

Joanne Fisher

From: [REDACTED]
Sent: 12 August 2026 13:20
To: Joanne Fisher
Cc: planninginfo
Subject: Application DM/26/1962 — discharge of conditions 7, 12, 16, 17, 26, 30, 36, 37 and 41 of outline permission DM/25/1129; Land at Foxhole Farm, Foxhole Lane, Bolney

[REDACTED]

LETTER OF REPRESENTATION — DM/26/1962 (DISCHARGE OF CONDITIONS)

[REDACTED] Weald Chase, The Street, Bolney, West Sussex, RH17 5PF – 12 August 2026

The Planning Department, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex RH16 1SS

Re: Application DM/26/1962 — discharge of conditions 7, 12, 16, 17, 26, 30, 36, 37 and 41 of outline permission DM/25/1129; Land at Foxhole Farm, Foxhole Lane, Bolney

I am writing about application DM/26/1962, by which Cala seeks to discharge nine conditions of the outline permission. Having reviewed the submission against the conditions, the Section 106 Agreement dated 18 November 2025 (“the S106”) and the approved drainage documents, I ask the Council not to treat the following conditions as discharged, for the reasons below. One matter (condition 16) appears to be adequately addressed and I say so; my concerns are directed at the others.

Preliminary: reserved-matter details cannot properly be fixed before the reserved matters are approved

Appearance, landscaping, layout and scale are all reserved on this permission. This application nonetheless seems to seek to fix, through condition discharge, the full landscape and planting scheme (condition 17), the play-area details (36), boundary treatment (37), site levels (12) and the drainage layout (7/30) — all of which depend on a detailed layout that has not yet been approved through a Reserved Matters application. Determining these details against an unapproved layout is premature and risks inconsistency if the reserved layout changes; the landscaping scheme in particular belongs in a Reserved Matters application where it is properly assessed, not in a set of condition discharges.

1. Condition 41 (Allotments) — not discharged, and in conflict with the S106 and the permission

The application submits no Allotments Proposal. The covering letter instead asserts — expressly unevicenced (“evidence can be provided on request”) — that Bolney Parish Council will not take on ownership and that there is “no demand,” and then proposes replacing the allotments with “a picnic area or an outdoor gym,” asking the Council’s view. This does not discharge condition 41: (a) the condition turns on need, and a parish’s unwillingness to adopt the land is a management question, not evidence of no need; (b) even if no need were demonstrated, the condition’s only fallback is “incorporation of the allotments into the wider countryside open space” — not substitution with a picnic area or gym, which is outside the condition altogether; and (c) allotments are a committed part of this scheme. They appear in the description of development, and the S106 First Schedule commits 0.15ha of allotments (“Required 0.15ha / Provided 0.15Ha”). Removing them would require a variation of the S106 (and, arguably, of the description of development), which a condition discharge cannot deliver. I ask the Council to refuse to discharge condition 41 as submitted. Whilst my own preference would be an outdoor gym, there is a process to follow to make this change.

2. Condition 17 (landscaping near public apparatus) — used as a vehicle for the entire landscape scheme

Condition 17 is narrow: it requires details of “the landscaping proposals in proximity of public apparatus,” in consultation with Southern Water, its stated purpose being to protect Southern Water apparatus (Policy DP41). Under it, the applicant has submitted the whole landscape scheme — three Landscape Strategy Plans, eleven Planting Plans plus notes, three Hard Landscape Plans and the six play-area drawings. Landscaping is a reserved matter; the full scheme should be dealt with through a Reserved Matters application, not discharged through a public-apparatus condition. I ask the Council to confine any approval under condition 17 to the planting genuinely in proximity of Southern Water apparatus, and to require the balance to come forward as reserved matters. (I note in passing that all three Landscape Strategy Plans, 0817-26A-101B/102B/103B, are labelled “1 of 3”.)

3. Conditions 7 and 30 (Drainage) — the Northern parcel discharge rate does not match the approved FRA

Condition 7 requires the surface-water scheme to accord with “the approved drainage strategy and discharge rates ... within the approved Flood Risk Assessment, Drainage Strategy and both addendums.” The approved Drainage Strategy restricts each parcel to its FEH greenfield rate: 44.2 L/s for the Northern Parcel (with about 4,200m³ of storage) and 46.3 L/s for the Southern Parcel (about 4,500m³). The foul flow is 1.8 L/s.

The submitted Drainage Technical Note (ref 598-003-001) instead proposes to restrict the Northern Parcel to 38.7 l/s and the Southern Parcel to 46.4 l/s (foul flow 1.8 l/s). The Southern rate and the foul rate are consistent with the approved figures; but the Northern surface-water rate (38.7 l/s) does not match the approved 44.2 L/s — it is some 12% lower. A lower rate is more restrictive and may be acceptable in principle, but three points follow: (a) it is a departure from the approved discharge rate, which the Council/Lead Local Flood Authority must positively accept rather than simply confirm as compliant; (b) a lower rate requires greater attenuation storage than the approved ~4,200m³, so the revised storage volumes should be confirmed as increased and as fitting on site without encroaching on the open space or play areas; and (c) the submission is internally inconsistent, because it also appends the approved FRA/Drainage Statement (Appendix A) which still states 44.2/46.3 L/s. The applicant should also explain why the Northern greenfield rate has changed while the Southern (on the same method) has not. I ask that condition 7 not be discharged until the Northern rate is either corrected to the approved figure or its revision is justified and storage-checked.

There is a further, more fundamental inconsistency within the applicant’s own drainage documents: the contributing areas do not agree. The Drainage Technical Note and the Greenfield Run-off drawing use a Northern Parcel area of 70,315m² (7.03ha) and a Southern Parcel area of 84,445m² (8.44ha), whereas the Appendix E drainage model uses 76,593m² (7.66ha) and 87,363m² (8.73ha) respectively — a discrepancy of roughly 9% on the Northern parcel. Because both the greenfield discharge rate and the required attenuation storage are derived from the contributing area, this means neither the 38.7 l/s rate nor the storage volumes can be relied upon: the scheme is calculated on two different sets of areas. Condition 7 should not be discharged until the contributing areas, discharge rates and storage volumes are reconciled to a single, consistent basis.

A related inconsistency: the Drainage Technical Note is referenced 598-003-001, yet the drainage drawings are numbered 5968-003-... and the covering letter cites the note as “5968-003-001 RevB.” The reference and revision should be reconciled so it is clear which documents are being approved.

4. Condition 26 (Travel Plan) — the wrong document has been submitted

Condition 26 requires approval of “the Framework Travel Plan (ITB16634-004D).” What has been submitted is a “Final Residential Travel Plan,” reference ITB16634-017C — a differently-referenced document. The framework-at-this-stage requirement is itself entirely normal for an outline permission; my concern is what has been submitted against it, and three points arise:

(a) It does not correspond to the document the condition names. The condition is drafted around approval of the Framework Travel Plan (004D); the Council must decide whether the Final plan (017C) discharges a condition written for the framework, and reconcile the reference drift (004D in the condition, 013D in the S106, 017C submitted).

(b) Discharging condition 26 does not satisfy the separate S106 travel-plan obligation. The S106 requires a full Travel Plan, “based on the framework travel plan reference ITB-16634-013D,” to be submitted to West Sussex County Council (the highway authority) for approval prior to Commencement, together with the appointment of a Travel Plan Co-ordinator and payment of the £3,950 Travel Plan Monitoring Fee to the County. That is a different approving

body (County, not District) and a different trigger (commencement, not occupation); approval of condition 26 by the District leaves the S106 covenant outstanding.

(c) A “Final” Travel Plan is premature ahead of Reserved Matters. A final plan should be based on the approved layout and dwelling mix, which are reserved and not yet determined; it may therefore need revisiting once the Reserved Matters are approved. I ask the Council to confirm how condition 26, and separately the S106 travel-plan covenant, are to be satisfied on a consistent and correctly-referenced basis.

5. Condition 12 (Levels) — scope and a drawing-numbering error

Condition 12 requires details of the existing and proposed site levels. Having reviewed the Levels Strategy sheets (5968-003-101/102/103, Rev A02), these do show existing levels — the Levels Key includes “Existing Topographical Survey Level” and “Existing Tie-in Level” alongside proposed spot levels and contours — so the scope of the condition appears met. The one point outstanding is a clerical error in the covering-letter list, which gives the same number (5968-003-102-A02) for both “Proposed Levels Strategy 2” and “Proposed Levels Strategy 3” (103 is missing); this should be corrected so the approved drawings are unambiguous.

6. Condition 36 (Play areas) — composition and naming inconsistencies

Six areas are submitted (two LEAPs and four LAPs) where the S106 defines four — two LEAPs and two Local Areas of Play, together equating to 0.15ha. This is the same composition departure raised on DM/26/1760, and the total area and each LEAP’s area (minimum 400m² under the First Schedule) should be confirmed against the S106. The naming has also drifted from the earlier location plan: “Natural Trail LAP” (.../33) now appears as “Natural Play LAP,” and “Creepy Crawlies” as “Creepie Crawlies.” Condition 36 further requires the drainage, equipment, landscaping and fencing of the areas, a timetable for implementation and future-management arrangements; the Landscape Management Plan comprehensively addresses future management (inspections to BS EN 1177, ROSPA inspection and a resident-funded management company), and layout, equipment, fencing and landscaping are shown across the Landscape Strategy Plans (0817/26/A/101–103) and the LAP/LEAP detail sheets. Two elements the condition requires nonetheless appear to be missing: the drainage of the play areas is not addressed, and there is no play-specific timetable for implementation (the only timetable provided is the generic landscape one — “the next planting season, October–March, post completion of construction”). There is also a classification inconsistency: the Landscape Management Plan calls drawing 0817/26/A/36 “Combine Harvester LAP,” whereas the covering letter and the location plan call it a LEAP — so whether the scheme provides the two LEAPs the S106 requires, or only one, is unclear from the applicant’s own documents. These points should be resolved before condition 36 is discharged.

7. Conditions 16 and 37 — for completeness

Condition 16 (acoustics, ventilation and overheating) appears to be adequately addressed: the Noise Impact Assessment covers acoustics, ventilation and overheating and references CIBSE, an Acoustic Design Statement and the good-acoustic-design hierarchy, as the condition requires. Condition 37 (boundary treatment) relies on the Dwelling and Boundary Material Plan (DBML.01); as boundary treatment forms part of appearance and layout (both reserved), it interacts with the reserved-matters point in the Preliminary above and should be considered in that light.

Request

For the reasons above, I ask the Council not to discharge conditions 41, 17 (beyond the public-apparatus planting), 7 (Northern parcel), 12, 26 and 36 as submitted, and to require the corrections and confirmations identified before any of them is treated as satisfied. I would be grateful to be kept informed of the Council’s decisions on this application.

Note on the submitted files

Two labelling points arise on the portal’s own document names (I use the Council’s portal titles here): (i) two different drawings are both titled “Proposed Impermeable area plan Sheet 3 of 3” (drawing 5968-003-221 and drawing 5968-003-223) — one of these should presumably read “Sheet 1 of 3,” and the numbering should be corrected so all three impermeable-area sheets are distinct; and (ii) play drawing 0817/26/A/33 is titled “Natural Trail LAP” on the portal, yet the same drawing is called “Natural Play LAP” in the Landscape Management Plan — the

naming should be reconciled so it is clear the two refer to the same area.

All information to the best of my knowledge.

Yours faithfully,

A solid black rectangular box used to redact a signature.