

**RESIDENTS' RESPONSE DATED JULY 2021 TO THE NOTE TO INSPECTOR PREPARED BY
SIGMA PLANNING SERVICES DATED 15 JUNE 2021**

**RE: SITE 29 – LAND BEHIND ST. STEPHEN'S CHURCH, HAMSLAND, HORSTED KEYNES,
WEST SUSSEX**

**Prepared by Paul Fairweather of [REDACTED] who fully
agrees with and supports the concurrent submissions of Dr H Griffiths and Mr T Higham in this
matter.**

Introduction

As previously stated, consideration of this site within the SADPD is facilitated by having access to the documents submitted by the current potential developer Rydon Homes Ltd. in support of planning application DM/20/4692, and references are made to these.

The observations are arranged in the same sequence as the supporting Sigma report. For each issue on which comments are made, for clarity Sigma's statement is reproduced in italics with the comment below.

SIGMA'S statement

- ***Impact on Trees** – various questions are raised about the effect of the proposal upon trees, in particular those along the south-western boundary of the site and in proximity to the access road. The Arboricultural Impact Assessment submitted with the application confirms that the only trees requiring removal would be a small group, G1, comprising a Hawthorn, and a dying Holly. These are required to be removed to form the bellmouth but are small in size and BS Category c/u and as such should not represent a constraint to the proposals. No other trees will require removal for the development.*
- *Some tree surgery works are required and are detailed in the AIA. All of these works would represent typical maintenance of field boundaries if the site remained in its present use and as such they should not represent a significant constraint to development. They will not adversely affect the visual amenity of the trees and most of the works rebalance heavily asymmetric crowns.*
- *The proposed layout was produced with the benefit of detailed tree constraint information including hand dug trenches to establish the extent of Root Protection Areas along the south-western site boundary. The only area of potential conflict with tree root systems would be the entrance road passing through the RPA's of T2-G7 and this is to be addressed by the method of construction of the access road. Where appropriate, this will be a fully, no dig design and an overlay matting system providing porous surfacing in accordance with Arboricultural Practice Note 12 and Section 7.4 of BS5837 : 2012. Details of the proposed construction method are set out in the Technical Note from RPS dated 24th May 2021. Such works will ensure that retained trees are not adversely affected by the construction of the road.*
- *Further detailed hand-dig investigation will be carried out with regard to the route of service installations to be laid on the eastern side of the access. If any root systems are likely to be put at risk in this location then the cabling etc. will be "moled" underneath the tree roots.*
- *These matters have therefore been thoroughly investigated by Rydon's consultant team and it has been demonstrated that there are practicable and conventional means of constructing the access road, in accordance with BS5837:2012, in order to avoid harming the retained trees along the south-western site boundary. Subject to these safeguards, the Council's Tree Officer raises no objection on arboricultural grounds.*

Comment

12. Despite Rydon Homes' repeated declarations that the Holly by the site entrance is "dying", there is clear evidence that it is in fact quite vigorous, persistently growing out over the pavement to a degree that would obstruct pedestrians were the new growth not cut back twice a year by me, the occupier of Summerlea. It and the Hawthorn beside it may not be significant trees but since they are not on land within the site or belonging to Highways, they are not available and should be deleted from the proposed Tree Works.

15. When the investigation of the boundary trees' roots was commissioned, the opportunity to establish the extent of the root plates on the eastern side of the access was ignored, and only now is this being referred to, with the high probability of roots being encountered being merely described as "if". It is now becoming accepted by all parties that the RPAs according to BS5837/2012 for the trees lining the proposed access road extend near to or overlap the Church boundary fence. 'If 'moling' rather than trenching becomes Rydon Homes' preferred technique for installation of these services, then it looks probable that 'moling' of these services will be required beneath the access road or footway for the whole length of that boundary.

The latest version of the Planning Application (July 2021) includes a Preliminary Drainage Strategy plan that proposes collecting all foul water in a holding tank at the southern limit of the site, from which it will be pumped through a rising main up to the main sewer in Hamsland. Astonishingly and defying all logic, this is shown as being located beneath the western side of the access roadway. This makes no sense, as it will be running in close proximity to the trunks of all the trees causing the maximum amount of damage and stress. Again, the credibility of the presentation of this application has to be questioned.

The practical use of 'moling' has also to be questioned with regard to the existing ground composition. As can be proved by the situation encountered in my own garden immediately next door to this land, this consists of significant quantities of weathered sandstone rocks of many different dimensions within the shallow depth of clay-based soil, not far beneath which undulating and unpredictable sandstone bedrock can often be found. As the piping will need to be around half a metre below the surface to clear potential frost depth, the likelihood of the 'mole' being thrown off course by encountering either or both of these materials or even one of the larger tree roots is considerable. Standard practice is to correct any misalignment by digging pits at frequent (usually 10 metre) intervals along the distance involved, in this case in excess of 35 metres. However, since BS5837/2012 imposes a prohibition against digging these pits within the RPA's of the trees it has yet to be demonstrated that the use of this 'moling' technique over this distance without pits is both practical and viable.

As the very process of 'moling' is to use compressed air to drive the device through the ground, the technique relies upon the surrounding soil being compacted in order to provide clearance for the pipes or cables to be pulled through. In this case the installation of multiple services will result in an area of intensely compacted soil of considerable depth and width for the entire length of the planned 47 metre roadway cutting across the RPA's of all the bordering trees. The purposes of the elaborate measures being proposed by Rydon Homes for the 'no dig' construction of the roadway are to avoid excavation and to reduce compaction of the soil in the RPA's, but paradoxically the act of 'moling' the services, whilst avoiding the very visible impacts of trenching, would by its nature create damaging compaction around the root systems within the RPA's.

SIGMA'S statement

17. Land Ownership – the claims by Mr Fairweather that third party land is required to implement the proposed development have been investigated by Rydon's legal team who can find no substance to the allegation. Mr Fairweather has not been able to provide evidence to support his claim. Rydon are entirely satisfied that they can carry out development in accordance with their planning application on land within their control together with highway land.

Comment

Because it is connected to Summerlea's front garden and is outside the site boundary, as the owner of this

property I use the land on which these trees stand, following what has been the practice of successive occupiers of that property for a period that several of my neighbours have confirmed to be at least 15 years.

Rydon Homes' claim that the trees stand on Highways' land has been clearly demonstrated to be incorrect. The location of Highways' land has been identified by WSCC as being the back edge of the tarmac of the existing pavement, which is clearly defined by a kerb which was installed when it was laid. This southernmost edge of Highways' land lies alongside the north of Summerlea's front wall and the kerbing continues from there to the beginning of the church wall to the north east. The holly tree and the hawthorn are both to the south of this kerbed edge, with the recognised site boundary passing to the east of them by at least 1.5 metres.

Therefore, they are neither within the site boundary nor on Highways' land, proof of which has been provided in both photographic form and by technical drawings measured by a recently-retired experienced civil engineer – see Appendix A for his updated report - in addition to being directly observed by the Inspector on his site visit.

As this incontrovertible evidence has been viewed on site by the Inspector and fully supports Mr Fairweather's Statement 1 to the hearing, SIGMA's statement that Rydon Homes are "entirely satisfied" that they are entitled to remove these two trees because the land in which they stand is "within their control together with highway land" is false, and actually demonstrates their lack of reliability in giving evidence on this issue to the Inspector.

On the 23rd of June Rydon Homes have lodged yet another version of their plan, this time accepting that the location of the edge of Highways' land is as I have been describing. However, the latest Rev C version of their access drawing, and a similar drawing in the new Preliminary Drainage Strategy plan, both show an even larger amount of land at this corner being required in order to construct a bell-mouth, now extending as far as the gate to the substation – and on the 25th of June, WSCC are still questioning whether the site can be delivered without the use of third-party land.

Since this area of land is clearly vital in order to implement the bell-mouth entrance to the site set out in Rydon Homes' applications and thereby safely deliver this site, they can only offer both the Inspector and MSDC empty assurances by ignoring the factual evidence and relying upon persistent repetition of their untruthful story to carry the day. The claim that I cannot provide evidence that this area is third party land is paralleled by the fact that Rydon Homes are clearly unable to provide evidence to prove that it is not, relying on being "entirely satisfied" as supporting their version of the truth. Their entire approach to this issue illustrates that without this land the site is undeliverable and therefore neither is the planning application.

In support of these comments please find attached as an Appendix the detailed statement compiled by Mr Paul Fairbairn in response to Rydon Homes' latest revision.

SIGMA'S statement 19. Other Issues

Neighbour Amenity – The site has residential curtilage on three sides but is only directly overlooked by the rear elevations' of 5/6 houses to the north. The have good-sized rear gardens and the combination of distance, orientation and retention/enhancement of existing boundary vegetation mean that acceptable privacy standards can be assured. The proposed scheme layout confirms this point.

Comment

The 'acceptable overlooking' claim is incorrect because the fact that Summerlea also abuts this site to the west has been totally ignored. Inaccurately sited in the drawing submitted by Rydon Homes, this property lies parallel to and extends for the whole length of the access roadway proposed, and once the planned raising of the crowns of the trees that currently screen this property from the site has been carried out, this bungalow will be completely exposed to the upper front windows of houses sited by Rydon Homes less than 15 metres from all Summerlea's side windows. This is some 50% closer than every other existing property affected by the site. The

whole length of its garden will similarly be exposed to view from the upper front windows of four houses, each of which has a minimal front garden, entirely removing the privacy from which this property currently benefits.

In addition, although the upper parts of these boundary trees might remain after the lifting of the crowns of all these trees by the proposed 5 metres, this action will also result in the significant exposure of the site to the public highway at ground level, an outcome contrary to the AONB objective of maintaining their screening effect and to MSDC's Tree Officer's comments.

CONCLUSION

This submission demonstrates that, contrary to Rydon Homes' blithe but completely unfounded assurances, their proposals for:

- Road construction and services installation pose a hugely significant threat to the root systems within the RPA's of the trees along the narrow access corridor to the site;
- Site access feature a bellmouth and verge which demonstrably encroach beyond Rydon's declared site boundary onto land outside their control; and
- Raising of the crowns to the trees along the length of the access road would destroy the privacy that these trees currently provide for my home and garden. In addition to this:
- Two drainage and flood risk planning officers have now dismissed the planning application's proposed surface water drainage solution of large attenuation tanks beneath gardens as unacceptable; and other submissions have demonstrated that
- There are unresolved and unmitigated problems in maintaining safe highway access along Hamsland to this site; and there is a lack of parking availability to support the additional requirements of construction workers and later overspill from the site's future occupiers. These will both have a major negative impact on the safety of vehicular movements within the cul-de-sac, adversely affecting over a quarter of the village's population.

Looked at in the aggregate, the only conclusion that can be drawn is that the proposed allocation of site SA29 for 30 new dwellings is unsound and this site should therefore be removed from the SADPD.

Attached - Appendix