

Request 1: Origins of the plan

Minutes of meetings and other official documents, discussion between elected Councillors and officers related to the original high level “ambition. We want to understand when those discussions took place and whether it was, indeed, a wish expressed by elected Councillors or was it driven by Officers from the outset.

Request 2: Original evaluation or modelling of need and demand

There must have been some sort of demand study carried out, to confirm that the rather hazy “wish” was interrogated, evaluated and supported by real demand or need.

We either want to see that *original analysis*, or receive a written confirmation that the Council did not do any demand analysis first.

Request 3. Original route evaluation and decision to buy the necessary land

We know that MSDC bought the strips of land alongside the western side of the railway together; titles WSX356047 together with several segments forming WSX3305705, and paid £20,000 + VAT for them together, paying the money on the 16th March, 2013. Together with segments which could have been taken from the large area WSX135684, which had been in MSDC ownership since 1988, this would constitute most of the necessary route (although there are two others required, see below)

The two parts missing are a crossing point required over the river at the Valebridge Viaduct, which was (and still is) owned by Heaselands Estate (title WSX26342), and along a short river section at the very northern area (almost at Haywards Heath) in the same title/ownership.

The final section is a clear “spoiler strip”, title WSX330760, owned by Birkbeck Estates Ltd and paid for (the price being £4,500 + VAT) on 15th March, 2013.

Specific questions related to Request 3:

- a. Who within MSDC decided to buy these strips of land, when and for what purpose?
- b. Council meeting minutes or minutes of other discussions and/or email exchanges where this expenditure was authorised
- c. Who (role, the name is not important) did the evaluation that resulted in these purchases?
- d. Why, given that MSDC bought all the “rest of the route” *the day after* Birkbeck Estates bought their spoiler strip, what approaches (letters, minutes of meetings, council discussions etc.) are there related to efforts to procure this strip? (again, please remove names and sums proposed).
- e. Given (d) above, what approaches were made – if any- to Heaselands Estate (who own that land) to achieve this (in fact there is also a strip of apparently

unallocated land immediately to the west of the Birkbeck strip- was this considered)?

- f. What approaches (if any) were made to the Heaselands Estate to secure a river crossing and along-river connection at the northern end? If such an approach was made, when did that occur?
- g. At what point did MSDC decide to abandon the central route, and where are the minutes of the meeting that took place to agree it (given that £20,000 + VAT + legal fees and costs had already been spent on the project)?
- h. It seems that the two titles being purchased on sequential days is beyond the realm of coincidence. What communications, if any, took place between any officer or councillor at MSDC and the Reza family, who own Birkbeck Estates, either shortly before or in the period after the purchase dates of payment for the two titles (15th and 16th March, 2013), say for January – end 2013?

Request 4: The second Sustrans engagement and Feasibility study

We know that Sustrans were engaged again to consider the various options outlined in Policy SA37 as part of a larger engagement looking at the entire “Place and Connectivity” plan.

Specific questions related to Request 4:

- a. In the context of these titles and the “central route” they mostly comprise, what communications took place between MSDC and Sustrans in relation to the initial report, including scope or terms of reference or any particular reference to the MSDC owned strips of land (unless it pre-dated the 2013 purchase)?
- b. What were the terms of reference for the second engagement and what instructions requests or recommendations were issued by MSDC officers to Sustrans in respect of the second study (the Feasibility study) in 2018 or 2019?
- c. The recommendations contained in the feasibility study are in sharp contrast to the views expressed by Mr Young (who did both the research and authored the report); in the email summarising the agreed findings quoted above. We want to know why this disparity happened, and whether it was a decision taken by Sustrans’ management or whether at the behest of MSDC? Specifically, what did the first drafts of the feasibility study look like and what further requests/ instructions/ recommendations were sent by any MSDC officer (including Mr Spilsted or any of his department) to Sustrans or to Mr Young, to ensure the design changed?
- d. We had been promised sight of the report in December or January *before* it was published, by Mr Spilsted. What instructions did Mr Spilsted receive or send to ensure this did not happen?

When WSCC (Highways) submitted its comments to the second round of public engagement, they said:

“Need to avoid dumping cyclists out on to busy roads. N.B. The West Sussex Walking & Cycling Strategy does not include any proposals for Fox Hill. Fox Hill is a bus route and so reducing the carriageway width may be challenging.

- e. What commitments have been secured to complete the eastern route along both Fox Hill (see comments above) and Valebridge Road, in the context of the above comments?

Request five: Information rooted out by us and submitted to MSDC

When the feasibility report was made public, and was error-checked, we created and submitted to MSDC a comprehensive file of the errors, misleading information and omissions it contained, including a carefully defined evaluation of demand.

Specific questions related to Request 5:

- a. What communications passed between Mr Spilsted, Ms Sally Blomfield, Cllr Llewellyn-Burke (or other elected Councillors) and other Officers of MSDC when this information was received? What meetings were held and what consideration given to the lack of demand for the route? What efforts were undertaken at this late stage to determine what the demand would actually be?
- b. What communications and information were provided to elected councillors, either of MSDC, BHTC or indeed HHTC and WSCC concerning the lack of demand analysis, the errors in the feasibility report, potential for a central route, or any rebuttal of the facts laid out in the reports attached to the email of 11th June, 2020?
- c. After I submitted the clear evidence that MSDC owned the majority of the central route, what work was done to evaluate this data in advance of the workshop on the 13th August or thereabouts? Where are the minutes of that workshop, which should also be in the public domain?
- d. What were the terms of reference between MSDC and CJ Founds Associates related to the feedback report to the second public consultation on the Place and Connectivity Programme? Were CJ Founds Associates made aware of the fact that MSDC owned the majority of the Central route? When did Mr Spilsted receive the initial draft of the Engagement Report from CJ Founds Associates?

Request Six: Confirm whether MSDC have considered the legality of this project

We have on multiple occasions reminded MSDC of the provisions of the Countryside Act, 1968, Chapter 41 Section 30 (1).

Our question is: What requests and checks has MDSC made, either from Mr Spilsted or any other MSDC officer, to give them any comfort that what would seem on the face of it to be an action contrary to the legal statute quoted above?