



Department for
Communities and
Local Government

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Dear Judy,

Land North of Birchen Lane, Haywards Heath, West Sussex

I am replying as the Minister for Housing and Planning to your letter of 15 August 2016 to Sajid Javid about the above case. As you will be aware, the original reply of 25 August sent to you on my behalf was forwarded back to me by The Rt Hon Sir Nicholas Soames MP, to whom I am copying this further reply.

I must first apologise for the fact that the earlier letter was sent to you in my absence and without my having had an opportunity to review it or to probe officials about the background to it. I can also only apologise for the reference to you in that letter as "a constituent".

Turning to the content of the letter, I can assure you that the contents of paragraphs 5, 6 and 7 of the decision letter were not intended to predetermine and prejudice the decisions of the statutory processes leading either to its adoption or the making of neighbourhood plans. However, as you know, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise, and we see it as essential to include this information in the decision letter as a basis for undertaking a proper planning balance. Experience suggests that the Secretary of State would be very vulnerable to successful challenge in the High Court if he failed to provide an adequate basis for demonstrating compliance with section 38(6), and so we have to provide as much information as possible including consideration of the weight to be given to plans which are still going through the preparation processes.

As explained in the earlier letter sent out in my name, I'm afraid that now that the decision has been issued, the Secretary of State has no further jurisdiction in the matter and there is no scope for issuing a further decision letter.

I am pleased that you are making progress with your District Plan. If it would be useful for you

to meet with me and my officials to discuss these issues in person – or for me to visit Mid Sussex to see for myself the challenges you face – I would be happy to do so.

Yours Sincerely
Gavin

GAVIN BARWELL MP