

[REDACTED]

For the attention of Mr Andy Watt, Senior Planning Officer, Mid Sussex District Council,
Oaklands, Oaklands Road, Haywards Heath RH16 1SS

DM/26/0764 — Franc Jean Farm, The Street, Bolney: drainage matters the applicant needs to demonstrate

The application and drainage strategy have not yet shown that surface and foul water drainage can be treated as deliverable, lawful and safe. This schedule lists, as a checklist the Council can put to the applicant, what this application would need to demonstrate. I do not say that the Surface and Foul Water Drainage Strategy filed on 15 September 2026 (ref MC0857) is wrong. I say that on each of the matters below it is not yet evidence, and several of them are reserved on the applicant's own drawing for confirmation after permission has been granted.

Where a matter turns on the public register, it is as I found it on 27 September 2026, when the register held 53 documents, the latest being that Strategy. Registered titles are identified by number only; the owners of the neighbouring land are not parties to this application.

Summary: the requirements the Strategy does not meet, or has not been shown to meet

The numbers in brackets are the items below where each point is set out. I distinguish between requirements the submission plainly does not meet — mostly requirements to provide evidence which has not been provided — and requirements it has not been shown to meet, where the answer may yet be favourable (even if I do not expect it to be) but the evidence is not before the Council.

Requirements not met

- **National standards for sustainable drainage systems (Defra, 2025), requirement 1.3:** the evidence that higher-priority destinations have been used to the maximum extent practicable has not been provided (2).
- **National Standards, requirement 1.6:** no evidence that the easements needed to reach the final destination are in place for the lifetime of the development (19–23).
- **Mid Sussex Flood Risk and Drainage Information Checklist (Application Stage, v2.0):** the watercourse tier is not shown to have been “properly assessed and, if not feasible, ruled out with justification” (2).
- **BRE Digest 365 and CIRIA C753:** the infiltration testing cannot support the partial infiltration the Strategy still proposes. There was one filling in one pit, the head did not fall to less than 25% of its initial value, and the second pit was not tested; on C753's own terms the rate “cannot be determined”, and incomplete results “should not be extrapolated to obtain design values of infiltration rates” (4).

Requirements not shown to be met

- **Mid Sussex District Plan Policy DP41 (Flood Risk and Drainage):** the preferred hierarchy (infiltration; attenuation and discharge to watercourses; surface water sewers) is not shown to have been followed, and it is not shown that the development will not increase the risk of flooding elsewhere (2, 3, 8, 13).
- **District Plan Policy DP42 (Water Infrastructure and the Water Environment):** it is not demonstrated “that sufficient capacity already exists off-site for foul and surface water provision” (13, 18, 26, 27).

- **Approved Document H (2015 edition), paragraph 2.30, and Water UK Design and Construction Guidance, clause B6.1:** not shown that a 100 mm private foul run can take a further dwelling (27).
- **National Planning Policy Framework (August 2026), policy F7(1):** not shown that the development will “not increase flood risk elsewhere” (8, 10, 13).
- **Framework policy F8(2):** not shown that the drainage is designed in accordance with the National Standards (F8(2)(a)) (2–18), or that maintenance arrangements are in place for the lifetime of the development, including the shared off-site apparatus (F8(2)(b)) (25).
- **National Standards, requirements 1.7 and 3.3:** not shown that runoff will not increase flood risk elsewhere, given the “FLOOD RISK” result in the applicant’s own 1 in 100 year plus climate change calculation and an outfall of unassessed capacity (8, 13).
- **National Standards, requirements 1.8 and 4.2:** not shown that the runoff will not risk polluting groundwater or the receiving pond(s), or that the water-quality assessment reflects the site’s history and “sensitivity of receiving waters” (6, 7, 15).
- **National Standards, requirement 1.9:** not shown that collecting the site’s runoff and piping it elsewhere will not deplete any waterbody it currently feeds beyond safe environmental levels (14).
- **National Standards, requirement 7.2:** the management and maintenance plan covers only the on-site systems and not the off-site apparatus on which the runoff destination depends (25).
- **CIRIA SuDS Manual (C753):** groundwater has not been assessed at its maximum level (section 25.2.2), and no contamination leaching assessment has been carried out before partial infiltration is proposed on a former farmyard (5, 6).
- **Consents under statute, depending on the status of the receiving run:** a connection under section 106 of the Water Industry Act 1991 if it is a public sewer, and for the foul connection in any event; the County Council’s agreement if it is a highway drain vested under section 264 of the Highways Act 1980; and consent under section 23 of the Land Drainage Act 1991 for any flow control structure on, or culverting of, an ordinary watercourse. None is evidenced in the application (16, 17, 26).
- **Planning Practice Guidance, Making an application (Reference ID 14-024-20140306):** the new outfall pipe and its connection are drawn outside the application red line, which should “include all land necessary to carry out the proposed development” (24).

A. The drainage hierarchy

1. **Correct the application form.** Against “How will surface water be disposed of?” the form ticks “Main sewer”, and nothing else. The form offers five options — “Sustainable drainage system”, “Existing water course”, “Soakaway”, “Main sewer” and “Pond/lake” — and takes no description, so the tick is the whole of the answer. What the Strategy proposes is none of them as ticked: a Hydrobrake and an attenuation tank discharging at up to 1.0 l/s into a private surface water drain which the applicant’s own consultants say runs “to a waterbody downstream”. It is not a main sewer, and Southern Water has said its network in The Street is foul only. The answer on the form is what the Council validates and consults upon, so it should be corrected to the option which fits. On the same page the form answers “No” to whether the proposal will increase the flood risk elsewhere; see items 8 and 13.
2. **Assess discharge to a surface water body on evidence, rather than by assertion.** Policy DP41 places attenuation and discharge to a watercourse above discharge to a sewer. The Council’s Flood Risk and Drainage Information Checklist (Application Stage, v2.0) requires that “Applicants should provide evidence that each higher-tier option has

been properly assessed and, if not feasible, ruled out with justification”, and requirement 1.3 of the National standards for sustainable drainage systems is to the same effect. The Strategy rules the watercourse tier out in six words, “No suitable watercourse in the vicinity”; yet its own paragraph 4.5 has the chosen run connecting “to a waterbody downstream”, the site investigation has it travelling “down the hill and to a pond”, and the applicant’s Preliminary Ecological Appraisal records at paragraph 3.1 “four streams within 500 m of the site”. The tier is in any event wider than the Strategy allows for. Requirement 1.2 of the National Standards gives as priority 3 “discharged to an above ground surface water body”, and the glossary defines a surface water body as “Any body of water above ground, including watercourses, rivers, lakes and reservoirs”. A pond is such a body. Answering “no suitable watercourse” therefore does not answer the standard, and on the applicant’s own account there is a waterbody downstream. If that is the destination, requirement 1.19 applies as well: the principle of discharging to it, including discharge rates and volumes, “shall be agreed in writing with the relevant risk management authority”. No such agreement is on the file.

3. **If the watercourse tier was ruled out because of third-party land, say so.** The applicant should identify the land and the interest concerned, and say whether the route in requirement 1.6.1 of the National Standards (the powers traced through paragraph 29(1) of Schedule 2 to the Flood and Water Management Act 2010) has been considered.

B. Infiltration, groundwater and contamination

4. **Either establish any infiltration element properly, or remove it.** Infiltration as the sole method has been discounted on the applicant’s own evidence, but the Strategy still proposes Type B partial-infiltration permeable paving, described as “unlined”, and does not say that the attenuation system is lined. The only test behind that is a single run in trial pit TP01 (the sheet is headed “Test No: 1”), in which the head fell by roughly a quarter, where the CIRIA SuDS Manual (C753) requires that it fall “to less than 25% of the initial head of water”; TP02 records “no testing possible”. C753 says, at printed page 550, that where the head does not fall that far “the results should state that the infiltration rate cannot be determined”, and that “[t]he results of incomplete tests should not be extrapolated to obtain design values of infiltration rates”. One run is therefore enough to show that no design rate can be taken from this testing. BRE Digest 365’s three fillings, with the worst result used for design, would be needed only if the applicant wished to derive one — and since each successive filling gives a slower rate, a first run is the most favourable figure obtainable. No infiltration rate is stated anywhere in the Strategy.
5. **Establish the maximum anticipated groundwater level.** C753 (section 25.2.2) requires the base of an infiltration component to be at least 1 m above “the maximum anticipated groundwater level (taking account of seasonal variations in levels and any underlying trends)”. Groundwater was struck at 1.9 m and rose to 1.8 m below ground on 24 July 2026, after twenty-four dry days — close to the annual minimum, not the maximum. The Council’s Flood Risk and Drainage Team asked for groundwater levels in April.
6. **Carry out the contaminated-land assessment before any infiltration element is approved.** The Council’s Contaminated Land Officer (30 March 2026) recommends a phased suite of conditions for this former farmyard. C753 provides at printed page 131 that “A risk assessment and assessment of the leaching potential of contamination should be undertaken by a contaminated land specialist, to determine whether pollution will be mobilised.” The site investigation logged made ground in both trial pits and did no chemical testing, and the drainage drawing’s general note (e) refers to a contamination assessment that has not been produced. The alternative is a fully tanked Type C construction and a

lined attenuation system; because the calculations take no credit for the driveway's storage or infiltration, that would not change the hydraulic design.

7. **Characterise the water-quality hazard from the site's history, and secure the paving the treatment relies on.** The Strategy's simple index assessment treats the site as an "Individual property driveway" and says nothing about what is already in the ground. Its mitigation indices are those of permeable paving, with proprietary treatment marked "Not required for this development", so the whole water-quality case depends on the paving being built as permeable and kept so. That needs a condition, not a maintenance table.

C. Hydraulic design

8. **Explain, or redesign, the 1 in 100 year plus 45% climate change result.** In the applicant's own Causeway Flow output for that event the Hydrobrake node is marked "FLOOD RISK" (peak 63.206 m against a cover level of 63.500 m), link 1.003 shows reverse flow (-2.3 l/s), and the attenuation tank holds 11.2545 m³ of its 11.305 m³. Half of the contributing area (0.012 ha) is connected directly to the flow control rather than through the tank. The applicant should say whether the driveway sub-base attenuation, excluded from the calculations, is relied on: if so, it should be quantified, designed for the slope and secured; if not, the Strategy should show how surface water is managed safely in the design event. I ask the Flood Risk and Drainage Team to say whether that result is acceptable to it.
9. **Reconcile the contributing areas.** The node schedule sums to 0.024 ha, matching the 240 m² on the drawing, but Table 3 of the Strategy gives 0.022 ha. The existing contributing area of 0.003 ha (30 m²) also looks low against the outbuildings on the applicant's own topographic survey.
10. **Show and assess the raised threshold.** Drawing CIV01 is annotated "THRESHOLD TO BE RAISED TO PREVENT INGRESS OF SURFACE WATER FORM [sic] ROAD". No plan for approval shows it. Proposed levels across the frontage and a section through the access are needed; the effect of displacing that road water has not been modelled, although the form answers "No" to whether the proposal will increase flood risk elsewhere; and the highway authority, whose response predates the drawing, should be reconsulted on it.

D. The outfall

11. **Survey the existing private run before determination, not before the works.** Note (f) on the drainage drawing reads "EXISTING SEWER PIPE TO BE RE-USED TO BE SURVEYED AND LEVELED PRIOR TO COMMENCEMENT OF THE DRAINAGE WORKS AND REFURBISHED IF NECESSARY." Apart from the levels drawing CIV01 gives its two existing chambers, estimated from depths the client supplied, the only record of the existing system is a hand-annotated site plan at Appendix V of the Strategy and the sketch registered on 2 June 2026. A survey (CCTV, levels, diameters, gradients, material and condition, with a manhole schedule) should be before the Council. On the file for outline permission 14/03449/OUT (land at Franc Jean Farm, 2015), the occupier of Franc Jean Farm described "ageing underground land drains being blocked by land shift and tree roots" (29 January 2015). The survey should establish whether the run is a sewer built for the purpose or an old agricultural land drain, which would have neither the construction nor the capacity of a sewer.
12. **Show the route to its final destination on a drawing.** The documents on the Council's own files appear to trace the run to the pond that the 1976 title plan for The Thatched House (title WSX7656) labels "Pond"; then a 300 mm pipe which drawing 0110-02 (application 10/02337/FUL, 2010) shows leaving the south side of that pond and running

through The Field House; then about 120 metres past 10 to 12 Tythe Barn for which no drawing is available on the Council's planning portal; and then a 300 mm vitreous clay pipe at Rawson Hall discharging to what drawing F2101/04 labels "Ex Ditch/Stream". The 1976 title plans for The Thatched House and The Field House (WSX177555) show instead a "Drain" running south out of the pond; that open ditch is believed no longer to exist (reported 27 September 2026). The owner of The Thatched House reports a sump at the boundary with The Field House, and a local resident underground pipework south of it (both 21 September 2026); the sump lies on the line of the 2010 pipe (reported 27 September 2026). The sump appears on no drawing held by the Council, and nothing records whether the pipe there now is the 2010 one or what condition it is in; the Strategy mentions neither. The route to the final destination should be surveyed and drawn as it now exists, not as plans of 1976 and 2010 show it. West Sussex County Council, as lead local flood authority, required on DM/26/1961 in this parish that "For both outfalls, the location of the watercourses/culverts and their onwards connectivity shall be clearly shown on drawings." The same should be required here.

13. **Demonstrate the capacity of the receiving system, and that flood risk elsewhere will not increase.** Framework policy F7(1) requires that development "should not increase flood risk elsewhere". Downstream of the pond, the run appears to be a 300 mm carrier already serving several properties, and the Council's committee report on DM/25/1129 records representations describing downstream flooding of gardens on The Street. I accept that a discharge of up to 1.0 l/s is small; the point is that it has not been assessed.
14. **Identify where surface water from the site goes now.** Surface water currently runs off this plot southwards: I hold video footage of it being carried by a channel across the unmade track, flooding the carriageway and running on into the garden of the property to the south. The applicant should establish where that water goes today, including whether some, but not all, of it feeds the pond in the garden of Scarps Side, which contains palmate newts. If it does, changing the volume entering the pond would affect the ecology of the pond, potentially affecting the resident newts and other species. The Strategy does not say where the site's surface water goes now, or assess the effect of changing it. The pattern is not new: on the file for outline permission 14/03449/OUT (land at Franc Jean Farm, 2015), neighbours wrote that surface water from the fields to the north "naturally runs down towards Franc-Jean Farm and then through to the track and onto the houses to the south", and the Parish Council objected "due to potential flooding issues".
15. **Confirm which pond the proposed discharge is to reach, and protect it.** The applicant's consultants say only that the run connects "to a waterbody downstream" and travels "down the hill and to a pond". That appears to be the pond in the grounds of The Thatched House (title WSX7656), whose 1976 title plan labels it "Pond" and from which drawing 0110-02 shows a 300 mm pipe running south, but the applicant should confirm it. That pond also contains newts, reported by its owner (the species has not been identified), and it must not receive contaminants. A discharge to it, directly or indirectly, should be treated as a discharge to a sensitive receptor: the water-quality treatment should be designed for that, and the contamination assessment at items 6 and 7 is needed before anything from this former farmyard is sent there. The Council's ecologist should be asked to advise on both ponds.
16. **Establish the legal status of the receiving run and its chambers.** The drawing's note calls the connection an "EXISTING PRIVATE SURFACE WATER MANHOLE", while its legend gives the symbol used there as "EXISTING SW PUBLIC INSPECTION CHAMBER / MANHOLE - RETAINED". Southern Water (15 April 2026) recorded a sewer crossing the site that is not in its records, required an assessment "to determine its ownership and the impact it could have to the proposed site layout", and noted that "[i]t is possible that the

sewer is now deemed to be public". The statutory sewer map (section 199 of the Water Industry Act 1991) and that assessment should settle whether the run is a public sewer, a highway drain or private — in which last case section 72(1) of the Land Drainage Act 1991 makes it an ordinary watercourse.

17. **Obtain, or show a route to, the consent each answer requires, and consult the bodies concerned.** If the run is public, a connection application under section 106 of the Water Industry Act 1991 is needed; if a highway drain, the County Council's consent; if a watercourse, the consent of the owners of the land it crosses, and — as the lead local flood authority said on DM/26/1961 — "Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex County Council." No response from Southern Water on the Strategy, and none from the lead local flood authority on any part of the application, was on the register on 27 September 2026. A distinction matters here and the Strategy does not address it: section 106 of the Water Industry Act 1991 confers a right to communicate with a public sewer, but nothing in respect of a private one. If the run is private, an easement over the land it crosses is not enough — the agreement of the owner of the pipe is also needed, and a pipe laid under another person's land will ordinarily belong to that landowner rather than to whoever laid it. The applicant should identify the owner of each length of pipe to be used, from the point of connection to the final destination of each flow, for surface water and for foul, and produce the agreement relied on for each.
18. **Provide the outfall agreed in principle, with downstream confirmation.** The Flood Risk and Drainage Team's list of 20 April 2026 includes "Outfall agreed in principle by the sewer authority (if relevant)", and it has not been provided. The Council's own Drainage Engineer has said (12 November 2016, DM/16/4096) that "MSDC Drainage Engineers cannot accept 'connection only' letters as evidence for the safe and suitable disposal of surface water"; confirmation of downstream capacity is needed, not a connection alone.

E. Land rights and ownership

19. **For every parcel between the site and the final destination of each flow, state the title number and the right relied on, with a plan.** Requirement 1.6 of the National Standards provides that "Where access to third party land is required to facilitate discharge to a final destination, evidence that any necessary easements are in place for the lifetime of the development shall be provided to the approving body." Going south, the run is documented to cross the unmade track (which lies in neither adjoining title) and titles WSX409051 (Scarps Side), WSX153649 (Yew Tree Cottage), and then appears to cross WSX7656 (The Thatched House, containing the pond) and WSX177555 (The Field House), continuing beyond them across more properties before reaching the final destination. The same is needed for the private foul run to the public sewer.
20. **Produce the filed deeds relied on.** These are filed at HM Land Registry and cost £11 each by post: under WSX354510, the Deed of Partition of 10 July 1984 and its rectification of 30 April 1991; under WSX112285, the Deed of 28 January 1987 with Plans two and three, the Conveyance of 16 February 1987 and the Deed of Release and Grant of 8 September 1987. The applicant should show that the drain on Plan three is the run the Strategy proposes to use.
21. **Show a right to discharge beyond the southern boundary of Yew Tree Cottage.** On the registers, the 1987 grant burdens only "Scarps and Yew Tree Cottage", and the 1984 partition burdens only the farm. The applicant should identify the right, or the consent, by which water may be discharged onto that land south of Yew Tree Cottage, and onward.
22. **If the right is implied or prescriptive, say so and address the tests.** For an implied right, *McAdams Homes Ltd v Robinson* [2004] EWCA Civ 214 asks whether

redevelopment is a radical change in the character of the site and whether it substantially increases the burden (the Strategy gives the existing contributing area as 0.003 ha and the proposed as 0.022 ha (a greater than seven-fold increase)). For prescription, *Stanning v Baldwin* [2019] EWHC 1350 (Ch), paragraph 133, begins: “In most cases, imperceptible use of underground drains is not sufficiently open to give rise to a prescriptive easement.”

23. **Evidence the statement that “THE SURROUNDING LAND IS PROPERTY OF THE CLIENT”.** That note on the drawing is given “AS PER CLIENTS DETAILS” and identifies no land, title or interest. On the registers, the application site (WSX453669) has one registered proprietor; Francjean Farm (WSX262641) has a different one; and each of the four titles to the south is in other names. If the applicant holds an interest the register does not show, he should identify it by title number and evidence it.
24. **Confirm the application site and ownership certificate cover the land needed.** Compared with the registered extent of title WSX453669, the application red line extends beyond it, although Certificate A (sole ownership) was given. Drawing CIV01 also places the new 100 mm outfall pipe and its connection outside the red line. The Planning Practice Guidance says the application site “should include all land necessary to carry out the proposed development” (Reference ID 14-024-20140306). Whether the red line should be extended, and the certificate and notice requirements that would follow, are matters for the Council to decide.
25. **Extend the maintenance plan to the shared off-site apparatus.** The 1987 Deed binds users to “contribute a fair proportion according to use of the cost of inspecting repairing renewing relaying cleaning and maintaining the said sewer or drain”, and the 1984 Deed contains a similar covenant. The Strategy says only that “[a]ll onsite SuDS and drainage systems will be privately maintained by the homeowner”. The plan should identify the off-site apparatus, any obligation that comes with using it, and who will discharge it.

F. Foul drainage and statutory undertakers’ apparatus

26. **Evidence foul capacity and connection.** The drainage drawing records “A FOUL WATER CAPACITY CHECK IS IN PROGRESS HOWEVER HAS NOT BEEN RETURNED AT THE TIME OF WRITING.” The foul flow is to use a private run “understood to connect to the public foul water sewer downstream, as per client details”. The Flood Risk and Drainage Team requires evidence of communication with the undertaker on connection and capacity, and Southern Water requires a formal section 106 connection application; neither is on the file, nor is the right to use the private foul run.
27. **Show who else uses the private foul run, and that it has capacity for one more dwelling.** The Strategy proposes a saddle connection to an existing private foul run whose location is given only “ACCORDING TO CLIENT”, with no diameter, gradient or condition stated. The location plan approved under DM/15/1281 in 2015 shows the private foul sewers downstream as “Existing Private 100mm Clayware Foul Sewers (proven with cctv)” and “Existing Private 110mm PVC Foul Sewers”, running south through Scarps Side and south-east across Yew Tree Cottage land to the public sewer in The Street. On that plan and on local knowledge, at least eight units of accommodation already drain to that system: Franc Jean Farm and its annex, at least one caravan on the farm’s land, Scarps Side, Pine End House, Weald Chase, High Gables and Strawdust. Malt House (DM/20/1114), Yew Tree Cottage and the separate annex (Scarps) may also connect to it, which would make eleven, and this application would make twelve. Approved Document H (2015 edition, paragraph 2.30) says that a sewer “should normally have a minimum diameter of 100mm when serving no more than 10 dwellings”, and a minimum of 150 mm above that; the Water UK Design and Construction Guidance (clause B6.1) is to the same effect. The applicant should list every property and unit connected between the point of

connection and the public sewer, survey the run's diameter, gradient, material and condition, and show that it can take a further dwelling.

28. **Show that the new connection falls within the 1987 Deed's eight-dwelling limit, if that is the run relied on.** If the run is the private sewer to which the Deed of 28 January 1987 relates, the registers record that Deed as affording drainage for up to eight dwelling houses on Franc Jean Farm — that is, Franc Jean Farm as it stood in 1987, not as it may have been divided since — and the applicant should also show that the new connection falls within it.
29. **Account for the caravans and the ancillary accommodation on the farm's land.** The Council's own register records, at Franc Jean Farm: BK/024/99, permission granted 11 June 1999 for an extension to provide a "new kitchen, living space, bedroom and bathroom to be used as ancillary accommodation for Franc Jean Farm"; and four caravan applications — seven caravans refused 25 November 1975 (BK/030/75), a "renewal of temporary permission for 4 caravans" granted 16 June 1983 (BK/005/83), "four caravans" granted 28 September 1984 (BK/019/84), and a change of use of land to site one caravan refused 22 November 1985 (BK/032/85). No documents are held online for any of the five, and the register's temporary permission expiry field is blank, so neither the conditions nor any expiry date can be read from it. The applicant should say what accommodation now stands on the farm's land and what of it drains to the run at item 27. The Council should obtain the paper files before accepting a capacity case built on an unstated number of connections.
30. **Answer Southern Water's outstanding points.** Southern Water's response of 15 April 2026 asks for the assessment of the unrecorded sewer crossing the site (item 16 above) and flags restrictions on tree planting and landscaping near its sewers and mains. The Strategy does not mention Southern Water.
31. **Show that the drainage can be built without conflicting with the electricity apparatus.** The site's title records an easement of 13 December 1989 in favour of what is now UK Power Networks along the southern frontage, and UK Power Networks' records (obtained 4 August 2026) show its cables there. The Hydrobrake chamber (about 0.8 m deep) and the new outfall trench are proposed across that strip, and the drawing shows no electricity apparatus at all. The position and depth of the cables should be established, the layout shown to be deliverable without diversion, and UK Power Networks consulted.

When these need to be answered

These are matters that decide whether the site can be drained at all, and they should be answered before the application is determined — or, if the Council is minded to grant permission, before any drainage scheme is approved, and not merely before the works begin. The Planning Practice Guidance on conditions warns that "Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability" (Reference ID 21a-009-20140306). The same paragraph allows a negatively worded condition instead, but says that such conditions "should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission"; the Council cannot know whether that is so here until the owners of the land concerned have been asked.

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