Site SA29, Land south of St Stephen's Church, Horsted Keynes

AP11 Response by Helena Griffiths to 'Note to Inspector' by Sigma Planning on behalf of Rydon Homes

(REP-2140-002 and associated appendices)

9th July 2021

Following examination of the Mid-Sussex Site Allocations Development Plan (DPD) - Matter 3, Day 5 – Thursday 10th June 2021

This note addresses the comments submitted by Sigma Planning (REP-2140-002 and associated appendices) regarding SA29 Land south of St Stephen's Field, Horsted Keynes, following the inspector's hearings, addressing Action Point 11 (AP11).

AP11 – Matter 3.3: SA29 Land South of St Stephens Church, Hamsland, Horsted Keynes - A non-technical note from Chris Hough [Rydons] to address points raised by local residents, including (i) vehicular access to site (alleged 7m wide and 25m long) is unsuitable and inadequate; (ii) ownership of land required for vehicular access; (iii) impact of the proposed development on a line of trees (including a mature oak and several hornbeams) bordering the access strip; (iv) whether there are any safety issues relating to the addition of 30 dwellings from the proposal to the existing 140 dwellings which rely on the same cul de sac for access; and (v) appropriateness of the proposed housing density and any linked impacts on residential living conditions.

For ease of reference throughout this document, the comments made by Sigma Planning are reproduced verbatim in *italics*, with their original paragraph numbering. My response is directly below in standard script, using bullet points, inset from the margin.

The reports submitted by the site promoter as part of both the currently undetermined planning application (DM/20/4692), and the site allocations process for site SA29, land south of St Stephen's Church, Horsted Keynes, have been scrutinised in detail by both the local authority, the district council, and residents, for fit to policies and accuracy. If the reports are unable to stand up to this scrutiny by <u>any</u> of the above, then questions should be raised as to the soundness of the allocation of the sites they are supporting. Many of the supporting documents are seen to reference overarching policy, and on detailed inspection only pay lip service to these policies, and fail to achieve the intentions of the policies, and ultimately fail to protect a medieval field system in the AONB from inappropriate development.

This response should be read in conjunction with the statements submitted by myself, Dr Helena Griffiths, to the hearings regarding SA29:

- 3.3 (ii) SA29 challenge to safe and secure access being in the ownership of the allocated site,
- 3.3 (v) SA29 challenge to infrastructure considerations, traffic circulation and highway safety
- 3.3 (vii) SA29 challenge to the impact on the landscape and the ecology of the site.

Sigma Planning on behalf of Rydon Homes (in document REP-2140-002 and associated appendices) state:

9. A planning application (DM/20/4692) for the erection of 30 dwellings (30% affordable) was submitted in December 2020 and, following discussions, the provision of further information, amendment and further consultation on those amendments, a decision is now expected shortly. Details of the application, consultant reports and other supporting documents have been submitted to the Examination Library.

- Horsted Keynes Parish Council submitted a holding objection to this application on 25/2/21 https://padocs.midsussex.gov.uk/PublicDocuments/00759917.pdf and https://padocs.midsussex.gov.uk/PublicDocuments/00759920.pdf
- To date over 150 residents have submitted concerns with the proposed plans, including comments raised by 'Hamsland Action Group', representing the opinions of over 120 households living in the Hamsland and Challoners cul-de-sac.
- On 17/6/21 Horsted Keynes Parish Council revised their response to the planning application to a full objection following Rydon's submission of new documentation that did not address many of the concerns raised in their previous holding objection. https://padocs.midsussex.gov.uk/PublicDocuments/00778439.pdf
- The planning application, although recognised here as a separate process from the SA DPD, does reveal normally unavailable detail at the SA DPD stage of how the site developer plans that 30 houses would be accommodated on SA29.
- This planning application should be considered pre-emptive as the SA DPD is not made, so the site is not formally allocated.

***10. Highways** – points were raised about the impact upon the wider local road network, the narrowing of Hamsland as a result of existing on-street parking, the adequacy of the sight lines at the access and the ownership of the land necessary to form the bellmouth. Similar points have been raised in relation to the planning application and have been addressed by Rydon's Highways Consultant in the:- RPS Transport Statement December 2020, RPS Road Safety Audit March 2021, RPS Technical Note (re Dr Griffiths) 22 February 2021, RPS Technical Note (re WSCC Highways) 24 February 2021, RPS Visibility Splay Overlay Plan April 2021. These documents have been submitted to the Examination Library. They contain greater detailed analysis than is usually required for high level consideration at Local Plan Examinations but the conclusion is that the points raised have been thoroughly, comprehensively, competently and professionally addressed and there is no substantive objection on highway grounds to the proposed housing development of this site. In short: - the local road networks can satisfactorily accommodate the traffic likely to be generated by the development. – Hamsland has the capacity to support additional traffic generated by the development despite the existing on-street parking. – suitable visibility sight lines can be provided at the access. – all the land necessary to form the access bellmouth and sight lines is either under the control of Rydon Homes or is highway land*.

Impact upon the wider local road network

- Horsted Keynes is served by rural C roads and narrow lanes. The village is not served by any more major A or B roads.
- The above-mentioned transport documents provided by Sigma give no information on the impact on the wider local road network, away from the development entrance to SA29, thus the impact on the local rural network has not been considered for the allocation of SA29.

- No detailed Transport Assessment has been provided to support the allocation of SA29, only the *RPS Transport Statement December 2020.*
- Keysford Lane is the primary route from the village to services such as schools, doctors, supermarkets etc, and employment. It is a rural C road. It is used by 89% of residents, preferring services in Lindfield and Haywards Heath over services in other towns (from survey of villagers in response to the question on a local Facebook page "Where do you mainly go for the services that you can't get in the village? (doctor, dentist, pharmacist, bank, weekly grocery shop, etc.)").

Destination	Responses
Lindfield / Haywards Heath	87
East Grinstead	8
Forest Row	1
Uckfield	1
Further afield (Burgess Hill/ Brighton)	1

- The impact on Keysford lane of the allocation of both SA28 and SA29 has not been assessed by Rydons.
- It is unclear if the MSDC SYSTRA transport modelling has modelled the cumulative traffic flow through Horsted Keynes and the local road network from the allocation of both SA28 and SA29. The SYSTRA report conclusion states that there is in general '*a satisfactory impact on primary and secondary roads*', but no assessment of the impact on the tertiary (C road) network is stated. The SYSTRA modelling did not include traffic flow on single track roads, '*not considering them appropriate*' (Section 4.4.1). Whilst the western portion of Hamsland is a narrow 5.5m single carriageway, the extent of on-street parking reduces much of this to extended single-track operation, typically aggregating to c.100m in length.

Narrowing of Hamsland as a result of existing on-street parking

- The *RPS Transport Statement December 2020* does <u>not</u> highlight that the western part of Hamsland operates extensively as a single-track road due to the presence of parked vehicles. See Section 2.8 in the *RPS Transport Statement December 2020.* This portion of road is the only connection of SA29 to the greater road network.
- As presented to the hearings (MIQ 3.3 (v)), the western portion of Hamsland operates over considerable distances as a single-track road serving 120 homes in a cul-de-sac (over a quarter of the village of Horsted Keynes). The single lane portion of the road is on two blind bends, with no formal passing places, due to the extent of on-street parking. Traffic flow is limited to one direction at a time. There is an existing safety constraint of traffic flow due to the on-street parking restricting available carriageway width, causing an increased risk of vehicle-to-vehicle head on type collisions along this section of road. These vehicle bottlenecks occur frequently through the day on the western portion of Hamsland. This is experienced by residents on a daily basis, and has been evidenced through many comments made to the planning application (DM/20/4692), and also evidenced through multiple Regulation 14 comments to the Horsted Keynes Neighbourhood Plan (as submitted in my statements concerning MIQ 3.3 (v) – Appendix 3).
- The addition of 30 homes to the cul-de-sac represents a 25% increase in dwellings, albeit the Transport Statement analysis of the predicted trips generated by the type of housing proposed, could increase peak hour trips along this restricted western length of Hamsland by 56%.

- The *RPS Road Safety Audit March 2021* assesses the safety of the limited information presented within the *RPS Transport Statement December 2020.* As noted above the Transport Statement does not include the detail of possible '*vehicle to vehicle head on type collisions*' along the western portion of Hamsland.
- The *RPS Road Safety Audit March 2021* did highlight a problem with the Local Alignment (Section 3.1) of a pinch point on the access road within the site. The safety audit states that '*it may increase the risk of vehicle-to-vehicle head on type collisions*'. This pinch point reduces the width of the access road within the site from 5.5m width to 4.8m width (Safety Audit Appendix B).
- As a comparison, the reduction in width on the western portion of Hamsland, due to on street parking, is from 5.5m wide to 3.0 to 3.5m wide, causing a bottleneck that is impassable by 2 vehicles. This is an existing location of vehicle-to-vehicle head on safety concerns, with a demonstrably larger number of cars (serving 120 homes) than the site access (proposing 30 homes), but is not described within the Transport Statement, nor highlighted as an existing safety concern.
- The added traffic flow of 30 homes along the western portion of Hamsland from the allocation of SA29 would increase the risk of vehicle-to-vehicle head on type collisions. This is a critical safety constraint to the allocation of SA29.
- Substantial mitigation would be needed to reduce risk of vehicle-to-vehicle head on type collisions along the western portion of Hamsland, but has not been addressed in the planning application DM/20/4692 or the SADPD allocation mitigation.

- The site promoter supplied in support of the SA29 site allocation a *RPS Transport Statement December 2020.* I commented on the inaccuracy and poor methodology of this document in part of my Regulation 19 response.
- This same Transport Statement was submitted in support of the planning application DM/20/4692. No amendments were made to the inaccuracies or methodologies previously observed. My response to the planning application is attached to this note as Appendix A.
- My detailed technical challenge on the parking survey is attached to this note as Appendix B.
- *Technical Note (re Dr Griffiths) 22 February 2021* was submitted by the site promoter in response to the above critique.
- I stand by my technical analysis, and supporting comments made by others, that the Transport Statement is contrived, and that the site has critical constraints on access safety. The site promoter suggests that parking in locations that contravenes explicit Highway Code Rules is acceptable, and is in denial that parking occurs in these locations due to the existing parking stress on Hamsland.
- The RPS summary states that '*the movement of vehicles is not inhibited by parked vehicles*' and that the '*the flow of traffic movements along Hamsland would not be affected*' by the development. Evidence submitted shows the contrary.

Ownership of the land necessary to form the bellmouth

- Please refer to submissions by Paul Fairweather's representations (including supporting comments and surveys from Paul Fairbairn).

11. West Sussex County Council (Highways) accept the principle of the development from the highway safety and capacity point of view and confirm that there is no severe impact on the public highway.

- WSCC Highways have made the above assessment on limited information provided by the site promoter, namely a flawed Transport Statement that does not address the safety impact of head-to-head collisions on the western portion of Hamsland. WSCC Highways has not commented on representations made that highlight information within the Transport Statement which has been shown to be incorrect (including P. Fairbairn and H. Griffiths challenges to the parking survey).

12. 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*.

- The trees in close proximity to the site access road are not proposed to be removed, but will be impacted and possibly compromised by the cumulative impact of works to gain access to site SA29.
- 'BS5837: Trees in relation to design, demolition and construction – Recommendations' should be followed in the case of all trees on site SA29, and the use of this guidance is referred to by the arborculturalist in the *Arboricultural Impact Assessment (*Section 8.4 refers to the Tree Protection Plan and how it '*indicates trees for removal and measures to protect retained trees in accordance with BS5837:2012 requirements')*.* BS5837 can be found here: https://beta.bathnes.gov.uk/sites/default/files/2020-01/BS5837%202012%20Trees.pdf
- BS5837 states that '*Any user claiming compliance with this British Standard is expected to be able to justify any course of action that deviates from its recommendations*' (Page iii – *Use of this document*).
- No such justifications have been given for the impacts of the access road on the trees to the west of the proposed access.
- Proposed works include raising of the canopy of the trees, installing a permanent hard surface over the RPA's of the trees, and installing utilities across the RPA's of the trees.
- The cumulative impact of the access road should be considered, and the long-term health of these trees must be of the highest importance.
- The MSDC tree officer in their response to the planning application states '*I have concerns over the impact the access road will have on the trees along the western boundary (T2 – G7). The access is narrow, which will involve constructing the access road very close to the trunks. …... A pre-commencement condition is suggested within the report, however if a suitable solution for the access road cannot be found, it would seem preferable to ascertain this in the early stages of the application*'. https://padocs.midsussex.gov.uk/PublicDocuments/00754061.pdf
- Further to that the MSDC tree officer commented on 18th February in a supplementary response *"that it is unclear where the service runs are to be placed and I am concerned these*

are going to further impact the trees along the boundary of the access".
https://padocs.midsussex.gov.uk/PublicDocuments/00756971.pdf

- Should the protection of these trees not be guaranteed, then the site should be deemed inaccessible, and not allocated within the SA DPD.

13. 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 canopy of several mature trees (oaks and hornbeams) along the access road will be raised to allow access of construction traffic, and long-term access to the site once built out.
- The canopy along the access road needs to be raised by 5m on trees of between 14m and 17m height. But notably on inspection of the T2 oak, the lower limbs constitute over 40% of its eastern canopy.
- The trees canopies are not currently heavily asymmetric as claimed, and the minimal asymmetry to the west is due to the owner of 'Summerlea' having had the trees pruned 6 years ago.
- The raising of the canopy of these trees will need to be maintained to facilitate the permanent access.
- The tree officer in their response to the planning application states '*…..the proposed tree surgery that will need to be undertaken, which will be an ongoing commitment. Heavy reduction is likely to promote excessive regrowth which will increase the need for further pruning and consequently ongoing stress to these trees*'.
https://padocs.midsussex.gov.uk/PublicDocuments/00754061.pdf
- By raising the tree canopy to allow access, it will also open up the visibility of the site from Hamsland and the public open space of Constance Wood to the west of the site.

- The construction of the access road to SA29 will have an impact on the amenity value of these trees (BS5837 Section 5.2.3 d), both on and near the site. The tree line is clearly visible on the skyline on entering Hamsland, and is the dominant green feature when travelling the length of Hamsland.
- The tree officer in response to the planning application states '*The boundary trees are a key landscape feature that need to be retained and protected both during the construction process and in the long term*'
https://padocs.midsussex.gov.uk/PublicDocuments/00754061.pdf

14. 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.

- BS5837 section 7.4.2.3 recommends that no more than 20% of the tree RPA should be covered by a permanent hard surface.
- The site access road to SA29 covers between 30% and 35% of each of the tree RPA's to the west of the access road. This is NOT including the 1.5m footpath.
- The length of the conjoined RPA's to be crossed by the access road is 47.5m.
- No justification has been given for the deviation from BS5837 recommendation of only covering 20% of the RPS's with permanent hard surfacing.
- Three-dimensional cellular confinement systems, as proposed for SA29, spread the load of vehicles using the access road (the system creates a stiff mattress or slab to distribute the load over a wider area). This system **does not load bear**, so some load is still transferred to the RPA (up to 50% according to the technical specification of one manufacturer - Decrease sub grade pressure < 50%, https://2y2qpw2op3o93ygu164frm9z-wpengine.netdna-ssl.com/wp-content/uploads/2019/11/GEOWEB-Rail-Design-and-Contruction-ebinder.pdf - Page 19).
- Some loading and possible compaction effect will be felt by an RPA unless it is protected by a total load bearing system.

- BS5837 states in section 5.3.1 '*The default position should be that structures are located outside the RPAs of trees to be retained. …… If operations within the RPA are proposed, the project arboriculturist should: a) demonstrate that the tree(s) can remain viable and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA; b) propose a series of mitigation measures to improve the soil environment that is used by the tree for growth'*.
- No such viability assessment, compensation or mitigation has been proposed for the individual trees affected by the access road for SA29.
- The location of the trees on the western boundary of the site means that there is little if any remaining area of the RPA within the site (after the access road is constructed) to compensate encroachment or provide for soil improvement of the individual RPA's affected.

- BS5837 states in section 7.1.1 that '*…… Soil structure should be preserved at a suitable bulk density for root growth and function (of particular importance for soils of a high fines content), existing rootable soil retained and roots themselves protected'.*
- The soil in Horsted Keynes is '*Slightly acid loamy and clayey soils with impeded drainage*' (http://www.landis.org.uk/soilscapes/), so is easily compacted and thus the soil structure will undoubtedly be compromised unless a fully load bearing system is used.

- It is noted in comments above from Sigma Planning that the permanent hard surface to be used on the access road is to be permeable (porous). Additional issues of concern regarding the use of a permeable road finish include:
    - A permeable surface may allow salt to interact with the RPA (BS5837, 7.4.2.4) when the road is subject to de-icing salt application in the winter months. Given the fall of the site to the south, some form of de-icing is probable.
    - Where a permeable surface is used, measures need to be taken to prevent pollution and the contamination of the RPA (BS5837, 7.4.2.5) through water run-off from the road surface itself (often containing diesel oil and damaging vehicle washings).
    - Permeable surfacing can result in soil volume moisture content changes which can affect the RPA (BS5837, 7.4.2.6).

- Issues also exist by using impermeable finishes as this restricts the natural flow of water to the root systems.

- The documents submitted showing the plans for access to SA29 over the 47.5m of RPA's merely follow the BS5837 recommendations for a method of road construction. The proposals do not follow the detailed recommendations of BS5837 for compensation and mitigation for the proposed encroachment on the trees RPA's. The lack of space within the site access strip (being 7m to 9m wide) creates an inability to adhere to the detailed BS5837 recommendations for mitigation, and thus demonstrates a fatal flaw in the allocation of SA29, as access is not possible without detrimental damage of the trees.

15. 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.

- BS5837 states in section 5.3.2 '*The cumulative effects of incursions into the RPA, e.g. from excavation for utility apparatus, are damaging, and should be avoided*'.
- The site promoter is proposing that utilities may access the site via trenchless technology.
- BS5837 states in section 7.7 Underground and above-ground utility apparatus (7.7.1) '*Wherever possible, apparatus should be routed outside RPAs. Where this is not possible, it is preferable to keep apparatus together in common ducts. Inspection chambers should be sited outside the RPA'*.
- BS5837 Table 3 (reproduced below) shows the trenchless solutions available for differing utility apparatus installation requirements – highlighting bore diameter, max sub length, and suitability.

Table 3 **Trenchless solutions for differing utility apparatus installation requirements**

Method	Accuracy	Bore dia. [A]	Max. sub. [B] length	Applications	Not suitable for
	mm	mm	m		
Microtunnelling	<20	100 to 300	40	Gravity-fall pipes, deep apparatus, watercourse/ roadway undercrossings	Low-cost projects due to relative expense
Surface-launched directional drilling	=100	25 to 1 200	150	Pressure pipes, cables including fibre optic	Gravity-fall pipes, e.g. drains and sewers [C]
Pipe ramming	=150	150 to 2 000	70	Any large-bore pipes and ducts	Rocky and other heavily obstructed soils
Impact moling [D]	=50 [E]	30 to 180 [F]	40	Gas, water and cable connections, e.g. from street to property	Any application that requires accuracy over distances in excess of 5 m

[A] Dependent on strata encountered.

[B] Maximum subterranean length.

[C] Pit-launched directional drilling can be used for gravity fall pipes up to 20 m subterranean length.

[D] Impact moling (also known as thrust-bore) generally requires soft, cohesive soils.

[E] Substantial inverse relationship between accuracy and distance.

[F] Figures given relate to single pass: up to 300 mm bore achievable with multiple passes.

- The bore diameter required at SA29 for all the utilities including foul water (being pumped from the site to the mains sewer along Hamsland) is undetermined, but could be of substantial diameter for all utilities to (and from) a development of 30 houses.

- The length of RPA to be protected via a trenchless system is 47.5m, and will need to be passed in a single sub-surface length as the RPA's of the trees are extensive across the proposed access area. BS5837 states that inspection chambers should be sited outside the RPA's.
- BS5837 section 7.1.1 states that '*Construction within the RPA should accord to the principle that the tree and soil structure take priority, and the most reliable way to ensure this is to preserve the RPA completely undisturbed. Soil structure should be preserved at a suitable bulk density for root growth and function (of particular importance for soils of a high fines content), existing rootable soil retained and roots themselves protected.*
- From personal experience, the soil in Horsted Keynes is clay rich. Bedrock can come to within 0.8m of the surface in places in the village, and the sub-soil contains many sizeable rock fragments making moling complicated. As per BS5837 section 4.3.1, a soil assessment should be undertaken to inform any decisions relating to the root protection area (RPA).
- It is unclear if a trenchless system is viable or even achievable in these conditions.
- These factors underline the significance of the MSDC tree officer's comment '*that it is unclear where the service runs are to be placed and I am concerned these are going to further impact the trees along the boundary of the access*'. https://padocs.midsussex.gov.uk/PublicDocuments/00756971.pdf

16. 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 southwestern site boundary. Subject to these safeguards, the Council's Tree Officer raises no objection on arboricultural grounds.

- The method of road construction to protect the RPA's proposed by Rydons makes reference to BS5837, but does not adhere to the recommendations as a whole contained within that document (as documented above).
- To say that the trees will be unharmed is an unsupported assertion, and is, at best, wishful thinking, given the paucity of supporting information demonstrating compliance with all the relevant requirements of BS5387.
- It is simply untrue to state that "*the Council's Tree Officer raises no objection on arboricultural grounds."* The MSDC tree officer has expressed concerns over the significant impact of the road on the RPA's and also the raising of the tree canopy. Their response to the planning application is not supportive, stating '*I have concerns over the impact the access road will have on the trees along the western boundary (T2 – G7). The access is narrow, which will involve constructing the access road very close to the trunks. My concerns relate to both the significant impact this is likely to have on the RPA of these trees, and also the proposed tree surgery that will need to be undertaken, which will be an ongoing commitment. Heavy reduction is likely to promote excessive regrowth which will increase the need for further pruning and consequently ongoing stress to these trees. There is significant encroachment into the RPAs of the trees along the access road. It is proposed that investigations into the presence of roots along the access should be carried out to ascertain the best construction option. A pre-commencement condition is suggested within the report, however if a suitable solution for the access road cannot be found, it would seem preferable to ascertain this in the early stages of the application*'. https://padocs.midsussex.gov.uk/PublicDocuments/00754061.pdf

- BS5837 section 7.1.2 states that *'The ability of a tree to tolerate some disturbance and alteration of its growing conditions depends on specific circumstances, including prevailing site conditions, and in general, the older the tree, the less successfully it will adapt to new conditions*'. The affected trees along the access are all mature trees.
- BS5837 section 6.1.1 sub note states that the technical design should *'include information sufficient to provide a high level of confidence in the outcome for trees retained on development sites'.* This information is lacking.
- BS5837 states that '*Any user claiming compliance with this British Standard is expected to be able to justify any course of action that deviates from its recommendations*' – no such justification has been made.

- The cumulative and significant impact of the access road (addressed above) is likely to have a detrimental impact on the trees, through damage to the RPA's and the tree canopy causing ongoing stress to the trees. The risk of their loss is irreversible and will have an impact on the amenity value and constitutes a fatal flaw in the allocation of SA29.
- The location of the trees on the boundary of the site means that there is little if any remaining area of the RPA within the site (after the access road is constructed) to compensate encroachment or provide for soil improvement of the individual RPA's affected as recommended in BS5837.
- The protection of the trees along the access is critical to the allocation of SA29, as it is the only available access to the site.
- It is for the inspector to be confident that the trees can be suitably protected for their long-term preservation.
- Should the protection of these trees not be guaranteed, then the site should be deemed inaccessible, and not allocated within the SA DPD.

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*.

- I defer to Mr. Fairweather's comments in this matter

18. AONB *– The AONB washes over the whole settlement of Horsted Keynes. Some limited growth of the settlement is important to provide affordable housing and to support the rural economy and local service, in accordance with Paragraphs 77-78 of the NPPF. The level of provision was established by Policy DP6 of the adopted Local Plan and is being put into effect by the Allocations Document. Allocation Site SA29 was assessed as having low potential for harm to the AONB and is therefore a preferred location for new housing compared to other, more sensitive, locations around the settlement. The boundary vegetation, which further reduces visual impact upon the wider AONB, will be retained. The HWAONB Unit raised no objection to the planning application or the proposed allocation. Landscape and scenic beauty interests will therefore substantially be preserved, having regard to the need for housing and the need to support the local economy*.

- It is agreed that '*Some limited growth of the settlement is important to provide affordable housing*' however it is contested that SA29 is an appropriate location for the limited growth of Horsted Keynes.

- The AONB management plan Objective FH2 aims to '*Give great weight to medieval field systems in planning decisions especially where there is a high degree of intactness and strong presence or relationship with other notable landscape and heritage features*'.
- SA29 is a medieval field system, and is 70% intact. It is abutted to the south west by other contiguous medieval field systems, and is in close proximity to the Grade II listed 'Wyatts' to the south. A plan of the Horsted Keynes medieval field systems can be seen here: https://padocs.midsussex.gov.uk/PublicDocuments/00753744.pdf
- The AONB assessed the site as having a low impact however they did not assess the potential critical damage or loss of trees on the site as part of their SHELAA / SA DPD assessment, stating in correspondence that '*The removal of trees to access site 184* (now SA29*) was not considered as part of the AONB assessment because this information was not available in the SHELAA*' (documented in my regulation 19 submission attachment 5). No AONB re-assessment has been requested as part of the SA DPD. The real threat to the trees is documented in sections above.
- It is simply untrue to state that "*The HWAONB Unit raised no objection to the planning application or the proposed allocation."* The AONB have expressed concerns, stating in response to the planning application that '*Care should be taken to ensure that these trees are not damaged by the proposed development (particularly to gain access to the site*)' https://padocs.midsussex.gov.uk/PublicDocuments/00753743.pdf

19. Other Issues *– A number of other matters were raised by Participants:-*

Density *– The gross development density proposed for the site is 26.5 dpa which is a medium to low density and is appropriate having regard to the edge of settlement location and the densities of adjoining development/character of the local area. The application proposal shows one way that this density can be achieved with suitable landscape buffers and a high quality built environment. However, densities can be achieved in a number of ways, through different housing mixes, built footprints and layout. There is nothing to suggest that the total of 30 dwellings on this site is excessive and incompatible with good quality housing, consistent with local character.*

- Horsted Keynes is a Category 3 settlement with ~450 houses, and the village is wholly within the AONB.
- SA29 is an edge of village location, on a medieval field system, that is 70% intact.
- Hamsland and Challoners (120 homes) represents over a quarter of the housing in Horsted Keynes.
- The addition of 30 homes from SA29 to the Hamsland and Challoners cul-de-sac represents a 25% increase.
- The housing density in the central Challoners block is 35dpha (See Figure A - turquoise)
- The housing on the south side of Hamsland, currently overlooking the open countryside, and directly overlooking the proposed site of SA29 has a density of 17.6dpha (dark blue), and 16.5dpha to the west of the site (yellow).
- The density of the residential curtilage of 'Milford Place' on the eastern boundary of the site (green) is 0.75dpha (1 house on 1.33ha).
- The concern is not whether the density is achievable within the site, but is the density appropriate for a medieval field system with a high degree of intactness, in the HW AONB.

- Comparison with all other greenfield sites allocated in the SA DPD, including those outside the HW AONB, show that SA29 is the site with the highest density, and I suggest this is out of character with the edge of village location of a Category 3 settlement, on a medieval field which is within the AONB.
- Other draft allocation AONB greenfield sites have densities between 13dpha and 18dpha. Even SA32, a previously developed site in the AONB has a density of only 9.4dpha.
- The density, as allocated, leaves a cramped development, overlooking neighbours and not reflecting the site location on the rural edge of a settlement within the HW AONB.

- One aspect that is unable to be accommodated, due to the cramped site, is space to contain a surface (open) sustainable SUDS system (as per the HW AONB recommendations). HW AONB Unit's comments to the planning application state '*The High Weald Housing Design Guide and the draft criteria for the policy both stipulate that open sustainable drainage systems such as ditches and ponds should be used in preference to underground storage of water. It is disappointing that this is not reflected in the design. It is recommended that this is amended by placing a pond at the lowest point of the site to provide multiple benefits to water management, wildlife and the appearance of the development*.'
  https://padocs.midsussex.gov.uk/PublicDocuments/00753743.pdf
- A change to a more sustainable SUDS solution would be demonstrating compatibility with national planning policy in NPPF 118(a) and 118(b), which stresses, in a section entitled *"Making effective use of land"* that:

  "Planning policies and decisions should:

  a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;

  b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;"….

- A second concern is whether the density of SA29 represents a suitable reduction in housing density to reflect the transition to the open countryside and the edge of settlement location in the HW AONB.
- The density reduction from Challoners (35dpha) to Hamsland (17.6dpha), through SA29 (26.5dpha), to Milford Place (0.75dpha), and to open countryside (0 dpha) does not show an appropriate regard for the edge of village location of SA29, nor a suitable transition to the open countryside (see Figure A below). A lower density development enabling a softer transition to the countryside would ensure that the development accords better with MSDC's Design Guide SPD principle DG18 which states, amongst other things, that: *"At the rural edge lower density development will normally be necessary."*
- An allocation of 12 to 15 houses on SA29 would be a density of 10.6dpha to 13.3dpha. This might be considered more appropriate, should all other substantive issues raised with regard to SA29 be resolved (such as access constraints).

- A final consideration is whether a density of 26.5dpha enables the appropriate mitigation measures to be accommodated on site that would represent a measurable net gain of biodiversity, for the loss of a 1.13ha green field site.
- To state that '*suitable landscape buffers'* exist is misleading, as inspection of the current layout in Figure B shows a minimal and inadequate buffer to the eastern boundary of the site, which should have space given over to the existing ecology, including foraging bats that use tree and hedge lines to navigate.
- The AONB comments to the planning application state '*At the eastern end of the site is an area next to a turning head marked 'Ecology Area (tussocky grassland)' and 'Calor Gas'. The area is too small to be managed effectively for ecology and appears more as an area of 'left over' space, a practice discouraged within the Design Guide*'. No updated comments have been submitted following the amendment of plans. https://padocs.midsussex.gov.uk/PublicDocuments/00753743.pdf
- The lack of space to mitigate the biodiversity loss is clearly of concern, and indicates that the housing number proposed for SA29 is too dense.

- It should be considered if the proposed density of 26.5dpha on SA29 is excessive for a medieval field system with a high degree of intactness, in the AONB. Does the density show regard for the edge of village location and an appropriate transition to neighbouring medieval fields? Does the density enable appropriate mitigation of biodiversity loss due to the development?

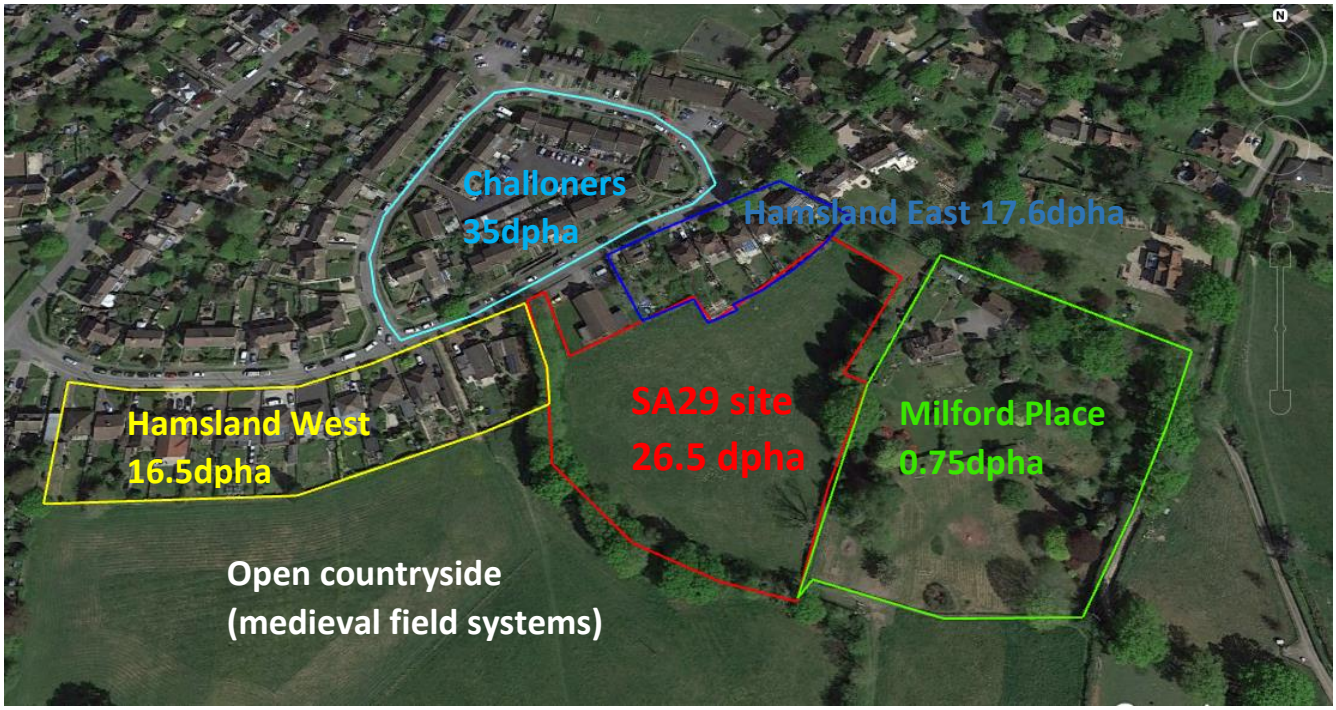

Figure A – density distribution of housing surrounding and including site SA29

Figure B – inadequate buffer to allow continued use of the tree belt and hedge line for foraging bats

Ecology *– The planning application was supported by an Ecological Appraisal. There are not considered to be any significant adverse effects on any statutory or non-statutory sites of nature conservation interest from the development proposals. Any potential impact upon the Ashdown Forest SPA and SAC can be suitably mitigated by financial contributions to established schemes of mitigation. No trees within the site were recorded as having the potential to support roosting bats. GCN are not considered to be present within the site. The site margins support a low population of Slow Worm and Common Lizards but measures to avoid any possible effect on reptiles and to provide suitable habitat post development can be put in place. No evidence of Badger setts was recorded on the site. No rare or significant flora was identified. In conclusion, through the implementation of the safeguards and recommendations set out within the Ecology Report, it is considered that the proposals accord with planning policy with regard to nature conservation at all administrative levels. In addition, it is considered that the recommendations outlined would create a net enhancement to biodiversity post development.*

- The conclusion by Rydon's that there will be '*a net enhancement to biodiversity post development'* is a pure assertion. They have shown no evidence or facts supporting this statement.
- The Ecological Appraisal presented is very <u>light touch</u>. No information on bat foraging and flight paths spanning important times of the year are included. No information on mammals using the site is available, and no hedgerow or mouse surveys have been carried out. The lack of a report does not mean that the fauna won't be impacted.
- The diversity of the site is not appropriately recorded to enable a baseline line measure to show any net gain by the plans proposed.

- A high level macro plant biodiversity survey of Constance Wood Field directly to the west of the site (denoted open countryside on Figure B) carried out over a 2 hour period by a volunteer wildflower and verges group within the village has shown 37 identifiable varieties of wildflowers, and grasses on a comparable greenfield. Several other unidentifiable species were also noted. This does not include the insects and micro fauna present.
- The revised layout of SA29 for the planning application shows ~10% of the SA29 site to be set aside for biodiversity, mostly under the tree belt on the western boundary of the site. This does not provide a similar habitat or environment for existing grassland fauna to thrive in, post development.
- The site is cramped, due to the high density being proposed in the allocation (26.5dpha). A reduction in the density would go some way provide open green space and to enable the mitigation for loss of biodiversity.
- This site is certainly a case for the monitoring of net measurable enhancement – as discussed in the hearings, but how that is monitored remains a matter of question.

Mineral Safeguarding *– Contrary to assertions made at the Examination Session, the site is not within an identified mineral safeguarding area.*

- No comment

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*.

- Currently the neighbours to the north of the site (28, 30, 32 and 34 Hamsland) overlook open countryside.
- Plots 14 to 16 of the proposed layout in the planning application are in a parallel orientation to the existing houses to the north, 28, 30, 32 and 34 Hamsland.
- The gardens of the houses to the north of the site are between 18m and 25m long.
- The length of the overlooking plots gardens are: Plot 14 = 10m; Plot 15 = 12m; Plot 16 = 14m.
- No attempt has been made to orientate the new plots oblique to the existing housing.
- The site is cramped, due to the high density being proposed in the allocation (26.5dpha). A reduction in the density would go some way to enable the mitigation for loss of amenity by neighbouring properties, enabling an oblique layout and a greater offset from neighbouring properties.

20. In conclusion this proposed allocation has been thoroughly tested to a level well beyond that normally associated with Local Plan allocations and no issue has been identified that would suggest that it is unsuitable, unsustainable or that it's inclusion would in any material way undermine the soundness of the plan. Rydon are aiming to ensure delivery of housing from the site within the early part of the plan period and they remain confident in their ability to do so.

- The pre-emptive planning application (DM/20/4692) by Rydons on SA29 has brought in to focus how 30 houses would be accommodated on SA29. It is this extra information that has enabled a realistic testing of its allocation.

- The site is constrained on several points: access safety along the western portion of Hamsland; access achievability within the site bounds; the inability to prevent irreversible damage to the trees along the access road; impact on the AONB through the proposed density of housing; and impact on the biodiversity and lack of meaningful mitigation from the high density being proposed.
- No mitigation measures for these constraints have been adequately addressed, and cumulatively they suggest the site allocation in its present form is unsuitable, unsustainable and thereby unsound.
- The inclusion of SA29 in the SADPD, and the lip service being paid by the developer to national and district policies, undermines the policies that have been put in place to limit development of this scale in the AONB.
- This document outlines how several of the key indicators for the allocation of SA29 (Appendix D) are not adhering to both national and regional policy, and as such the site should be withdrawn from the SA DPD. Should access be possible through alternative means the site density should be revised to reflect the setting and the protected AONB landscape that the site sits in.

Subnote:-

Should the inspector see fit to reduce the density of housing on SA29, or remove the site from allocation, I draw his attention back to my previous statements to the hearings, highlighting that the allocation of sites within Horsted Keynes prematurely screened-out suitable and sustainable sites at Stage 3 of the selection process.

My previous statements were:

- 1.1 Lack of due process of allocations process in Horsted Keynes,
- 2.2 Lack of use of suitable reasonable alternatives in Horsted Keynes allocations,
- 3.2 Omission of previously developed sites in Horsted Keynes and AONB allocations,
- 4.2 Use of small-scale sites in the AONB.

There is a current housing need within Horsted Keynes that could and should be met locally, rather than putting that burden on other areas in the district. If the housing need of the village is not met in this DPD, it defers fulfilling the housing need of Horsted Keynes into future district plans, post 2031, putting the existing services in the village under pressure, and restricting the local housing stock, ultimately forcing locals to leave the village in search of affordable and suitable housing elsewhere rather than enabling them to stay in their community.

Appendices:

Appendix A – H. Griffiths initial response to the Transport Statements regarding planning application DM/20/4692 https://padocs.midsussex.gov.uk/PublicDocuments/00753487.pdf

Appendix B – H. Griffiths technical challenge on the parking survey as submitted to MSDC SADPD Regulation 19 consultation, the Horsted Keynes Neighbourhood Plan Regulation14 consultation, and the planning application DM/20/4692.
https://padocs.midsussex.gov.uk/PublicDocuments/00753254.pdf

Appendix C - H. Griffiths response to the RPS technical note (re Dr Griffiths) regarding planning application DM/20/4692 https://padocs.midsussex.gov.uk/PublicDocuments/00761893.pdf

Appendix D – Summary from Sigma Planning of the SADPD assessment of key aspects of site SA29, with the elements that are under scrutiny in this note highlighted in **BOLD.**

- **low impact on the AONB**
- flood risk - no effect
- no effect on Ancient Woodland
- no effect on Designated Wildlife Sites
- less than substantial harm to the Listed Building "Wyatts" lying to the south-east
- no impact on the Horsted Keynes Conservation Area
- moderate archaeological potential – no objection subject to survey and any mitigation required
- Landscape – as AONB assessment
- **Trees – low/medium impact**
- **Local Road / Access – no impact**
- Deliverability – developable
- **Infrastructure – potential to enhance**