

October 29th 2025

Head of Planning
Mid Sussex District Council

Representation – Application DM/25/1630– Variation of Conditions

Dear Head of Planning

I am writing in relation to the current Section 73 application DM/25/1630 to vary conditions attached to outline permission DM/22/2272.

I have received an email from the Council's Monitoring Officer dated October 28th confirming that the sale agreement between Mid Sussex District Council and Homes England did not contain a buy-back or overage clause linked to the outcome of planning decisions, and that, as the land was sold on 30 March 2021, Article 13(2) of the *Town and Country Planning (Development Management Procedure) (England) Order 2015* was not engaged.

While I acknowledge that statement, the current application remains directly connected to the earlier disposal. Because the Council is again acting as the local planning authority in determining development on land it previously owned, the extent of any continuing or contingent financial interest remains relevant to the impartiality of the decision-making process.

Questions of governance and transparency concerning the earlier disposal of this land to Homes England remain under active correspondence between myself, the Council's Monitoring Officer, and Homes England's compliance team. In this context, I ask that the planning report for this Section 73 application:

1. Explicitly confirms whether any conditional, contingent, time-based, performance-related, or other provisions of any kind remain in the Homes England agreement that could give rise to a financial obligation or benefit to the Council; and
2. If any such provisions exist—or if their existence cannot be categorically ruled out—explains how potential conflicts of interest have been addressed, including any recusal of officers involved in the original land sale.

Given the ongoing determination of this Variation-of-Conditions application, any contingent liability, conditional arrangement, or continuing financial interest—whether time-based, performance-related, or of any other kind—must be properly declared and recorded within the planning documentation to ensure compliance with:

- *Sections 25–28 of the Localism Act 2011* (decision-making without bias);
- the LGA/RTPI “Probity in Planning” (2023) guidance;

- the transparency and governance principles of *Managing Public Money* (HM Treasury); and
- the *CIPFA/LASAAC Code of Practice on Local Authority Accounting* (disclosure of material contingent liabilities).

I also ask that this representation be placed on the public planning file and circulated to members prior to any committee consideration of the application.

Thank you for your attention to this matter.

