
From: Vanessa Cummins <vanessa.cummins@westsussex.gov.uk>
Sent: 17 August 2023 17:20
To: KERR.BROWN@planninginspectorate.gov.uk
Cc: Jonathan Brown; Caroline Bailey; Mark Bentley; Fraser Campbell; George Hopkins MRICS; S.brown@woolfbond.co.uk; Elaine Munns; Sally Adams; Graham Olway; Laura Floodgate; Joanne Fisher
Subject: FW: APPEAL - DM/22/2416 ref: APP/D3830/W/23/3319542 - Land south of Henfield Road, Albourne BN6 9DH
Attachments: APPEAL - DM/22/2416 ref: APP/D3830/W/23/3319542 - Land south of Henfield Road, Albourne BN6 9DH

Dear Kerr,

I have been asked by Jo Fisher from MSDC to forward this to you for sharing with the inspector as required.

Do feel free to get in touch if needs be.

Kind regards,

Ness.

Vanessa Cummins LLB (Hons), Award LGM| Schools Planning Officer, School Organisation and Capital Team | Education Directorate | [West Sussex County Council](https://www.westsussex.gov.uk)
Location: Ground Floor Northleigh, County Hall, Chichester PO19 1QT
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From: Jonathan Brown <Jonathan.Brown@westsussex.gov.uk>
Sent: 17 August 2023 17:14
To: Caroline Bailey <caroline.bailey@croudace.co.uk>
Cc: Mark Bentley <Mark.Bentley@croudace.co.uk>; Fraser Campbell <Fraser.Campbell@croudace.co.uk>; George Hopkins MRICS <George.Hopkins@croudace.co.uk>; Steven Brown <S.brown@woolfbond.co.uk>; Vanessa Cummins <vanessa.cummins@westsussex.gov.uk>; Elaine Munns <elaine.munns@westsussex.gov.uk>; Sally Adams <sally.adams@westsussex.gov.uk>; Graham Olway <graham.olway@westsussex.gov.uk>; Laura Floodgate <Laura.Floodgate@westsussex.gov.uk>
Subject: RE: APPEAL - DM/22/2416 ref: APP/D3830/W/23/3319542 - Land south of Henfield Road, Albourne BN6 9DH

Hello Caroline

Thank you for your email below. I attach a copy of an email which my colleague Vanessa Cummins has sent to Mid Sussex District Council this afternoon which sets out WSCC position in relation to the land south of Henfield Road Albourne

Kind regards
Jonathan Brown

Principal Solicitor Property Procurement and Environment
Legal Services
Room 202
West Sussex County Council
County Hall
Chichester
West Sussex
PO19 1RQ
Email jonathan.brown@westsussex.gov.uk
Telephone 0330 22 27510
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*The Legal Services of Brighton and Hove City Council, East Sussex County Council,
Surrey County Council and West Sussex County Council working in partnership*

From: Caroline Bailey <caroline.bailey@croudace.co.uk>
Sent: 16 August 2023 14:18
To: Jonathan Brown <Jonathan.Brown@westsussex.gov.uk>
Cc: Mark Bentley <Mark.Bentley@croudace.co.uk>; Fraser Campbell <Fraser.Campbell@croudace.co.uk>; George Hopkins MRICS <George.Hopkins@croudace.co.uk>; Steven Brown <S.brown@woolfbond.co.uk>
Subject: APPEAL - DM/22/2416 ref: APP/D3830/W/23/3319542 - Land south of Henfield Road, Albourne BN6 9DH

****EXTERNAL****

Dear Jonathan

It is unfortunate, bearing in mind that the appeal is now underway, that Croudace has heard nothing from West Sussex County Council regarding the additional land being offered as part of the above scheme since your e-mail of 29 July confirming that you did not have instructions.

In the circumstances, unless any substantive response and draft option is received in time for it to be considered as part of the appeal (realistically by close of play tomorrow), Croudace will be submitting the attached as part of its case.

Kind regards

Caroline

Caroline Bailey
Group Legal Director

01883 335335
07707 284991

Croudace House, Tupwood Lane, Caterham, Surrey, CR3 6XQ

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From: Vanessa Cummins <vanessa.cummins@westsussex.gov.uk>
Sent: 17 August 2023 16:48
To: Joanne Fisher
Cc: Jonathan Brown; Sally Adams; Elaine Munns; Graham Olway
Subject: APPEAL - DM/22/2416 ref: APP/D3830/W/23/3319542 - Land south of Henfield Road, Albourne BN6 9DH

Joanne Fisher BSc (Hons), MATP, MRTPI
Senior Planning Officer
Development Management
Mid Sussex District Council

Dear Ms Fisher

Croudace Homes confirmed yesterday to WSCC that Croudace will submit a Unilateral Undertaking to the appeal hearing which provides for the transfer of freehold land to the west of Albourne Primary Academy for education purposes.

WSCC cannot accept the offer of the additional land from Croudace at this point because WSCC have not completed their due diligence work on the land. Before incurring further time and costs in this matter WSCC intend waiting for the outcome of the Appeal which rests on other issues.

WSCC wants to confirm that should it be prepared to accept the offer of the land then it would only be accepting the land on a non-statutory basis and therefore WSCC must secure the land with a private contractual option supported with HMLR restriction. WSCC cannot use the unilateral undertaking provided by Croudace as Croudace's offer is on a non-statutory basis and the offer and the contents of the universal undertaking do not comply with the CIL regulations. As WSCC has already said in relation to the appeal, the additional land offered by Croudace is not required to mitigate the impact of the appeal development, and so the S.106 for the appeal has no reference to the additional land.

A copy of this email will be sent to Ms Bailey at Croudace. Please do get in touch if you wish to discuss further.

Kind regards,

Ness.

Vanessa Cummins LLB (Hons), Award LGM| Schools Planning Officer, School Organisation and Capital Team | Education Directorate | [West Sussex County Council](https://www.westsussex.gov.uk)
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