

## **Town and Country Planning Act 1990**

### **Written CIL Justification by West Sussex County Council**

**Date:** 27<sup>th</sup> April 2026

**PINS Appeal Ref:** 6002030

**Local Planning Authority:** Mid Sussex District Council

**Local Authority Ref:** AP/26/0017

**Planning Application Ref:** DM/23/2866

**Appeal by:** Fairfax Acquisitions Limited and the Norris Family

**Appeal Site:** Land East of Ansty Way Cuckfield Bypass Cuckfield West Sussex

**Proposal:** Outline planning application (all matters reserved except for access) for the redevelopment of land to the east of Ansty to create a new Garden Community, comprising of the erection of up to 1,450 homes (including 30% affordable housing), up to 90 residential care units (C2 class), a primary school, a SEND school, health hub, sports facilities including all weather hockey pitches and tennis centre, allotments, retail, community and employment uses together with ancillary and associated development including new and enhanced pedestrian/cycle routes, open spaces, and landscaping

## **1. West Sussex County Council Requirements**

West Sussex County Council ("WSCC") were consulted by Mid Sussex District Council ("MSDC"), acting as Planning Authority, on planning application DM/23/2866. WSCC considered the implications of the proposed development upon the highway network, and assessed the level of contributions required to mitigate the impact of the development upon the local County Council infrastructure.

The WSCC School Organisation team responded with an objection and recommendation for refusal on 19<sup>th</sup> June 2025. This objection can be overcome only if education facilities can be secured and contributions provided as set out below. Legal constraints with the provision of land for the Primary School and SEND School are described in section 5.

The highways elements of the applications are being dealt with separately by our highways Principal Planner so the list of WSCC requirements here excludes these elements. The following contributions were identified to be secured by way of a Section 106 planning obligation:

- (a) 1 x 2 form of entry Primary School of £11.14m plus attached Special Support Centre of £1.06m totalling £12.2m;
- (b) Land for the Primary School (2.1HA) and Special Support Centre (0.05HA) totalling 2.15 HA (hectares);
- (c) 100 place Early Years nursery costing £3.5m;
- (d) Land for the Early Years nursery of 0.25HA (hectares);
- (e) 13 places totalling £2.15m towards a 120 place Special Education Needs (SEND) school;
- (f) Land for the 120 place SEND facility of 2.1HA (hectares);
- (g) 232 Secondary School places totalling £7.37m;
- (h) 73 Sixth Form School places totalling £2.32m;
- (i) Libraries Contribution £amount to be determined once a housing mix is finalised;
- (j) Fire and Rescue Contribution £amount to be determined once a housing mix is finalised.

## **2. Education**

### **2.1 Schools within the locality of Haywards Heath**

The Appeal Site falls within the education locality of Haywards Heath – see section 2.3 for an explanation of a “locality”.

There are nine Local Authority maintained primary schools in the Haywards Heath locality, all of which teach children in the key years Year R to Year 6.

There are two Local Authority maintained secondary schools here – Oathall and Warden Park, neither of which has sixth-form facilities. These two secondary schools accept pupils from all of the Primary schools within the locality and are considered to be their main feeder schools.

### **2.2 School Capacity Levels**

WSCC calculates the need for development to provide additional primary and secondary school places by measuring the total Net Capacity of schools within a planning area against current pupil levels plus forecast future demands. A planning area is a group of one or two secondary schools and the primary schools that feed into them. WSCC consider a school planning area to be full when 95% of its net capacity has been occupied, in line with guidance from the Department for Education (“DfE”, formerly known as the Department for Children, Families and Schools). Guidance on the level of school place capacity was published by the DfE in June 2009 and August 2023. This approach has been considered and upheld at various local Appeals including APP/Y9507/A/11/2163374.

Section 2.4 shows that the local primary schools will be overcapacity at 100% occupation, and the local secondary schools will be overcapacity at 110% occupation, by 29/30, which is the furthest projected year that we have accurate data regarding pre-school age children. We request contributions once capacity levels reach 95%. Housing targets for MSDC continue beyond 29/30 for the lifespan of the Local Plan and adding the

school age children numbers from strategic sites and windfall planning applications, which provide the housing numbers for MSDC, and which will come forward after 29/30, to the known capacity levels up to 29/30, they are further adversely affected. Consequently, contributions are being sought for both levels of education.

### 2.3 **Calculation of capacity in West Sussex**

The forecast future demands are calculated by adding all known committed residential planning applications (unless they are sheltered housing for the elderly, or other such developments which will produce no additional children) to the occupancy levels of the schools in the planning area.

“Committed” refers to all current planning permissions that have not yet commenced, and these figures are also used for the annual housing returns to central government for monitoring the level of house building in the region. The housing targets of the District and Borough Councils (LPA’s) are based on these returns so the numbers are accurate and robust, and subject to scrutiny by Central Government. The accuracy of the housing data has been upheld at various local Appeals (APP/C3810/A/10/2132014 for example). The figures from the current application are based on data from March 2024, the most recent year that the survey was completed, and data compiled for the annual central government returns. Survey work for housing completed up to March 2025 is underway and is expected to show similar trends, being based on the housing requirements for the district as detailed in the Local Plan.

The net capacity of the nine primary schools in the Haywards Heath locality is measured by adding the current number of children on the school roll to the pupil projections for the next three years. Three years is considered to be the maximum length of time in which robust figures can be established, and is based on several factors such as enrolment at local GP surgeries, applications for child benefit, and other factors.

The school-roll figures for the current application are based on data from January 2025, following updates after the new school year of September 2024 when accurate numbers of pupils attending the local schools are finalised. This is when school census returns are completed and returned and accuracy of pupil numbers are therefore at their greatest. Data for January 2026 is currently being confirmed but there is no early indication that numbers have decreased significantly.

Much of the housing is due to be built after the three-year period that can provide accurate pupil numbers from the existing population. Consequently, the additional housing beyond 2029/30 must then be considered in order to know the complete pupil numbers by the time all committed housing is completed, as highlighted in Section 2.2.

As stated above, WSCC consider schools to be full when they have reached 95% of capacity across all the schools within a locality (as supported by the DfE guidance in the level of school place capacity guidance above). This applies in the Haywards Heath locality when the pupil numbers expected from the current development are added to the forecast figures for pupil numbers in this locality.

#### 2.4 The net capacity of the locality

The net capacity of the nine primary schools in the locality is shown in the following table measured against the forecast future demand.

<b>School</b>	<b>Forecast including child product from committed development</b>	<b>Permanent Net Capacity</b>
Blackthorns	208	240
Bolnore	367	420
Harlands	483	420
Holy Trinity Cuckfield	388	418
Lindfield	610	630

Northlands Wood	400	420
St. Josephs RC	439	417
St. Wilfrids CE	420	420
Warden Park Primary Academy	444	387
<b>Total</b>	<b>3759</b>	<b>3772</b>
% of Locality capacity that is occupied	<b>100%</b>	

It can be seen from the table above that the Haywards Heath locality is projected to be short of primary school places when school age children numbers are added to committed housing developments. The sustainable option is to increase capacity at these schools or to provide new education facilities where appropriate.

The capacity of the two secondary schools is shown against forecast rolls in the table below.

<b>School</b>	<b>Forecast including child product from committed development</b>	<b>Permanent Capacity</b>	<b>Net</b>
Oathall	1482	1414	
Warden Park	1729	1500	
<b>Total</b>	<b>3211</b>	<b>2914</b>	
% of Locality capacity that is occupied	<b>110%</b>		

Again, the table shows that the Haywards Heath locality is likely to be short of secondary and sixth-form school places when school age children numbers are added to committed housing developments. The sustainable option is to increase capacity at these schools.

Therefore, the two tables show that all levels of education are likely to be over-capacity in the Haywards Heath locality when adding known committed development to our school net capacity levels.

## 2.5 Level of Contributions

## Primary Education

The site is a large one of 1,450 homes and consequently our standard methodology for calculation of needs at Primary level (including Early Years and SEND requirements) is not appropriate. Our standard calculator is ordinarily accurate for developments of up to 500 homes and beyond this size bespoke requirements are needed.

The site is not a confirmed Local Plan site but nevertheless we have been asked to assess our holistic needs to provide Education for the development with this number of homes.

The attached Appendix 1 advises our most up to date assessment of that need, which has been collated by reference to the Office for National Statistic (ONS) occupancy rates. These state that there are 13 persons per 1000 population in each school year group for houses and 8 persons per 1000 population in each school year group for flats (2021 Census data).

Using these figures we can assess that from a development of 1,450 homes the following requirements are needed for Primary education, as confirmed in Appendix 1:

<b>Project Type</b>	<b>Infrastructure Project</b>	<b>Land and Cost</b> <sup>1</sup>
<b>Education (Primary)</b>	Provision of 1x 2FE primary plus attached Special Support Centre (SSC).	A 2FE school requires approximately 2.1ha land, plus 0.05ha for attached SSC. Approximate cost £11.14m + £1.06m.
<b>Early Years (EY)</b>	92 EY places in a 100 place nursery	A 100 place nursery requires approx. 0.25ha of land at a cost of £3.5m.
<b>Special Educational Needs and Disabilities (SEND)</b>	Land for a 120 place SEND school and contributions to SEND.	A 120 place SEND school would require 2.1ha of land. A 120 place SEND school costs £14.82m.

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<sup>1</sup> Costs are provided by the WSCC Multi-disciplinary consultancy Atkins Realis. Costs are based on requirements for education provision based on statutory standards.

	1,450 homes generates the need for 13 SEND Places at a cost of £2.15m.	
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### **Secondary and Sixth-Form Education**

The housing mix is not known at this stage, therefore WSCC apply the insertion of a formula into any legal agreement in order that the school infrastructure contribution may be calculated at a later date. The formula consists of:

DfE Figure x TPR = School Infrastructure Contribution where:

Note: x = multiplied by.

Total Places Required (number of school places the Development will generate) = Average Child Product (ACP) x Year Groups

ACP (Additional Child Product) = The estimated additional number of school age children likely to be generated by the development calculated by reference to the total number of dwellings, less any allowance for affordable dwellings, as approved by a subsequent reserve matters planning application. The following criteria are used to generate a child product:

Dwelling Size		Occupancy	
		House	Flat
1 bed	=	1.4	1.3
2 bed	=	1.9	2.0
3 bed	=	2.5	2.6
4+ bed	=	3.0	2.5

Using the above occupancy rates to determine an overall population increase the following factors are applied. There are 13 persons per 1000 population in each school year group for houses and 8 persons per 1000 population in each school year group for flats (2021 Census data), as stated above for the primary requirements.

Year Groups - there are five year groups for secondary (years 7 to 11). For Sixth Form, a factor of 0.54 is applied to the Child Product figure as this is the average percentage of year 11 school leavers who continue into Sixth Form colleges in West Sussex.

The population increase is then multiplied by the base cost multiplier for each level of education.

DfE Figure = Department for Education (DfE) school building costs per pupil place (for pupils aged 4 to 16) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which for the financial year 2025/26 as per Appendix 1 are Secondary £31,783 and Further Secondary £31,783), updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index meaning that the cost multipliers are increased annually in April.

### **Early Years**

Using an average occupancy rate of 2.28 persons per dwelling, a development of 1,000 homes generates a population of 2,280. Applying a child product rate of 12 children per year of age per 1,000 dwellings (adjusted for occupancy), this equates to approximately 27.36 (12 x 2.28 = 27.36) children year of age. Based on historic take-up rates (see table below), this translates to a requirement for approximately 63 Early Years and Childcare places per 1,000 dwellings. This standardised calculation has been applied proportionately to the appeal site to inform the Early Years requirement and the justification for planning obligations.

Age	Percentage of Cohort	Number of places required
0 -1 year olds	12.5%	3
1 year olds	50%	14
2 year olds	65%	18

3 year olds	77.5%	21
4 year olds	25.8%	7

## **SEND**

Where the housing mix is not known at this stage, WSCC apply the insertion of a formula into any legal agreement in order that the school infrastructure contribution may be calculated at a later date. The contribution is calculated in accordance with WSCC: [SEND Developer Contribution Requirements as a Statutory Education Provider](#). This methodology establishes that a development of 1,000 dwellings is expected to generate 400 statutory school-aged pupils. Applying an EHCP rate of 4.7% results in approximately 19 pupils with identified special educational needs. Of these, 48% (10 pupils) are projected to require specialist provision. This standardised calculation has been applied proportionately to the appeal site to inform the SEND requirement and the justification for planning obligations.

Land for a SEND school is required as West Sussex has insufficient specialist places to meet the rising complexity of children's needs, the increased volume of EHCPs (61% increase since 2019) and the requirement for specialist places. In West Sussex this has been significantly above that seen nationally and in other local authorities across the southeast, resulting in place numbers within maintained Special Schools and SSCs being exceeded. All the maintained Special Schools in West Sussex are now at their maximum capacity.

There are some areas of the county with less special school provision including Mid Sussex, and there are constraints to expand existing special schools to increase pupil numbers or create capacity so they can cater for a wider range of complex needs. There is currently no SEMH (Social and Emotional Health) specialist provision in the north of the county and it is too far for students to travel to SEMH specialist provisions in the rest of the county, even if there was space which there isn't. There is no SEMH specialist provision in the county for girls.

Lack of capacity within maintained specialist schools across the whole county resulted in West Sussex placing 11.6% of pupils with EHCPs in Independent /Non-maintained specialist settings in 2024/25, compared to a national average of 6%. There is a SEND Sufficiency programme in place to create additional specialist placements across the county, including special schools, satellites and specialist support centres, which aims to reduce the existing deficit in specialist placements and support the increased demand for specialist placements.

## **2.6 How the Contributions will be used**

The Primary Education and Special Support Centre contributions and land requirements generated by this proposal shall be allocated towards a new 2FE school and Special Support Centre within the boundary of the site.

The Early Years contribution and land requirement will be used for a 100 place nursery (or 2x50 place nursery) within the boundary of the site. The requirement is based on the calculations set out in Appendix 2 of '[Securing sufficient childcare in West Sussex](#)'.

The SEND contribution and land requirement will be used for a 120 place SEND facility within the boundary of the site.

The Secondary Education contribution generated by this proposal shall be allocated towards expansion of an existing secondary school in the Haywards Heath locality or towards the establishment of a new secondary school to serve Haywards Heath and Burgess Hill.

The Sixth Form contribution generated by this proposal shall be allocated towards expanding existing sixth form facilities in the Haywards Heath locality or passed to Haywards Heath Sixth Form College part of the Chichester College Group.

## **2.7 Statutory tests**

This methodology satisfies the three statutory tests in the Community Infrastructure Levy Regulations (SI 2010/948), and endorsed in Paragraph 56 in the NPPF (2018) in the following ways:

- (i) *Necessary to make the development acceptable in planning terms* – the current school facilities in the locality of the Appeal Site require additional provision or expansion to cope with the extra demand from an increasing population
- (ii) *Directly related to the development* – The contributions will be applied to build and/or expand the primary and secondary schools in the locality of the Appeal Site
- (iii) *Fairly and reasonable related in scale and kind to the development* - as demonstrated above in the formula-based approach to calculating the contribution.

### **3 Libraries Contribution**

#### **3.1 Library services within Haywards Heath**

Library facilities in larger towns with populations in excess of 30,000 are provided by means of a major library within the town centre in an accessible location, which is in line with the standards laid out by the International Federation of Library Associations and Institutions and set out within MSDC's Supplementary Planning Document ("SPD"). For the residents of the new development the nearest major library is located at Haywards Heath, which serves the town of Haywards Heath plus its surrounding population.

As a result of proposed development within Haywards Heath and surrounding areas, the library will need expanding in order to cope with the higher demands placed on it by a larger population. The current size of the library does not have the space to cope with the development proposed at the Appeal Site. The recommended level of space required is 30m<sup>2</sup> per 1000 population in the SPD and the aim of WSCC is to expand the facilities at the existing library in order to cope with the extra demand.

Consequently, contributions towards the costs of expanding the library building are sought from residential developments of 6 or more dwellings, in line with Mid Sussex District Council’s SPD. The County Council adopts a formula-based approach to calculating the new space required from developments of this size, and larger.

### 3.2 Level of contribution

The housing mix is not finalised at this stage, therefore WSCC apply the insertion of a formula into any legal agreement in order that the library infrastructure contribution may be calculated at a later date. The Library Contribution shall be calculated by reference to the following formula:

$$L/1000 \times AP = \text{Library Contribution where:}$$

Note: x = multiplied by.

L/1000 = Extra library space in sq.m per 1,000 population x the library cost multiplier applicable at the date the Library Contribution is paid (which currently for the financial year 2025/2026 are 30 sq.m and £6,621 per sq.m respectively).

AP (Adjusted Population) = The estimated number of additional persons generated by the Development calculated by reference to the total number of Housing Units/Dwellings as approved by a subsequent reserve matters planning application.

WSCC use the latest published occupancy rates from census statistics published by the Office for National Statistics. The current occupancy rates are given below as a guideline only:

Dwelling Size		Occupancy	
		House	Flat
1 bed	=	1.4	1.3
2 bed	=	1.9	2.0

3 bed	=	2.5	2.6
4+ bed	=	3.0	2.5

Using the above occupancy rates to determine an overall population increase the cost multiplier is applied to obtain the level of contribution required.

### 3.3 **How the contribution will be used**

The contribution will be used towards **additional facilities at Haywards Heath Library** to cope with the demands of a growing population from development.

### 3.4 **Satisfying the statutory tests**

This methodology satisfies the three statutory tests in the Community Infrastructure Levy Regulations (SI 2010/948), and endorsed in Paragraph 204 in the NPPF (2012) in the following ways:

- (i) *Necessary to make the development acceptable in planning terms* – the current library facilities in Haywards Heath and its surrounding towns cannot cope with the extra demand from an increasing population.
- (ii) *Directly related to the development* – the Haywards Heath library is the nearest library for the Appeal Site
- (iii) *Fairly and reasonable related in scale and kind to the development* – as demonstrated above in the formula-based approach to calculating the contribution.

## 4 **Fire Services serving Cuckfield**

The Fire and Rescue Service in West Sussex is divided into two regions; the Northern and Southern Divisions. The Appeal Site is located within the Northern Service Division.

As an Emergency Response Service the Fire and Rescue Service necessarily utilises their assets right across the North and South Division, in order to ensure that all incidents can be dealt with. To enable this, the service must be integrated and a District/Borough cannot stand in isolation of others.

A fire in Cuckfield will receive attention from the fire stations outside of the Mid Sussex District if the situation requires it, and additionally the fire facilities for Cuckfield may be utilised elsewhere if they are needed. The projects at Crawley fire station, Horsham fire station, Burgess Hill fire station, the extension at the Haywards Heath fire station and the relocation of the East Grinstead fire station (see Section 4.4) will all benefit the area of Cuckfield and its residents.

#### 4.2 How the contribution will be used

In the Northern Service Division the capital projects that have been identified are:

Crawley Fire Station now estimated to be	£8,400,000
Horsham Fire Station now estimated to be	£13,000,000
Burgess Hill to be split from Haywards Heath Fire Station	£6,000,000
Extension to Haywards Heath Fire Station	£2,000,000
Relocation of East Grinstead Fire Station	£6,000,000
<b>Total</b>	<b>£35,400,000</b>

£1 million of the £13 million required for the Horsham fire station is earmarked for the New Dimensions facility. Government requires that a facility to deal with CRBN's (chemical, radiological, biological and nuclear) incidents is provided, plus training facilities. The facility for West Sussex, currently earmarked for development in Horsham, will cover the whole County's residents.

New developments are required to make a fair and proportionate contribution towards the provision of new fire-fighting services or facilities to enable the fire authority to meet its statutory requirements and prescribed standards of fire cover for the area, as set out in the Fire and Rescue Services Act 2004. The level of contribution is based on: (i) the additional population coming from the proposed development, (ii) the County Council’s cost per square metre of building fire stations and (iii) the infrastructure improvements necessary to serve the proposed development.

To calculate the level of contribution that the development is expected to provide, the projected population increase is multiplied by the cost multiplier. The cost multiplier is calculated by dividing the total cost of necessary fire and rescue infrastructure by the projected population of the division in question. By multiplying this figure by the projected population increase from the proposed development, the developer then only has to pay a proportional share of the work required.

The housing mix is not known at this stage, therefore WSCC apply the insertion of a formula into any legal Agreement in order that the school infrastructure contribution may be calculated at a later date. The formula consists of:

$Y \times Z = \text{Fire and Rescue Infrastructure Contribution where:}$

Note: / = divided by, x = multiplied by.

Y = The estimated adjusted increase in population generated by the Development, calculated by reference to the total number of Housing Units, as approved by a subsequent reserved matters approval. WSCC use the latest published county wide occupancy rates from census statistics published by the Office for National Statistics. The current occupancy rates are given below as a guideline only:

Dwelling Size		Occupancy	
		House	Flat
1 bed	=	1.4	1.3
2 bed	=	1.9	2.0

3 bed	=	2.5	2.6
4+ bed	=	3.0	2.5

Z = the estimated costs of providing additional Fire and Rescue Infrastructure in the Northern Service Division of West Sussex at the time of payment (which, for information, for 2025/2026 was £71 for Mid Sussex.

### 4.3 Satisfying statutory tests

This methodology satisfies the three statutory tests in the Community Infrastructure Levy Regulations (SI 2010/948) and endorsed in Paragraph 58 in the NPPF (2024) in the following ways:

- (i) *Necessary to make the development in planning terms* – to ensure there is sufficient fire fighting services or facilities for the area.
- (ii) *Directly related to the development* – the development forms part of the Northern Service Division.
- (iii) *Fairly and reasonably related in scale and kind to the development* – as demonstrated above in the formula-based approach to calculating the contribution.

## 5 Provision of Land for Primary School and SEND School

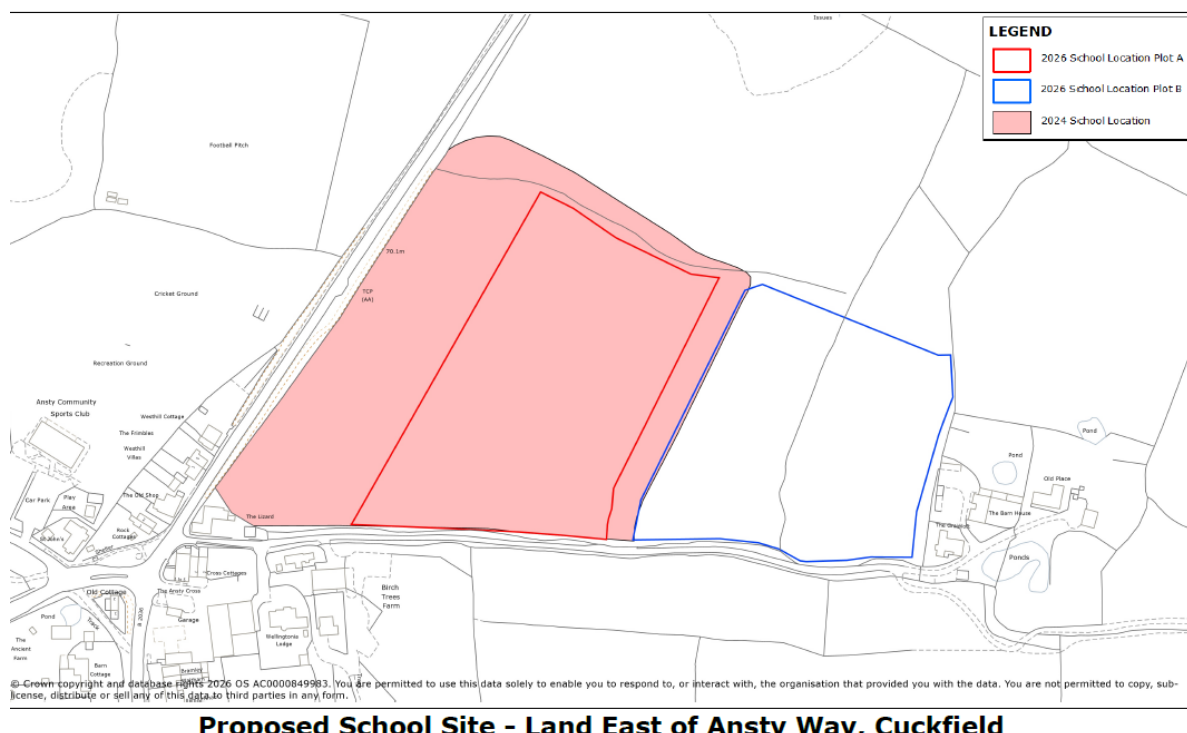
With reference to WSCC School Organisation Team’s formal recommendation to refuse planning permission, made on 19 June 2025 and attached as Appendix 2, a number of issues are now resolved by the proposed changes to the parameters plans. Creation of a wildlife corridor and sustainable travel options to the west of Plot A adjacent to the A272 are now feasible (see drawing below).

The red zone for external noise levels, ranging from 55 to 69 db, is no longer within the parameter of Plot A which is welcomed. Design of the site however will still require careful consideration to allow for free flow outdoor teaching, a requirement for very young children and children with SEND. Department for

Education guidance suggests a baseline of less than 50db. The developer needs to demonstrate that acoustic design solutions can be identified for the Plot A site without loss of usable education land.

We would recommend that the road that separates Plot A and Plot B is only a minor road and not a major access to ensure a safe route to school.

There are legal constraints binding on education land Plot A (for identification purposes shown edged red on the plan below) which make it currently unusable as educational land.



The freehold estate of the proposed Plot A is registered within Land Registry title WSX186417 and the land within Land Registry title WSX186417 is subject to, inter alia, two significant legal constraints pursuant to the provisions of a Transfer dated 24<sup>th</sup> February 1994

- i) The land is expressed to be surrounded by a 12-inch ransom strip over which a licence is granted for access to and from the land for use of the land as agricultural land only. The licence for access can be terminated at any time on one month's notice. The details of the ransom strip and licence from the property register of the title to the land are set out here

- 2 (07.03.1994) The land has the benefit of the following rights granted by the Transfer dated 24 February 1994 referred to in the Charges Register:-
- "TOGETHER WITH a right of way with or without vehicles solely in connection with the use of the Property as agricultural land only over the Strip".
- NOTE:-The Strip referred to is the strip excluded from the title more particularly described above.
- 3 (07.03.1994) The Transfer dated 24 February 1994 referred to above contains the following provisions relating to the excluded strip:-
- "THE Vendor hereby grants a Licence to the Purchaser to use for all reasonable purposes connected with the use and enjoyment of the Property the Strip as defined in the Schedule until such time as the Vendor or the Purchaser shall determine this Licence by giving one month's written notice to the other to that effect and in the meantime the Purchaser shall be responsible for maintaining the Strip in a safe and tidy condition and maintain the boundaries thereof and shall indemnify the Vendor against any breach thereof and against any third party or public liability arising in respect of the Strip which liabilities the Purchaser shall insure against in such sum as shall be reasonable and the Purchaser hereby covenants with the Vendor that during the subsistence of this Licence the Purchaser shall give notice to the Vendor of any change of ownership of any part of the Property with the intent that this covenant shall be attached to the Property and each and every part thereof"

ii) A restrictive covenant restricts the use of the land within the title to agricultural use only and no permanent buildings or structures (other than boundary structures) may be constructed on the land. The details of the relevant covenant from the charges register of the title to the land are set out here

- 6 (07.03.1994) A Transfer of the land in this title dated 24 February 1994 made between (1) John Harold Poynter and Heather Maude Poynter (Vendor) and (2) Eric Arthur Norris (Purchaser) contains the following covenants:-
- "THE Purchaser covenants with the Vendor with the intent that the same shall bind the Property and each and every part thereof and the owners thereof for the time being but as regards covenants which are negative not so as to bind the Purchaser personally after he shall have parted with all interest in the Property.
- (a) Not to use or permit the use of the Property or any permitted building thereon for any purpose other than agriculture nor to erect or permit the erection of any permanent building or structure thereon except boundary structures.
- (b) To be responsible for and bear the expense of keeping maintaining and repairing and when appropriate renewing the roadways giving access to the Property"

WSCC awaits confirmation that agreements between the developers/landowners and the beneficiaries of the ransom strip and the restrictive covenants are in place to lift these legal impediments.

The 2026 Plot B site (shown edged blue on the plan above) appears to fall outside the ransom title strip and the particular agricultural restrictive covenant.

## **6. Conclusion**

WSSC Education would be satisfied with the education contributions and obligations set out in 2.5 but are concerned about the deliverability of a school on Plot A, considering current legal constraints, as set out in 5. Provision of Land for Primary School and SEND School.

WSSC contends that the infrastructure contributions and obligations set out are in accordance with the requirements set out in the National Planning Policy Framework (2012) and in Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 and, as such, requests that the Inspector includes these requirements, should it be determined that planning permission is granted.