

LEGAL SERVICES

MEMORANDUM

TO: Steve Ashdown
Head of Development Management

DATE: 18/11/2025

CC: Joanne Fisher – Instructing Officer

OUR REF: PL3: 8380

Accountancyservices

Nicholas Royle – Housing Enabling &
Development Officer

Land Charges

Section 106 Monitoring

FROM: Brian Foote Solicitor
Legal Services

YOUR REF: DM/25/1129

SUBJECT: Planning Obligation pursuant to S.106 Town and Country Planning Act 1990 (as amended) – relating to S106 Agreement – Land at Foxhole Farm, Bolney, Haywards Heath RH17 6QU – DM/25/1129

Please find attached an electronic copy of the S.106 Agreement completed in this matter. Please note the following:-

Date of the S.106 Agreement: 18 November 2025

Parties:	Mid Sussex District Council	(1)
	West Sussex County Council	(2)
	John Anthony Clifford Allen	(3)
	Wates Developments	(4)
	Barclays Bank UK PLC	(5)

The main provisions of the S.106 Agreement include:-	
Description	Detail
Affordable Housing	Social Rented Units or Affordable Rented Units and First Homes or Shared Ownership Units.
Community Buildings	Community building to be situated on the Community Building Land for use as a local hub for social, recreational, and educational activities.
Indexation	The Planning Obligation contains provisions for indexation and interest where applicable.

Repayment of Contributions	The Contributions set out below which are due to the District Council may become repayable if unexpended within a period of 10 years from the date payment is received.
BMG Monitoring Fee	£14,000

The S.106 Agreement provides for the following contributions to be paid:-

<i>Contribution Description</i>	<i>Amount (£)</i>	<i>Expenditure Project</i>	<i>Trigger for Payment</i>
County Council Contributions			
Education (Primary)	Formula	Additional facilities at Bolney C of E School, or another primary school in the planning area of Haywards Heath/Cuckfield should this be more suitable at the time that the contribution is made.	<p>If development is delivered in more than one phase: Prior to First Occupation of the 1st dwelling in that phase.</p> <p>If the development is delivered in a single phase: 50% Prior to First Occupation and the other 50% Prior to Occupation of 50% of the dwellings.</p>
Education (Secondary)	Formula	Additional facilities at Warden Park School, or another secondary school in the planning area of Haywards Heath/Cuckfield should this be more suitable at the time that the contribution is made.	<p>If development is delivered in more than one phase: Prior to First Occupation of the 1st dwelling in that phase.</p> <p>If the development is delivered in a single phase: 50% Prior to First Occupation and the other 50% Prior to Occupation of 50% of the dwellings.</p>
Enhanced Bus Service	£125,000	Improved frequency of the 273 bus between Crawley and	Prior to Completion of the Enhanced

		Brighton via Bolney operated by the Bus Services Operator in the vicinity of the Development to fund and introduce for 2.5 years: (a) a return journey to and from Crawley on Saturday evenings and (b) a service operating every two hours between Crawley and Brighton on Sundays or such other alternative enhanced bus services as may be agreed with the Bus Service Operator and approved by the County Council.	Bus Service Agreement
Library	Formula	Additional facilities at Haywards Heath Library and/or Burgess Hill Library.	<p>If development is delivered in more than one phase: Prior to First Occupation of the 1st dwelling in that phase.</p> <p>If the development is delivered in a single phase: 50% Prior to First Occupation and the other 50% Prior to Occupation of 50% of the dwellings.</p>
Public Right of Way	£24,000	Towards surface improvements to Footpath 44BO.	Prior to First Occupation.
Road Safety Group – A272 Buckbarn to Bolney Route Study	£50,000	Toward enhancing the A272 around the Foxhole Lane Junction to cover road signs lines and surface improvements.	Prior to Commencement.

Travel Plan Monitoring Fee	£3,950	To monitor the delivery and performance of the Travel Plan over the lifetime of the Development	Prior to First Occupation.
District Council Contributions			
Formal Sports	Formula	Towards improvements to the Bolney Cricket Club and/or Bolney Stoolball Club and/or The Arc Centre for Outdoor Sports in Burgess Hill and/or The Triangle in Burgess Hill.	<p>If development is delivered in more than one phase: Prior to First Occupation of the 1st dwelling in that phase.</p> <p>If the development is delivered in a single phase: 50% Prior to First Occupation and the other 50% Prior to Occupation of 50% of the dwellings.</p>
Health	£306,607.00	Towards the costs of providing NHS GP services at Cuckfield Medical Practice or The Brow practice or new/other NHS facility serving the Development.	<p>50% Prior to Commencement</p> <p>50% prior to no more than First Occupation of no more than 50% of the dwellings.</p>
Kickabout	Formula	Improvements kickabout/MUGA improvements at Batchelors Field play area, Bolney.	<p>If development is delivered in more than one phase: Prior to First Occupation of the 1st dwelling in that phase.</p> <p>If the development is delivered in a single phase: 50% Prior to First Occupation and the other 50% Prior to Occupation of 50% of the dwellings.</p>

Playspace	£424,596	Towards improvements to play equipment at Batchelors Field play area, Bolney.	<p>If development is delivered in more than one phase: Prior to First Occupation of the 1st dwelling in that phase.</p> <p>If the development is delivered in a single phase:</p> <p>50% Prior to First Occupation and the other 50% Prior to Occupation of 50% of the dwellings.</p>
Police	£39,497.33	Towards the costs of providing a police officer, support staff and equipment to serve the Development.	<p>50% Prior to Commencement</p> <p>50% prior to no more than First Occupation of no more than 50% of the dwellings.</p>
Local Community Infrastructure	Formula	Towards new speed indicator devices in Bolney and/or construction of a brick built storage facility at the Rawson Hall, the size of a large double garage with secure doors to be used for storing items for various village organisations and/or refurbishment of the outside public convenience at the Rawson Hall and/or bus shelters refurbishment or replacement and/or installation of CCTV at the Rawson Hall.	<p>If development is delivered in more than one phase: Prior to First Occupation of the 1st dwelling in that phase.</p> <p>If the development is delivered in a single phase:</p> <p>50% Prior to First Occupation and the other 50% Prior to Occupation of 50% of the dwellings.</p>



The Monitoring Costs have been paid upon completion in the sum of £5,500 which has been allocated to ledger code 10-1453-1001-50098 (o/s) under Invoice Number 4102641849.

The Legal Costs have been paid upon completion in the sum of £10,000 which has been allocated to ledger code 10-1114-1001-50128 under Invoice Number 4102641849.

The details and a copy of the S.106 Agreement are being copied to land charges to enable the same to be registered as a local land charge.

An electronic copy of the original S.106 Agreement will be kept indefinitely under the above IKEN file reference. A hard copy will not be stored. All other documents pertaining to this matter will be destroyed after 6 years. I would ask you to quote this reference in the future should you have any queries or require any further advice/action to be taken in connection with this matter.

If I can be of any further assistance please do not hesitate to contact me.

Kind regards.

Brian Foote

Brian Foote

Solicitor