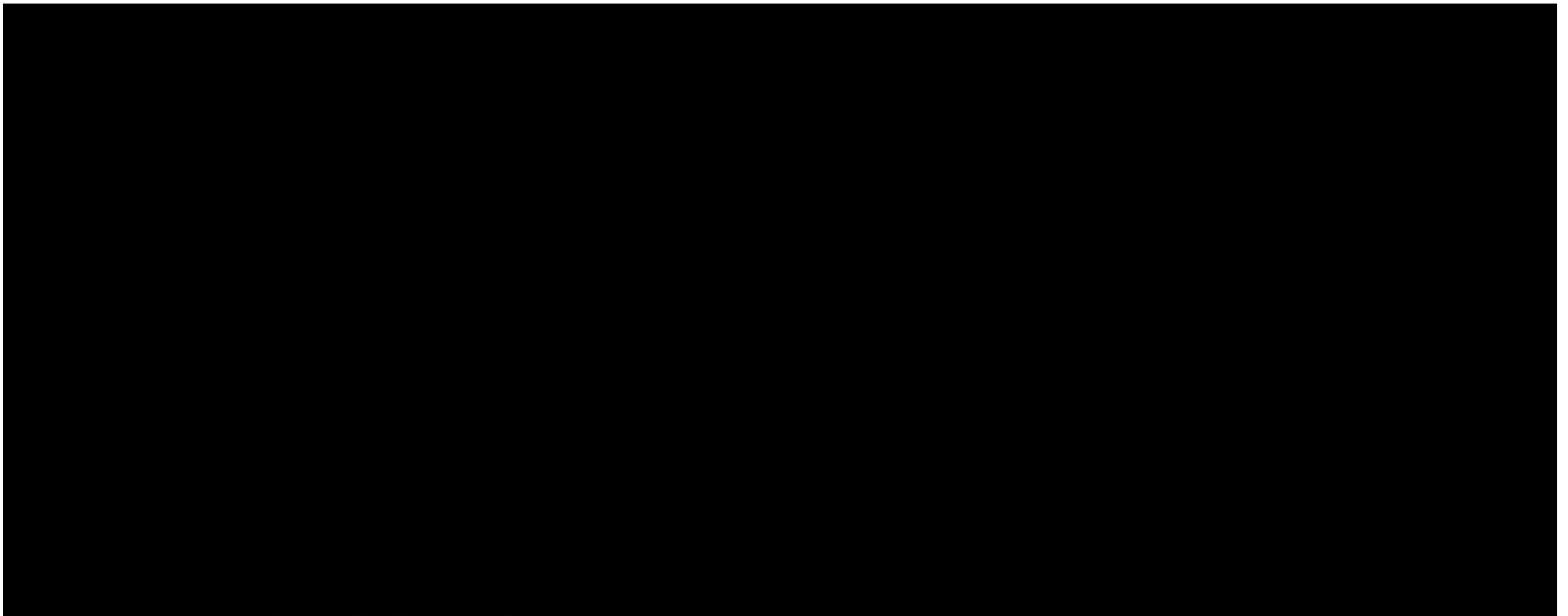
Thanks for your email.

Whilst Policy DP20 refers to infrastructure contributions at a general level, it does not go into any detailed justification or set out how the contributions would be sought or calculated. The SPD cannot be used as it has been revoked and Appendix 5 of the Draft Plan does not apply to this application (it was submitted before 23rd July 2025). In the absence of any detailed guidance, I cannot see how Section 106 obligations can be sought or justified in this instance.

I have attached correspondence between a contact of the applicant and the MSDC Section 106 Manager which confirms that *“applications submitted before 23 July 2025 (unless for an allocated/draft allocated site) will not be subject to MSDC S106 financial contributions”*.

We would therefore ask you to reconsider your position on this issue on the above basis.

Kind regards



From: Katherine Williams <Katherine.Williams@midsussex.gov.uk>

Sent: Tuesday, July 29, 2025 4:19 PM

Subject: RE: DM/25/0961 - 201 Junction Road Burgess Hill

Dear Paul,

Thank you for your emails.

As you will be aware, planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy DP20 requires infrastructure contributions to be secured by a S.106, unless a case of viability can be put forward in a Viability Appraisal. These contributions are set out within the Mid Sussex Development Infrastructure and Contributions SPD, which has now been replaced by Appendix 5 of the Draft District Plan for any applications received from 23rd July 2025.

There is no exemption for infrastructure payments for self-build projects.

Therefore, should your clients not wish to enter a S.106 to secure the infrastructure contributions the application will be contrary to the development plan and will be refused.

Kind regards

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Sent: 29 July 2025 09:58

Subject: RE: DM/25/0961 - 201 Junction Road Burgess Hill

Dear Katherine,

Further to my email below, I understand that the Development & Infrastructure Contributions SPD has now been revoked. The MSDC website confirms that this will be superseded by Appendix 5 of the Submission Draft District Plan, but only for applications submitted after 23rd July 2025. Accordingly, our application should not be subject to developer contributions and a Section 106 Agreement will not be needed.

A drainage engineer has been instructed to prepare a report as requested, and this should be with you next week.

Kind regards

Paul Burgess BA(Hons) BPL MRTPI
Director

2 Port Hall Road, Brighton, BN1 5PD
T: 01273 413700
M: 07595 947983

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Sent: Wednesday, July 23, 2025 5:20 PM

To: Katherine Williams <Katherine.Williams@midsussex.gov.uk>

Subject: RE: DM/25/0961 - 201 Junction Road Burgess Hill

Dear Katherine,

We have now had a chance to review the requests for financial contributions towards play space, sports facilities and community buildings (see attached).

We were not anticipating a self-build project being subject to these planning obligations given the government stance set out below:

- The 2014 Ministerial Statement (28th Nov 2014) stated that tariff style contributions should not be sought for small scale and self-build developments. Whilst this statement was quashed by the High Court in 2015, the decision was subsequently reversed by the Court of Appeal.
- Planning Practice Guidance makes it clear that self-build developments are exempt from CIL. Whilst I appreciate that the District Council has not yet introduced CIL, this exemption demonstrates the support needed for self-build homes to be delivered without unnecessary financial burden.

We therefore trust that the payments requested in the attached response will not be sought on this occasion.

Kind regards

From: Katherine Williams <Katherine.Williams@midsussex.gov.uk>

Sent: Thursday, July 3, 2025 8:54 AM

[REDACTED]

Subject: RE: DM/25/0961 - 201 Junction Road Burgess Hill

Dear Paul,

Thank you for your emails and my apologies for the delay in my response.

Thank you for confirming that a Tree Report will be submitted, I will await this information.

With regards to the drainage matter, the information currently provided is not sufficient to demonstrate that the proposed system would be achievable for the development, this information cannot be secured by condition and the principle of the drainage system must be confirmed at application stage.

Each application is considered on its own merits and the current proposal comprises of a greater number of dwellings than the previous proposal, and therefore is materially different.

I note that a completed Planning Obligation Form has not be provided with the application, can this be provided as soon as possible.

To allow the application to remain in time and for the required information to be submitted I would like to request an extension of time to 1st August, please confirm if this is acceptable.

Kind Regards

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Sent: 17 June 2025 10:07

To: Katherine Williams <Katherine.Williams@midsussex.gov.uk>

[REDACTED]

Subject: RE: DM/25/0961 - 201 Junction Road Burgess Hill

Dear Katherine,

Further to my email below, the applicant has agreed to provide an Arb Impact Statement in relation to the off-site trees. This will take a few weeks to put together, but we will send this to you as soon as it's ready.

Kind regards





Sent: Monday, June 9, 2025 3:14 PM

To: Katherine Williams <Katherine.Williams@midsussex.gov.uk>



Subject: RE: DM/25/0961 - 201 Junction Road Burgess Hill

Dear Katherine,

Thanks for your email.

I fully understand your request to deal with drainage as part of the outline application rather than at the reserved matters stage. However, could we request that this is dealt with by a planning condition as with the previous approval? I'm not aware that the relevant legislation has changed since 2017?

We are checking the proximity of off-site trees and will revert on this issue shortly. We would therefore request that the District Council does not determine this application for the time being and we would be happy to agree an extension of time to accommodate these discussions.

Kind regards



From: Katherine Williams <Katherine.Williams@midsussex.gov.uk>

Sent: Friday, June 6, 2025 3:59 PM

Subject: RE: DM/25/0961 - 201 Junction Road Burgess Hill

Dear Paul,

Thank you for your email.

I appreciate that the drainage plan is indicative, however, information must be provided at this point that the principle of the surface and foul water drainage system proposed is acceptable and that it is achievable for the development.

In terms of the requested Tree Report, as set out within the Council's validation criteria a Tree Report is required where there are trees within 15 metres of the development. There are no longer any trees within the site, however there are trees around the site which could be impacted, namely trees on land adjacent to the railway line.

Each application is considered on its own merits and against the relevant development plan and legislation at the time of consideration, therefore this information is required in order to fully consider the proposal.

Kind regards

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- SAVE A TREE Only print this email if absolutely necessary.

Sent: 02 June 2025 12:13

To: Katherine Williams <Katherine.Williams@midsussex.gov.uk>

Subject: RE: DM/25/0961 - 201 Junction Road Burgess Hill

Dear Katherine,

Thank you for sending the drainage and tree officer comments through.

Flood Risk/Drainage – The indicative application drainage plan (PL302A) has been submitted to illustrate how surface water drainage could be addressed. Details of soakaways or other drainage solutions would need to be agreed at the Reserved Matters stage when the site layout is considered. The previous approval for 3 houses (DM/16/5329) was subject to a standard condition (Condition 7) which required details of foul and surface water drainage to be submitted prior to commencement of development. We request that drainage details are determined with the same approach.

Trees – My understanding is that there are no protected trees within the application red line area and therefore an Arb Impact Assessment is not required. If the Tree Officer has concerns about a particular tree, it would be helpful if this could be marked on a plan so we can comment accordingly.

Are you able to confirm if there are any outstanding issues and when the application is likely to be determined.

Many thanks

Kind regards

From: Katherine Williams <Katherine.Williams@midsussex.gov.uk>

Sent: Friday, May 23, 2025 3:40 PM

Subject: DM/25/0961 - 201 Junction Road Burgess Hill

Dear Paul,

Please see the attached comments from the Flood Risk and Drainage Team and the comments from the Tree Officer, who both request further information.

Kind Regards

Katherine Williams BSc (Hons) MSc
Senior Planning Officer
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