

# **RE MSDC SITE ALLOCATION SA29 – ST STEPHEN’S FIELD, HAMSLAND, HORSTED KEYNES**

## **AP11: Response dated August 2021 by Terry Higham to the Note to Inspector prepared by SIGMA Planning Services**

### **INTRODUCTION**

The three duly made representors who attended the hearing on 10 June 2021 regarding DPD site allocations for Horsted Keynes, namely Paul Fairweather, Helena Griffiths and myself, have agreed to make separate responses to the SIGMA Note to Inspector which as far as possible do not overlap in subject matter and thereby minimise repetition.

My own response addresses one aspect of SIGMA’s Note which is raised as part of their paragraphs 10 and 11 on Highways issues. I have highlighted in bold the statements in that Note which are challenged in this submission.

### **SIGMA STATEMENT**

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.

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.**

### **MY COMMENTS**

- **General**

In both the Hamsland Action Group’s Issue Statement 3 and in Dr Griffiths’s written

statements to the examination hearing, we challenged the first two bullet points of SIGMA's statement highlighted in paragraph 10 above, and we stand by the transport analyses referred to in those submissions, most notably Paul Fairbairn's analysis reproduced in Issue 3 – Appendix 3a. We argued that these analyses clearly demonstrate that Rydon's Transport Statement is highly unreliable and not fit for purpose in several respects.

Using the survey data underpinning Issue 3 – Appendix 3a, Mr Fairbairn has produced a new report focussing on issues under the headings of road safety and parking stress which I discuss below. Mr Fairbairn's new report is appended as 'Technical Note: Failure to provide Safe and Suitable Access to SA29'. The professional experience and qualifications equipping him for this task were briefly summarised at the start of Issue 3 – Appendix 3a. What was not highlighted in our Issue 3 statement is the fact that he approached his analysis with an open mind on the viability of SA29, as the following quotes from his submission to the MSDC SADPD Reg. 18 consultation, which pre-dated his detailed surveys by about 18 months, demonstrate:

- **Conclusion [Re SHELAA site 184]:** If, after further assessment, this site continues to be prioritised in the site allocation for development in HK, it may be that this site should be zoned for a lower density development with fewer dwellings as it is on the edge of the village, is fairly remote from the bus route by contrast with other sites in the village and has demonstrable access difficulties along Hamsland.

#### Conclusions

This is an excellent and rational process that MSDC has followed, which I support strongly. It has helped to bring home to many communities that we must all play our part in enabling sustainable development of additional much needed housing in our communities. HK has a substantial role to play in delivering our minimum residual requirement of 53 new homes over the period. I therefore believe that the Stage 3 process was unfortunately flawed in sieving to such an extent that only two sites (in effect) delivering a maximum of 55 new homes were submitted for Sustainability Appraisal at Stage 4. I do not believe that the evidence supports the exclusion of the two Jeffreys Farm sites (SHLAA 68 and 69) which I believe should still remain under active consideration and may prove to be more attractive than one or both of the currently favoured sites.

I suggest that this is a very different approach to that adopted by Rydon's 'expert' submissions in support of their SA29 application which, as argued below, I and fellow residents believe to be highly selective and self-serving assertions which are not supported by the facts. Once again, I would point out that the realities of siting a 30-home cul-de-sac off the existing 120-home cul-de-sac served by Hamsland would present a formidable challenge for any developer making proposals for this site, but that cannot excuse Rydon adopting such a misleading presentational strategy.

#### • **Road safety issues**

The aspect I wish to comment on here is our argument that Rydon's Transport Statement fails to address the most common of all residents' objections to SA29, namely that the single track stretches of Hamsland caused by on-street parking make safe access to and from the site by construction traffic frequently undeliverable and should not be exposed to an eventual increase of up to 56% in residential traffic. This is especially true of Hamsland's western section where the two bends mean that traffic entering either end of such stretches frequently cannot see whether the road ahead is clear. This leads to daily occasions when two-way traffic competes for passage. Paul Fairbairn's report in Issue 3 – Appendix 3a introduces the problem as follows:

1.2 I am conscious that many residents who are directly affected by this development will have focused understandably on qualitative objections derived from their direct experience. What strikes me in looking at some of their responses is that there is a broad acceptance that Horsted Keynes must play its part within Mid-Sussex in accommodating

new housing, but there is a recurring theme that has run through this response, as well as through many responses to the as-yet uncompleted MSDC Site Allocation DPD and HK Neighbourhood Plan processes, that a development of this scale is in the wrong place within the village, primarily due to the severe constraints of its single means of access, which would lead to intolerable impacts, in particular for the residents of Hamsland and Challoners.

With two exceptions, I will make no detailed comment on the road safety issue as Mr Fairbairn's latest report offers compelling evidence that the proposed allocation of SA29 is unsound because the supporting Transport Statement and further submissions by Rydon are flawed and unable to demonstrate compliance with NPPF para 108, West Sussex Local Transport Plan para 1.2.4, and MSDC's DP21 Transport requirements.

The first exception relates to my previous comment that construction traffic for SA29 will include heavily laden 8-9m long 2.5-2.6m wide 8-wheeler trucks, and there will inevitably be the kind of head-to-head conflicts Mr Fairbairn describes involving such vehicles with a combined width of 5.0-5.2m, most notably in Hamsland's 5.5m wide western section. It is often the case that there are no lengths of passing space available to accommodate vehicles of such size and limited manoeuvrability, and the only escape from gridlock in this section of Hamsland will necessitate one of them reversing a substantial distance either into Challoners, where cars are regularly parked on its entrance bend opposite my home, or into Lewes Road which usually has cars and vans parked on either side of the bellmouth exit from Hamsland. Local traffic can and does arrive in bunches (I have seen 4 to 5 vehicles enter Hamsland from Lewes Road in a minute) and this reality will sometimes turn such already highly hazardous situations into outright chaos.

The combined failure of Rydon, MSDC and WSCC Highways to take seriously the dangers residents have repeatedly raised is demonstrated by the total absence of proposals to mitigate these concerns, probably arising from a recognition that no cost-effective mitigation is feasible. MSDC are particularly at fault in this instance as they have ruled out the suitability of the Jeffrey's Farm brown field site (SHELAA site 68) with a housing capacity of 18 units for any development over six homes precisely because current access to it is via a single-track road. Hamsland's on-street parking converts significant stretches of it into a single-track road and therefore the same logic should apply, and yet MSDC have assessed a green field site at the eastern end of Hamsland as suitable for 30 homes.

The second exception relates to vehicles temporarily blocking Hamsland altogether. Apart from the blockages cause by waste disposal trucks making weekly (general and re-cycling waste) and fortnightly (green waste) collections, I myself have encountered an ambulance parked in the western section to attend to a patient on the north side of the road which blocked the passage of myself and other motorists to our homes deeper into the cul-de-sac, and I can testify from personal experience that such ambulance visits can last up to an hour. On that occasion, I was forced to reverse into an available space, park there, and walk home, coming back later to retrieve my car. On another occasion, I was nearly made late for a medical appointment by a tanker parked opposite my home. The driver was about to connect the fuel pipe to my neighbour's property opposite, but at my request re-stowed the pipe so he could reverse across the entrance to Challoners to enable me to pass a car parked outside my next-door neighbours. More recently, the comments of residents at no. 8 Hamsland to the MSDC Rydon's application consultation included photographs taken earlier this year of a fuel tanker making a delivery to their home which blocked the single-track road outside that address for 10-15 minutes.

These are the realities of life in Hamsland which already risk delaying attendance by emergency services and which invalidate the faux-confident assurances I have highlighted in the SIGMA Note which seem to be based on desk-top analyses of average situations. Every workable development scheme needs a contingency plan, but in this case there is none. To have had no recognition of these problems by Rydon or MSDC or Highways is both

unprofessional and unacceptable.

- **Parking stress issues**

The SIGMA Note's second bullet point places reliance on Rydon's Transport Statement (RTS) and ignores the findings of three reports filed in comments on Rydon's application by Mr Fairbairn, Pelham Transport Consulting, and Dr Griffiths. The first two independently assessed the number of parking spaces on Hamsland's northern side as 37 compared with the RTS figure of 42.

Mr Fairbairn's appended report demonstrates the unreliability of Rydon's RTS in its assessment of on-street parking demand in Hamsland and critiques its analysis which was based on survey work carried out during a holiday period in 2019 but before schools broke up. I will just add that not only was it impossible without extensive research for the surveyors to claim that the two survey dates could be extrapolated as typical situations in Hamsland but they also ignored the cul-de-sac's demographic which has a higher-than-average percentage of adults without children attending school. Such residents tend to time their holidays to avoid clashing with the noise and congestion of families going away during school holidays, so it is more than probable that the absence of the volume of parked vehicles observable at other times was due to this factor. The RTS is also at fault in using an average vehicle length without taking account of the average length of vehicles parking in Hamsland which include a higher-than-normal proportion of transit vans.

In para. 3.32 of his original report (Issue 3 – Appendix 3a), Mr Fairbairn highlighted the failure of Rydon's documentation to propose access strategies to SA29 and commented on the potentially intolerable impact construction traffic overspill onto Hamsland will have as traffic awaits access to the site. Referring to his experience of working on construction sites, one of the residents responding to the Parish Council's Reg. 14 consultation echoed this concern and warned of the inevitable and intolerable impact which on-street parking of construction traffic waiting for permission to enter the site will have on existing residents.

## **LESSONS LEARNT FROM RYDON'S APPLICATION**

In the light of detailed evidence which has been forthcoming following Rydon's application, their Transport Statement has proved to be self-serving and unreliable, and MSDC's willingness to allocate SA29 has been based on its uncritical acceptance of Rydon's support documentation and unwillingness to carry out the kind of due diligence testing which residents have been forced to undertake. In particular, SIGMA's assurances that Hamsland has no serious parking issues and that a prospective increase of up to 56% in residential traffic "will not result in any material change to the flow of traffic" in Hamsland reflect wishful thinking rather than fact.

SIGMA's Mr Hough attended the examination hearing on Rydon's behalf. In reading our three responses to his Note to Inspector, I am struck by their compelling evidence that some of his statements to the Inspector, which included a hubristic assurance that he could rely on Rydon's 'professionals' and ignore 'lay assertions', were misleading to the point of recklessness, especially the fanciful claim repeated in his Note's para. 10 that the C1 trees to be removed to enable the bell-mouth access to be formed grow on land under Rydon's or Highways' control when anyone standing on the Highways footpath next to them can see they do not. This demonstrates that it is Rydon, not residents, that has relied on 'assertions' and presented factual errors. By contrast, it is the residents' evidence-based responses that have set out compelling facts in a professional manner with reference to applicable policy at national, county and district level to make the case that the allocation of SA29 is unsound.

## **GENERAL CONCLUSION REGARDING DRAFT ALLOCATION OF SA29**

It is clear from its responses to residents' objections in both Reg. 18 and Reg. 19 consultations that MSDC have collaborated with and relied upon Rydon Homes in

developing its SA29 policy and even quoted Rydon's support documentation such as the RTS in response to such objections. Its uncritical acceptance of reports paid for by a far from disinterested developer in support of a prospective planning application is well illustrated in the RTS because the survey of traffic flow and parking conditions on which it was based was carried out in the second half of July 2019.

**The most basic common-sense dictates that a no such survey conducted in the main holiday period from July to September could ever claim to find the representative traffic and parking conditions essential for its validity. Selecting such survey dates opens the developer to the charge of deliberately seeking to mislead not only the community involved but also the local planning authority and the county's Highways Department. Under well-respected guidance for this type of survey, the July to September period should be ruled out as it is known to be unrepresentative of typical conditions. That both MSDC's Planning Dept. and WSCC Highways should have failed to undertake basic due diligence tests to avoid being so misled and then gone on to base their assessment of whether safe and secure access to the prospective site was available on this fundamentally flawed approach makes a mockery of the "thorough and robust" claim made by MSDC on behalf of its 2020 SADPD.**