

## Main Modification 20 - Index by ID Number

<b>ID</b>	<b>ResponseRef</b>	<b>Name</b>	<b>Organisation</b>	<b>On Behalf Of</b>
680	680/1/MM20	Michaela Frost	Horsted Keynes Parish Council	
710	710/1/MM20	Richard Cobb	Natural England	
1025	1025/1/MM20	Helena Griffiths		
1370	1370/1/MM20	Terry Higham	Hamsland Action Group	

## Site Allocations DPD: Main Modifications Response

### Main Modification: MM20

**ID:** 6800  
**Response Ref:** 680/1/MM20  
**Respondent:** Michaela Frost  
**Organisation:** Horsted Keynes Parish Council  
**On Behalf Of:**

**From:** Horsted Keynes PC [REDACTED]  
**Sent:** 24 January 2022 13:44  
**To:** Policy Consultation  
**Subject:** MM10, MM11 and MM20

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Please see below the response from Horsted Keynes Parish Council with regard to the DPD Main Modification Site Allocations Consultation. I believe there was a deadline of this evening to complete a response.

**Horsted Keynes Parish Council strongly supports the proposed changes to MM10, MM11 and MM20 as published in the Main Modifications to the Site Allocations DPD document. The Parish Council would welcome the inclusion of BS 5837 in respect of protection of trees. Horsted Keynes Parish Council would further request that a requirement is placed upon the Developer to demonstrate MM20.**

Please can you confirm that you have received this email and that you do not require anything further from the Parish Council.

Kind Regards

Michaela Frost

Clerk  
Horsted Keynes Parish Council

Address: [REDACTED]

[REDACTED]  
[REDACTED]  
website: [www.horstedkeynesparishcouncil.com](http://www.horstedkeynesparishcouncil.com)

**710**

## Site Allocations DPD: Main Modifications Response

**Main Modification:** MM20

**ID:** 7100  
**Response Ref:** 710/1/MM20  
**Respondent:** Richard Cobb  
**Organisation:** Natural England  
**On Behalf Of:**



**From:** Cobb, Richard [REDACTED]  
**Sent:** 17 January 2022 15:41  
**To:** Policy Consultation  
**Subject:** Mid Sussex District Council Site Allocations DPD: Main Modifications Consultation - 375995  
**Attachments:** Natural England\_Mid Sussex Site allocations main modifications\_375995.pdf

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Dear Planning Policy Team,

Thank you for your consultation. Please see our response attached.

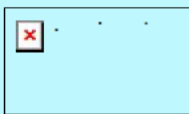
Kind regards  
Richard

Richard Cobb  
Senior Adviser | Sustainable Development  
Natural England | Sussex and Kent  
[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

Thriving Nature  
for people and planet

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**From:** Planning Policy - Mid Sussex District Council  
<[planning.policy.mid.sussex.district.council@notifications.service.gov.uk](mailto:planning.policy.mid.sussex.district.council@notifications.service.gov.uk)>  
**Sent:** 29 November 2021 15:00  
**To:** SM-NE-Consultations (NE) <[consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)>  
**Subject:** Mid Sussex District Council Site Allocations DPD: Main Modifications Consultation



## Mid Sussex District Council – Planning Policy

29th November 2021

# Site Allocations DPD: Main Modifications Consultation

Following hearing sessions held in June 2021, the Planning Inspector appointed to examine the Council's Site Allocations DPD has suggested modifications, which will now be subject to consultation.

The role of the Sites DPD is to set out how the Council plans to meet the District's outstanding housing and employment needs up to 2031. The Sites DPD recommends 22 housing and 7 employment sites at locations across Mid Sussex, plus a Science and Technology Park.

The independent Inspector appointed by the Secretary of State held hearing sessions in June 2021 and heard evidence from all interested parties. Following this the Inspector is suggesting a small number of modifications to the Sites DPD to ensure it meets legal and soundness requirements.

The proposed modifications are now subject to consultation which will run for 8-weeks from 29th November 2021 until 24th January 2022.

The schedule of Main Modifications and accompanying documents are available online at [www.midsussex.gov.uk/SitesDPD](http://www.midsussex.gov.uk/SitesDPD). The website also provides details on how to respond to the consultation.

Note that comments must be focussed only on the suggested modifications, which are put forward without prejudice to the Inspector's final conclusions. All representations will be taken into account by the Inspector who will aim to provide his final report for consideration by Council early in the new year.

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You are receiving this email because you are a statutory consultee, provided comments to the consultation on the document above, or have signed up to receive Planning Policy

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Date: 17 January 2022  
Our ref: 375995  
Your ref:



Planning Policy – Mid Sussex District Council,  
Oaklands,  
Oaklands Road,  
Haywards Heath,  
RH16 1SS

[policyconsultation@midsussex.gov.uk](mailto:policyconsultation@midsussex.gov.uk)

**BY EMAIL ONLY**

Dear Planning Policy Team,

**Site Allocations DPD: Main Modifications Consultation**

Thank you for your consultation on the above dated 29<sup>th</sup> of November which was received by Natural England on the same date.

**Overarching comments**

We welcome the stronger policy wording for environmental and landscape protection and enhancement that has been added throughout the main modifications including:

- The changes outlined in MM1 that make the allocation more sensitive to the High Weald AONB in terms of scale and design
- The reference to conserving and enhancing landscape and scenic beauty of the AONB, National Park and their settings (e.g. MM4, MM5, MM6, MM7, MM8, MM9, MM10, MM11, MM14)
- The greater emphasis on protecting and enhancing biodiversity and meeting Biodiversity Net Gain (BNG) (e.g. MM13, MM14, Appendix 1: MM5)
- The retention of trees (MM20) to recognise their important contribution to urban environments in line with the NPPF.
- The strengthening of the SANG policy within MM22 regarding management and monitoring to help ensure effectiveness

**Appendix 1: MM15 comments**

We support the proposed addition to Site Allocations DPD Appendix B regarding biodiversity net gain which we are pleased to see addresses our Regulation 19 consultation feedback made 28<sup>th</sup> September 2020 (Our ref 324095). This is an important part of ensuring the benefits of BNG are delivered in practice. Since the Regulation 19 consultation was developed, guidance regarding BNG has advanced so we would now like to take the opportunity to advise that the following additions to this appendix table should also be made:

- All BNG indicators and targets should be monitored in line with good practice guidance from Defra/Natural England regarding BNG and the Biodiversity Metric 3.0, as appropriate. For example, the indicator 'Maximise the

biodiversity units gained' is welcome but should also ensure that appropriate habitat is created or enhanced based on the local context of the site. There should be a clear reference to relevant supplementary planning documents to ensure that wider good practice guidance is followed when delivering, reporting and monitoring BNG. We remain committed to working with the Council to develop supplementary guidance that reflects our latest advice.

- As well as a measurable BNG target (10% or higher), the appendix should reflect other requirements from the Environment Act including 1) the need for developers to submit a BNG Plan for Council approval 2) habitat sites considered as part of BNG calculations will need to be secured for at least 30 years and 3) details will need to be uploaded onto the national register once this is available to ensure there is a robust and transparent record of BNG plans and contributions.

Please see these FAQs for helpful guidance regarding BNG:

<https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain/biodiversity-net-gain-faqs-frequently-asked-questions>

We are committed to working with the Council to help ensure the best possible outcomes for people and the environment. For any queries relating to the specific advice in this letter only please contact Richard Cobb at [Richard.cobb@naturalengland.org.uk](mailto:Richard.cobb@naturalengland.org.uk). For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Richard Cobb  
Senior Adviser  
Sussex and Kent Area Team

**1025**

## Site Allocations DPD: Main Modifications Response

**Main Modification:** MM20

**ID:** 10250

**Response Ref:** 1025/1/MM20

**Respondent:** Helena Griffiths

**Organisation:**

**On Behalf Of:**

**From:** Helena Griffiths Colin's Field Camping [REDACTED]  
**Sent:** 19 January 2022 16:20  
**To:** Policy Consultation  
**Subject:** Representation on MM20

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Response from Helena Griffiths to the SADPD consultation of the inspectors Main Modifications.

19/1/22

### **MM20**

*Modify policy SA29: Land South of St Stephens Church, Hamsland, Horsted Keynes, for 30 dwellings, as follows:*

*Under Highways and Access: Delete first bullet point and insert:*

- *Safe and convenient pedestrian and vehicular access needs to be secured, in accordance with Manual for Streets (MfS) to enable (a) satisfactory access by waste collection vehicles and emergency services vehicles; and (b) safe and convenient pedestrian access, both along Hamsland and into the proposed development.*

*Under Biodiversity and Green Infrastructure: Add new bullet point:*

- *Ensure adequate protection of the existing trees along the site boundary.*

### **Representation:**

I am strongly supportive of the inspectors' additions on highway safety and biodiversity to the SA29 policy, noted above.

I request that it is considered, to further strengthen the policy modification on Biodiversity, by citing the document that should be used to 'Ensure adequate protection of the existing trees along the site boundary', BS 5837, The British Standard "*Trees in Relation to Design, Demolition and Construction to Construction - Recommendations*".

A suggested change to the policy could read:

- Ensure adequate protection of the existing trees along the site boundary, in accordance with BS 5837, The British Standard "*Trees in Relation to Design, Demolition and Construction to Construction - Recommendations*".

**1370**

## Site Allocations DPD: Main Modifications Response

**Main Modification:** MM20

**ID:** 13700  
**Response Ref:** 1370/1/MM20  
**Respondent:** Terry Higham  
**Organisation:** Hamsland Action Group  
**On Behalf Of:**



[REDACTED]

---

**From:** Terry Higham [REDACTED]  
**Sent:** 22 January 2022 20:00  
**To:** Policy Consultation  
**Subject:** MSDC consultation on Inspector's Main Modifications to SADPD re SA29  
**Attachments:** MSDC Consultation on Inspector's Main Mods Nov 2021.docx; DM-20-4692 - Swept Path Analyses and Landholding\_v2.pdf

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To whom it may concern:

The attached document is a submission on behalf of the Hamsland Action Group. A further attachment subtitled 'Swept Path Analysis ...' is referred to in the text of the main document.

Please acknowledge receipt.

Thank you.

Terry Higham

DM/20/4692  
Land behind St Stephen's Church,  
Hamsland, Horsted Keynes

Review of Swept Path Analyses and Landholding – Rev 2

(Updated for and to reflect new material posted in Planning Application domain)

# SADPD Main Modifications Document

## SA29 – Land south of St Stephen’s Church, Hamsland, HK

- Stronger Highways and Access policy stipulations added by Inspector to ensure serious concerns raised in the Examination about both Hamsland and the site access are addressed robustly in the Planning Application:

~~*“Access is to be provided from Hamsland. Detailed access arrangements will need to be investigated further.”*~~

Deleted and replaced by:

*“Safe and convenient pedestrian and vehicular access needs to be secured, in accordance with Manual for Streets (MfS) to enable (a) satisfactory access by waste collection vehicles and emergency services vehicles; and (b) safe and convenient pedestrian access, both along Hamsland and into the proposed development.”*

# Purpose of this Document

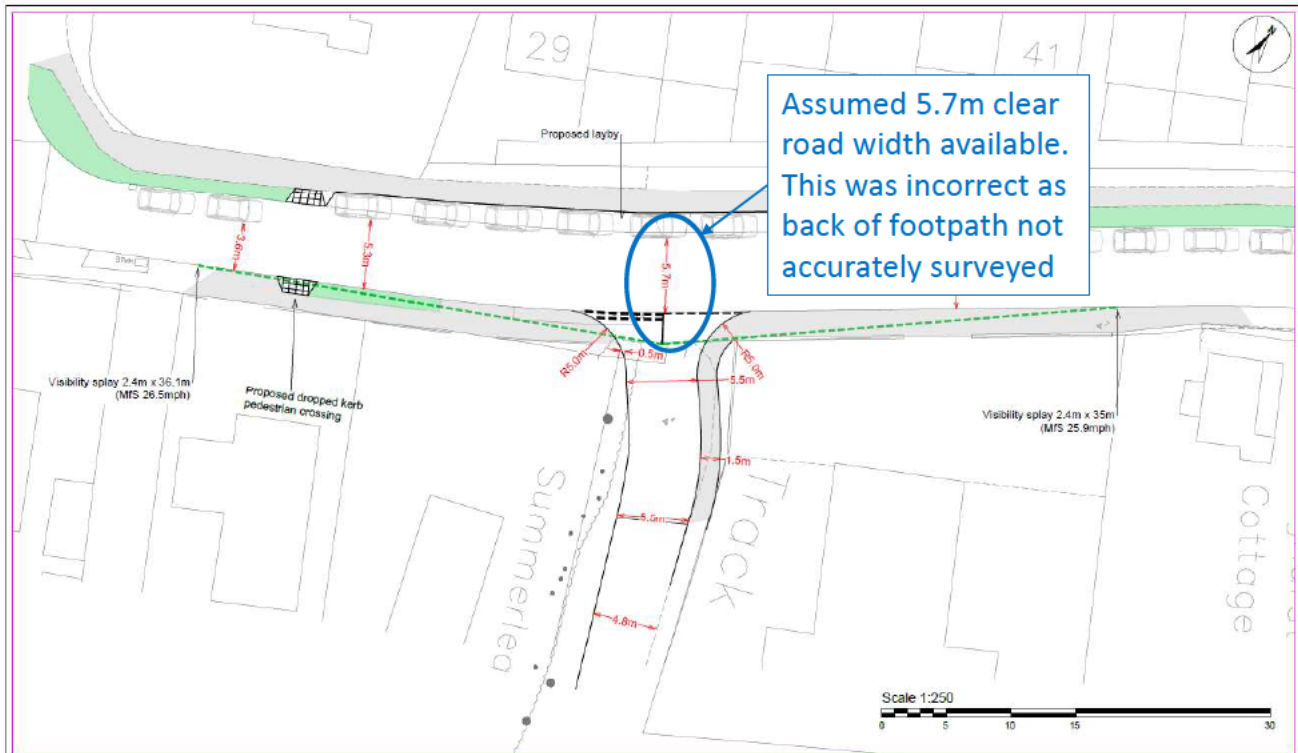
- Updated RPS Technical Note JNY10084-08 was submitted by Rydon to the Planning Application on 26<sup>th</sup> August 2021 (posted c. 16<sup>th</sup> December 2021). It corrects one gross inaccuracy (amongst others) pointed out in their access drawings, which has reduced the available road width on Hamsland opposite the site entrance by 0.3m
- This document tests:
  - the new swept path analyses provided - ***and demonstrates that the reference refuse vehicle cannot comply with the new Policy wording.***
  - whether vehicular access to the site can be provided on land within Rydon's control, and whilst enabling safe access for pedestrians, as stipulated by the new Policy - ***it demonstrates that Rydon does not control the land that it needs to achieve this.***
- NOTE: This document focuses on the site entrance and does not test a further key issue which is expressly required to be given due consideration in draft policy SA29, namely "*Safe and convenient pedestrian and vehicular access ...along Hamsland..*" This is a further significant concern, which is addressed fully in Paul Fairbairn, Hamsland Car Parking Review, posted to Planning Application website Associated Documents on 09/07/2021


# Swept Path Analyses

Reference Waste Collection Vehicle

# Original Site Access Layout: Rev A, Apr19

(Source: Transport Statement JNY10084-03, 10 December 2019)



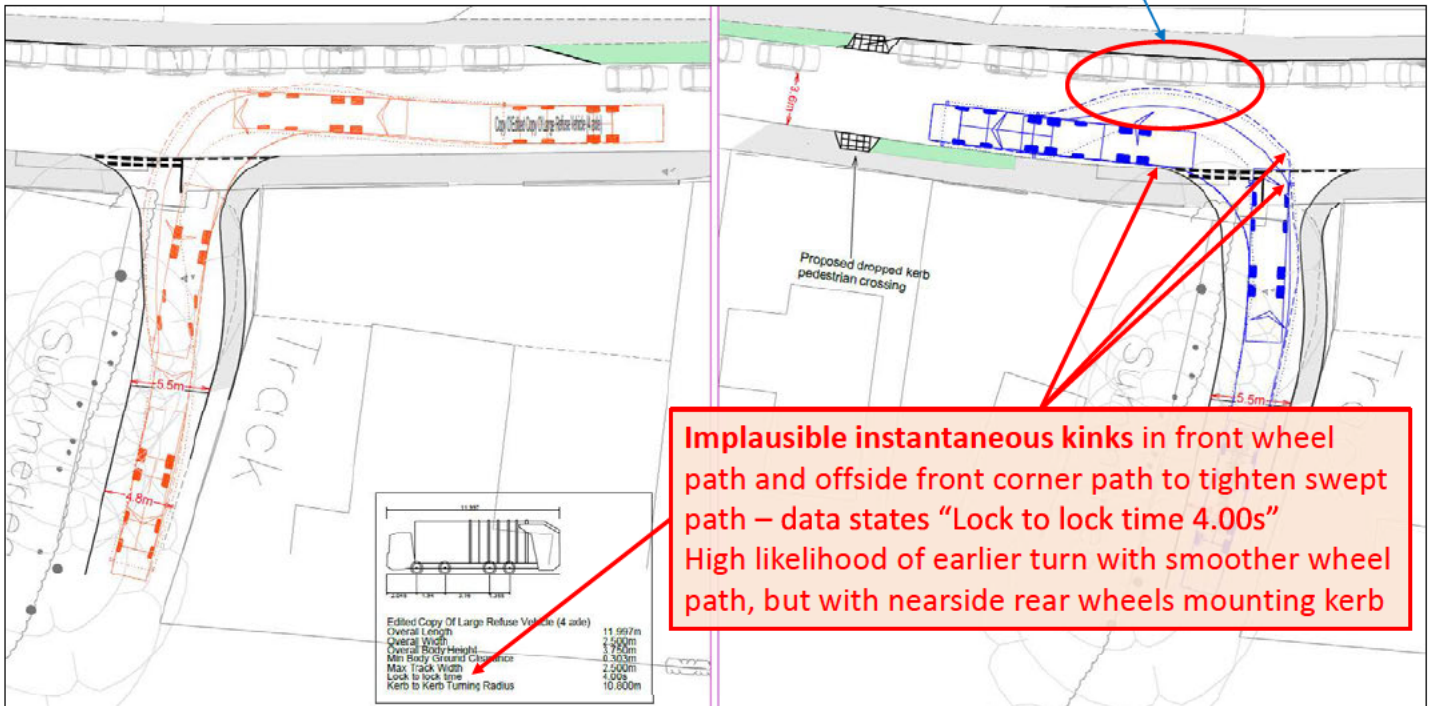
 <p>145 London Wall, London, EC2Y 5DH T: +44(0)20 7290 3000 E: rps@rpsgroup.com</p>	<p>Client <b>Rydon Homes Ltd</b></p> <p>Project <b>St Stephens Fields, Horsted Keynes</b></p> <p>Title <b>Proposed Site Access Visibility Splay</b></p>	<p>© 2019 RPS Group</p> <p><b>NOTES</b></p> <p>1. This drawing has been prepared in accordance with the scope of RPS's appointment with its client and is subject to the terms and conditions of that appointment. RPS accepts no liability for any use of this document other than by its client and only for the purpose for which it was prepared and provided.</p> <p>2. If reviewed electronically it is the recipient's responsibility to print in correct scale. Only written dimensions should be used.</p> <p>3. This drawing is to be read in conjunction with all relevant scheme drawings.</p>	<p>status <b>PRELIMINARY</b></p> <p>Project Number <b>JNY10084</b></p> <p>RPS drawing/revision number <b>JNY10084-03</b></p> <p>rpsgroup.com</p>	<p>Drawn By <b>AJ</b></p> <p>Scale @ A3 <b>1:250</b></p> <p>Date Created <b>April 2018</b></p> <p>PM/Checked by <b>MRA</b></p> <p>Date Created <b>April 2018</b></p> <p>RSU <b>A</b></p>							
	<table border="1"> <thead> <tr> <th>A</th> <th>Description</th> <th>By</th> <th>DD</th> <th>Drawn</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	A	Description	By	DD	Drawn					
A	Description	By	DD	Drawn							

# Original Swept Path Analysis: Rev A, Apr 19

(Source: Transport Statement JNY10084-03, 10<sup>th</sup> December 2019)

Only two of four manoeuvres shown in Transport Statement. Onerous right turn out not shown

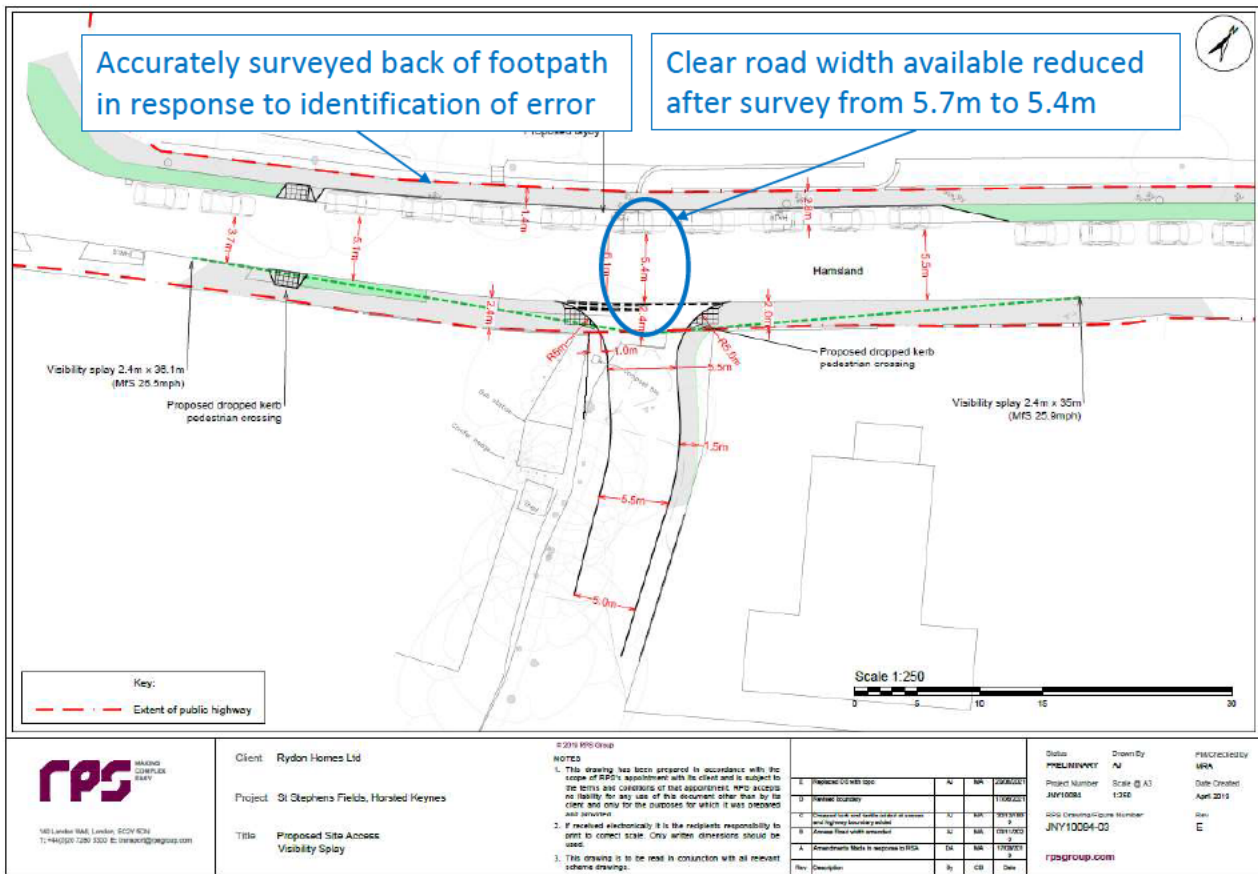
Tight but appears to just fit within assumed 5.7m clear road width, albeit see caveat in box below



Implausible instantaneous kinks in front wheel path and offside front corner path to tighten swept path – data states “Lock to lock time 4.00s”  
High likelihood of earlier turn with smoother wheel path, but with nearside rear wheels mounting kerb

# Latest Site Access Layout: Rev E, Aug 2021

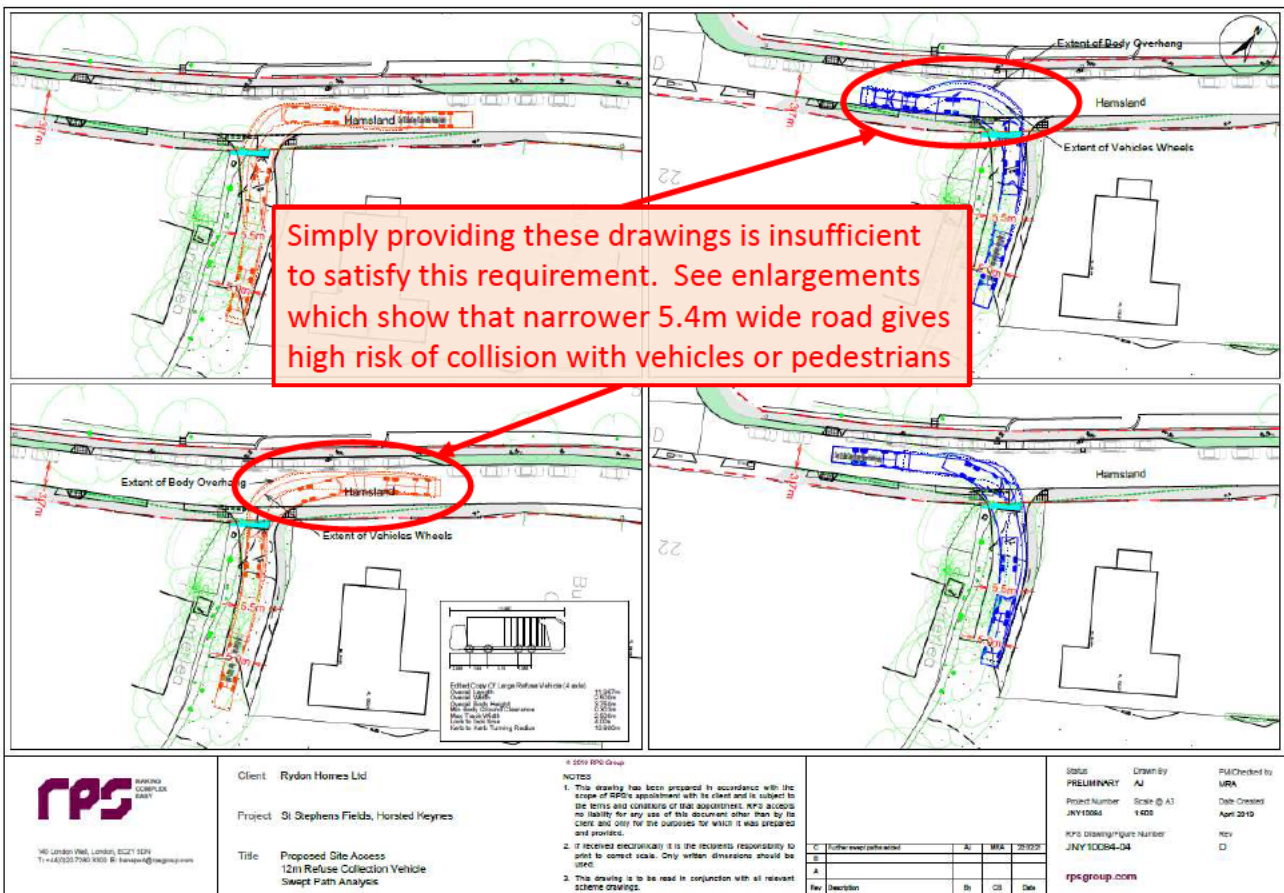
(Source: Technical Note JNY10084-08, 26<sup>th</sup> August 2021)





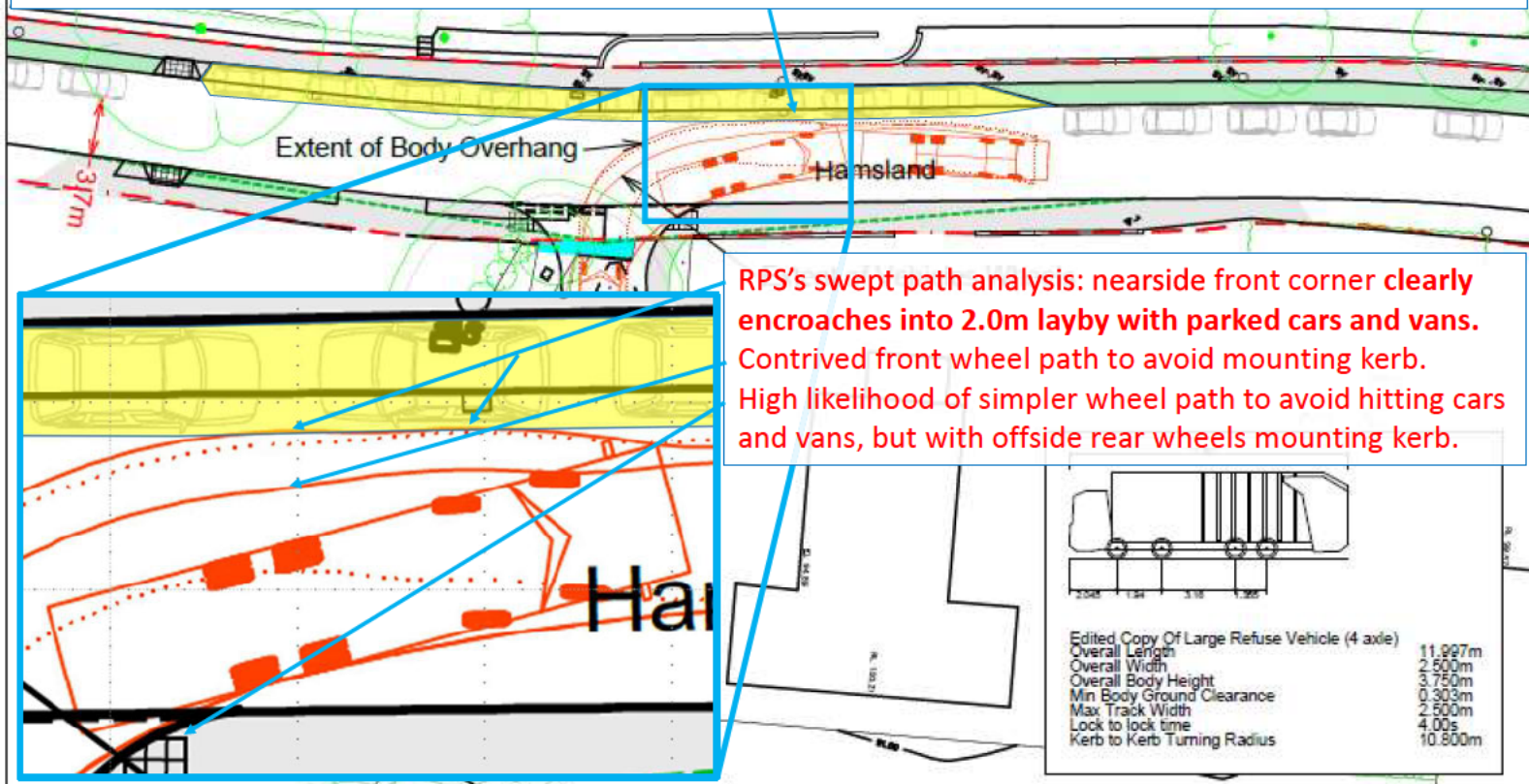
# Latest Swept Path Analysis: Rev D, Aug 2021

(Source: Technical Note JNY10084-08, 26<sup>th</sup> August 2021)

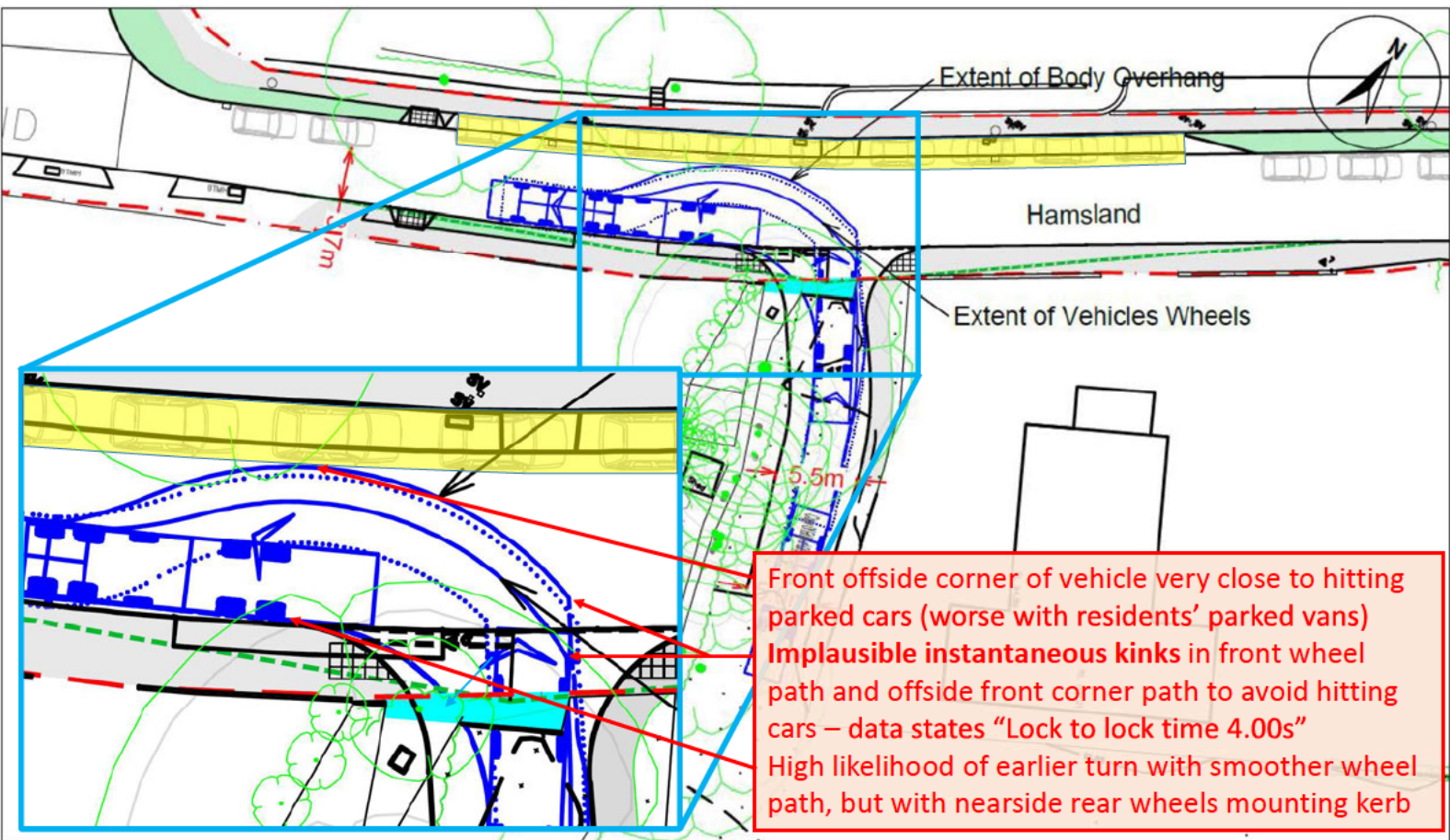


# Rev D Swept Path Detail: Right Turn Out

Yellow tone shows MfS 2.0m layby zone - wing mirrors of parked cars can be anywhere within this zone.  
*Note: several residents here own wider work/camper vans which for many years have been parked in this area*



# Rev D Swept Path Detail: Left Turn Out



## Swept Paths - Conclusion

- With reduced road width of 5.4m, the swept paths *do not work* for left hand and right hand turn out of site by reference waste collection vehicle.
- High likelihood that *parked cars and vans will be struck* and/or that rear wheels of the waste collection vehicle *will track up* onto the inner pavement.
- This does not comply with more robust draft policy SA29:

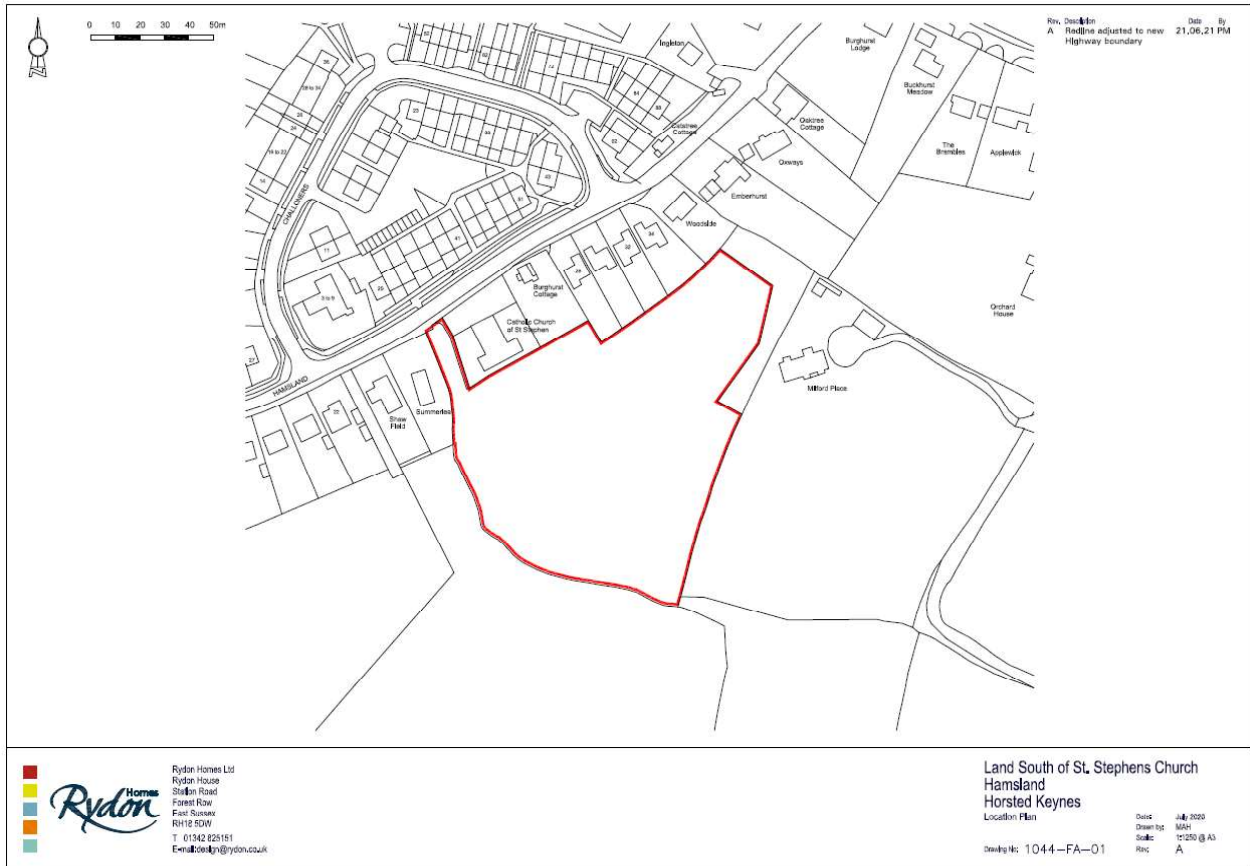
*“Safe and convenient pedestrian and vehicular access needs to be secured, in accordance with Manual for Streets (MfS) to enable (a) satisfactory access by waste collection vehicles and emergency services vehicles; and (b) safe and convenient pedestrian access, both along Hamsland and into the proposed development.”*



Landholding

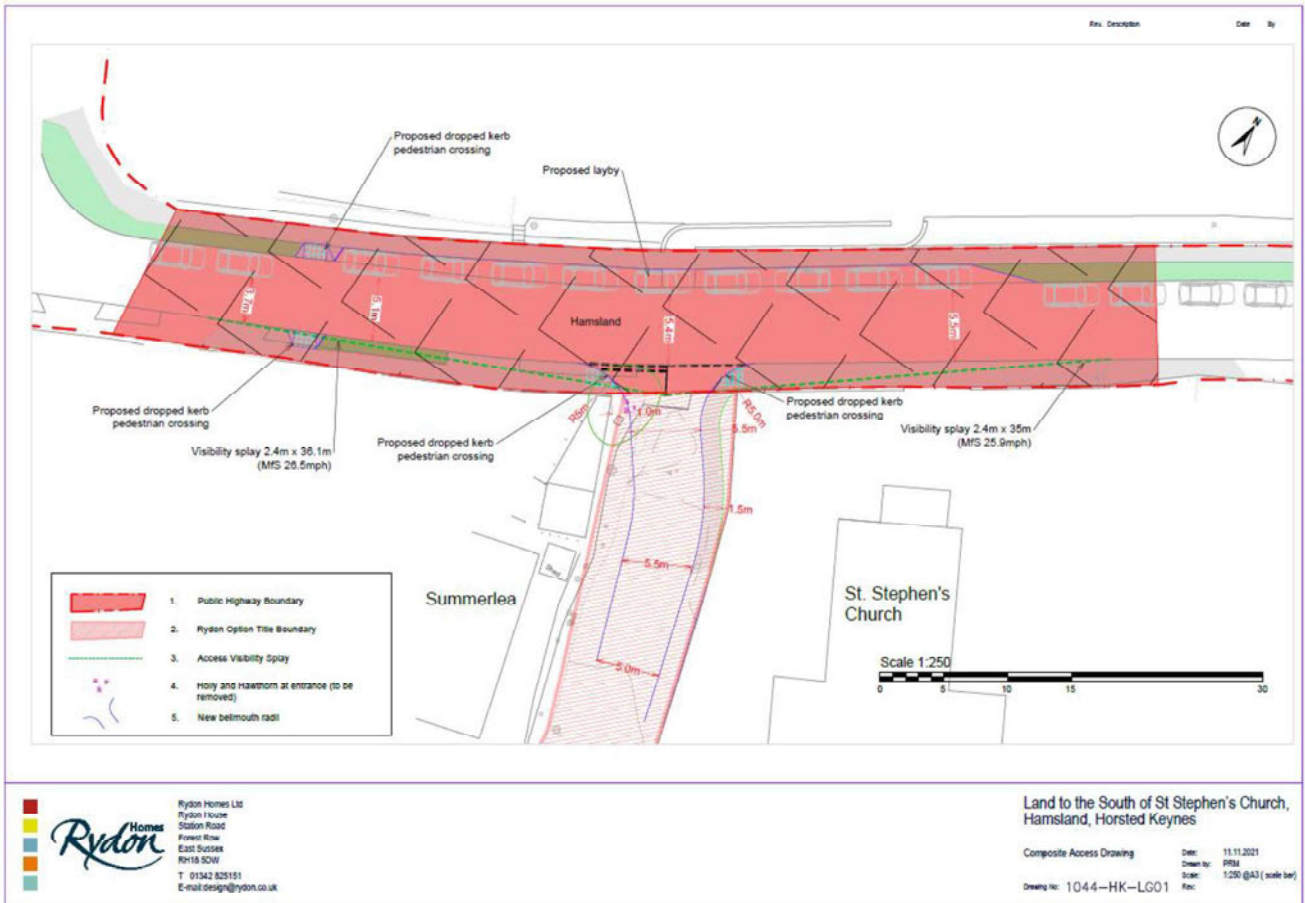
# Rydon Landholding Red Line Boundary

(Source: Rydon Location Plan, 1044-FA-01, Rev A, Uploaded to Planning Application 23/06/2021)



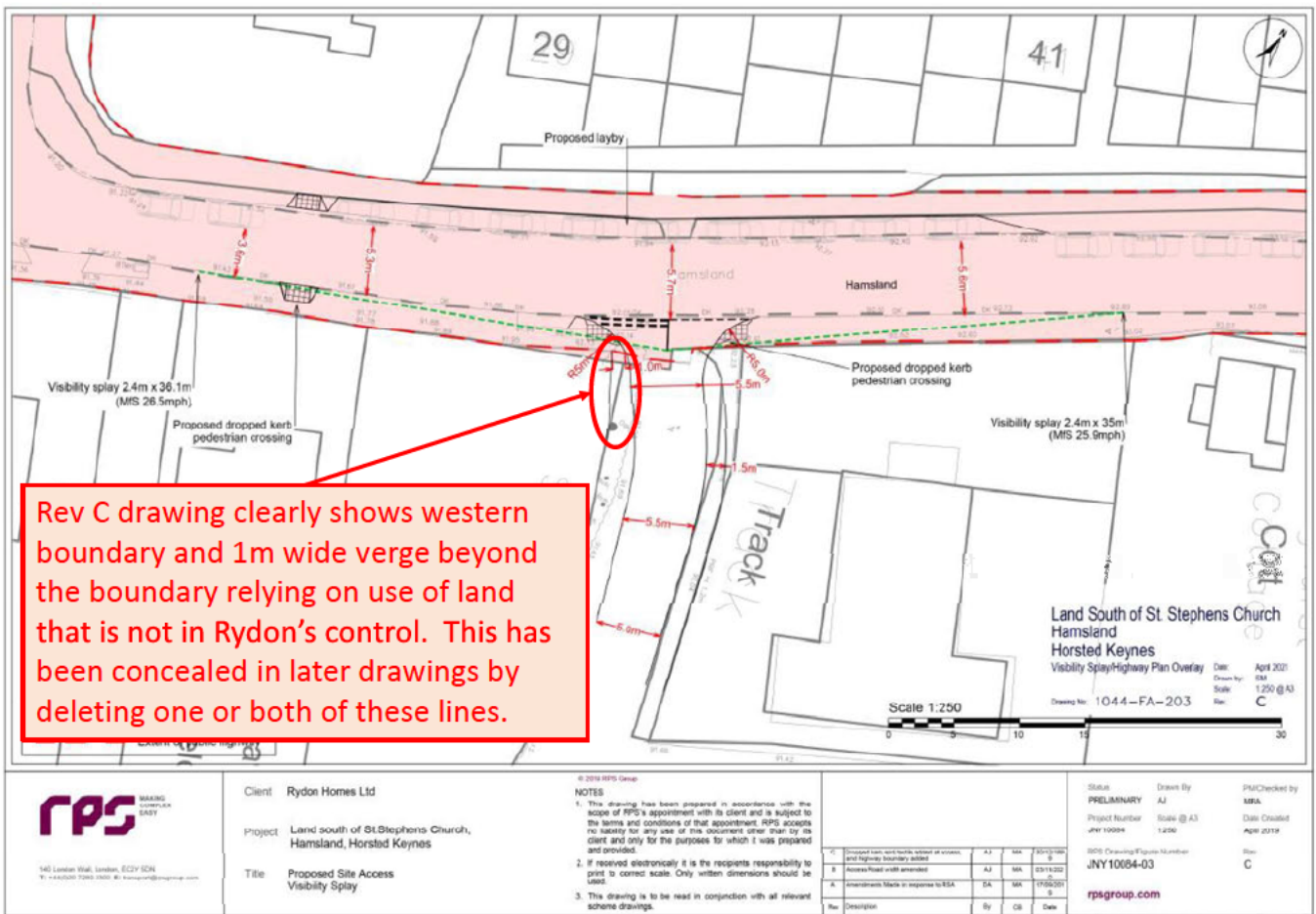
# Rydon Composite Access Drawing

(Source: Rydon Drawing 1044-HK-LG01, Uploaded 11/11/2021, Posted c. 16/12/2021)



# Planning Application 'Latest Plan'

(Source: Proposed Site Access Plan, 1044-FA-203, Rev C, Uploaded 08/06/2021)



Rev C drawing clearly shows western boundary and 1m wide verge beyond the boundary relying on use of land that is not in Rydon's control. This has been concealed in later drawings by deleting one or both of these lines.



140 London Wall, London, EC2Y 5DH  
Tel: +44(0)20 7324 4000. Email: rps@rpsgroup.com

**Client** Rydon Homes Ltd  
**Project** Land south of St. Stephens Church, Hamsland, Horsted Keynes  
**Title** Proposed Site Access Visibility Splay

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3. This drawing is to be read in conjunction with all relevant scheme drawings.

Rev	Description	By	CB	Date
1	Original plan with kerb, island of access, and highway boundary added	AJ	MA	20/11/2019
2	Access Point with amended	AJ	MA	03/11/2021
3	Amendments Made in response to EIA	EA	MA	19/02/2021
4				

**Status** PRELIMINARY  
**Drawn By** AJ  
**Project Number** JNY 10084  
**Scale** @ A3  
**1:250**  
**2020 Drawing/Revision Number** JNY10084-03  
**rpsgroup.com**

**Drawn By** AJ  
**Scale** @ A3  
**1:250**

**Proj Checked by** MEA  
**Date Created** April 2019  
**Rev** C



# WSCC Highways Landholding Concern

(Source: WSCC Highways Consultation Responses: 14/06/2021 and 25/06/2021)

14<sup>th</sup> June 2021:

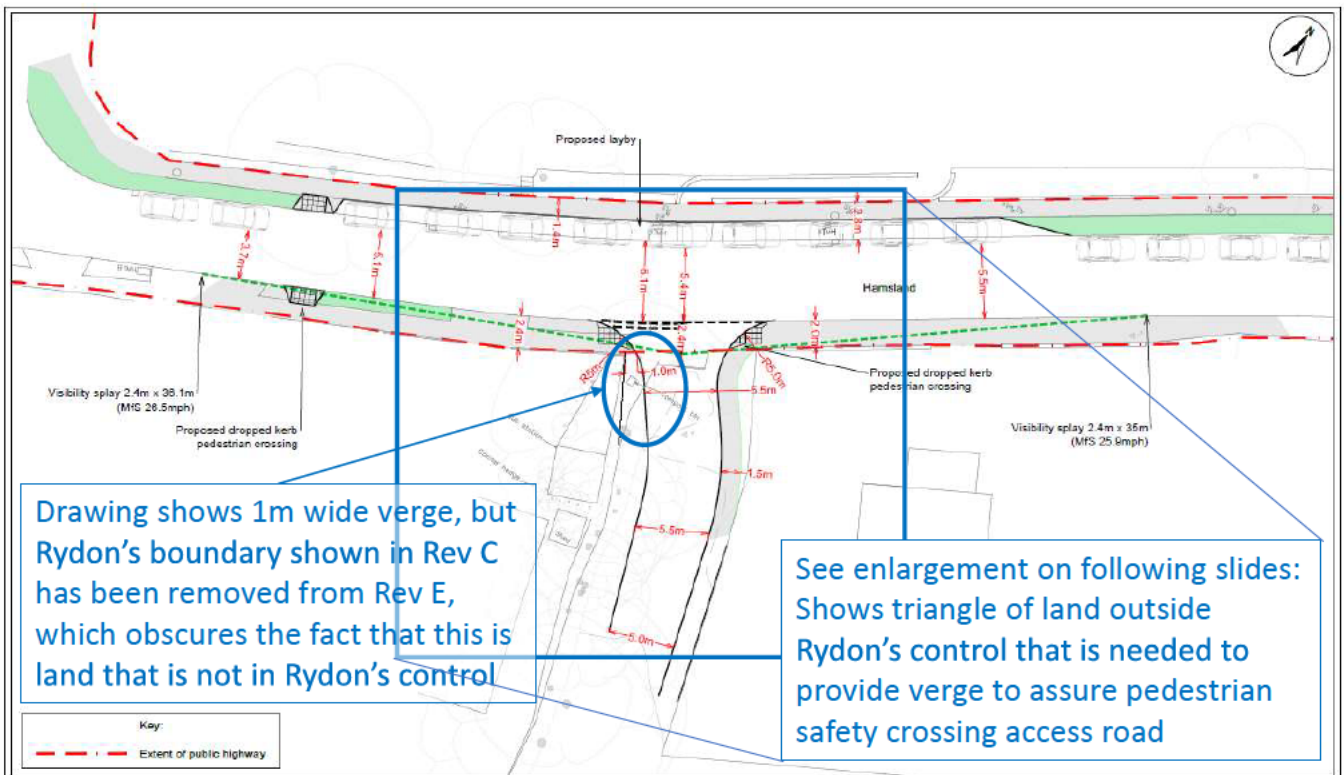
“Regards the highway boundary I understand this has been slightly amended by our land charges dept. to reflect the width of footway on the ground. The red edge previously provided is therefore incorrect as there appears to be a small section that is in third party land. *If the applicant does have rights over this it needs to be indicated on the plans to provide the access and splays.* If the splays can be provided in highway boundary only this needs to be clearly shown but the full width of access route will still be needed to provide the access/road to site. We would likely take 2m ‘X’ distance for visibility splays here but the red edge still needs addressing to be able to provide the access.”

25<sup>th</sup> June 2021:

“The amended plan now shows tactile/dropped kerb point across site access. As per email comments sent to the Local Planning Authority on 14 June 2021, the red line edge of site should be amended following updated highway boundary information. *It should be demonstrated that the proposed access and visibility splays can be delivered without third party land.*”

# Latest Site Access Layout: Rev E, Aug 2021

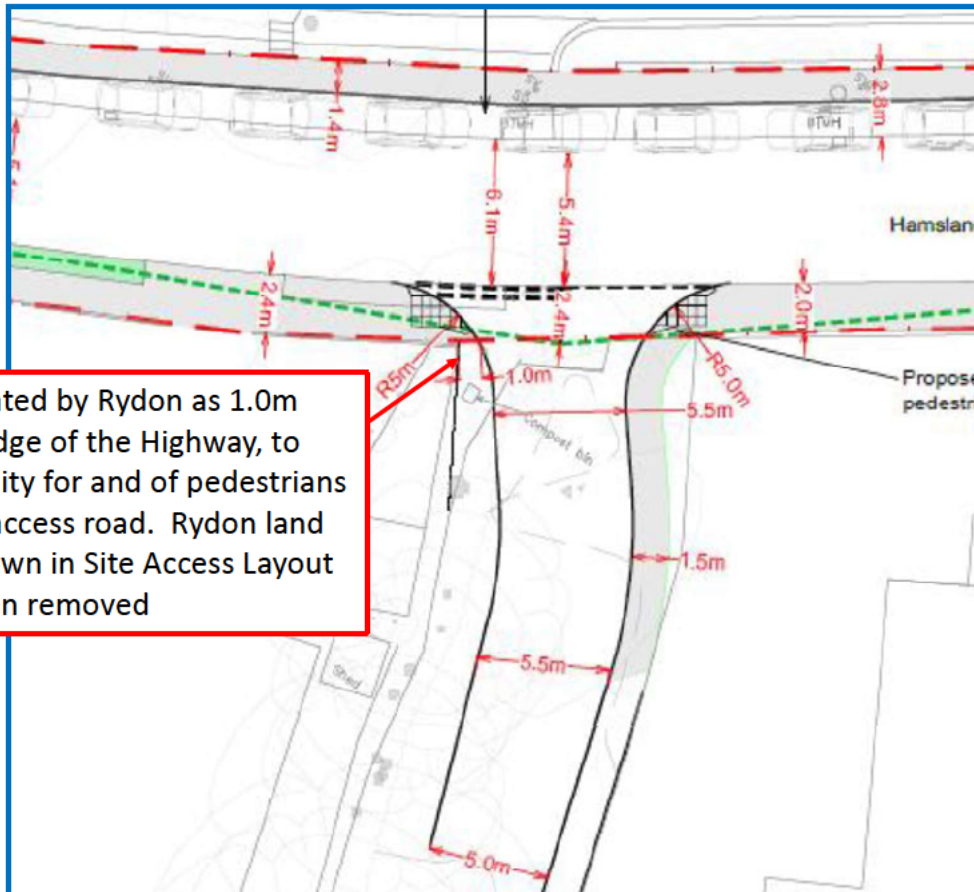
(Source: Access Technical Note JNY10084-08, Uploaded 26/08/2021, Posted c.16/12/2021)



<p>140 Lombard Street, London, EC2M 5JH T: +44(0)20 7290 3000 E: info@rps.com</p>	<p>Client: Rydon Homes Ltd</p> <p>Project: St Stephens Fields, Horsted Keynes</p> <p>Title: Proposed Site Access Visibility Splay</p>	<p>© 2019 RPS Group</p> <p><b>NOTES</b></p> <p>1. This drawing has been prepared in accordance with the scope of RPS's appointment with its client and is subject to the terms and conditions of that appointment. RPS accepts no liability for any use of this document other than by its client, and only for the purposes for which it was prepared and provided.</p> <p>2. If received electronically it is the recipient's responsibility to print to correct scale. Only written dimensions should be used.</p> <p>3. This drawing is to be read in conjunction with all relevant scheme drawings.</p>	<table border="1"> <tr> <td>1</td> <td>Revised O2 with issue</td> <td>AJ</td> <td>NA</td> <td>20/08/2021</td> </tr> <tr> <td>2</td> <td>Final boundary</td> <td>AJ</td> <td>NA</td> <td>19/08/2021</td> </tr> <tr> <td>3</td> <td>Proposed kerb and kerbside width at access and signage boundary marked</td> <td>AJ</td> <td>NA</td> <td>30/07/2021</td> </tr> <tr> <td>4</td> <td>Access Road with entrance</td> <td>AJ</td> <td>NA</td> <td>03/07/2021</td> </tr> <tr> <td>A</td> <td>Access Road Mark in yellow in FIGA</td> <td>DA</td> <td>NA</td> <td>17/08/2021</td> </tr> <tr> <td>Rev</td> <td>Drawings</td> <td>SA</td> <td>CS</td> <td>Issue</td> </tr> </table>	1	Revised O2 with issue	AJ	NA	20/08/2021	2	Final boundary	AJ	NA	19/08/2021	3	Proposed kerb and kerbside width at access and signage boundary marked	AJ	NA	30/07/2021	4	Access Road with entrance	AJ	NA	03/07/2021	A	Access Road Mark in yellow in FIGA	DA	NA	17/08/2021	Rev	Drawings	SA	CS	Issue	<p>Status: <b>PRELIMINARY</b></p> <p>Project Number: JNY10084</p> <p>RPS Drawing/Figure Number: JNY10084-03</p> <p>rpsgroup.com</p>	<p>Drawn By: AJ</p> <p>Quoted @ A3: 1/24th</p> <p>RPS Drawing/Figure Number: JNY10084-03</p> <p>rpsgroup.com</p>	<p>PLM/Checked by: MRA</p> <p>Date Created: April 2019</p> <p>Rev: E</p>
	1	Revised O2 with issue	AJ	NA	20/08/2021																															
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A	Access Road Mark in yellow in FIGA	DA	NA	17/08/2021																																
Rev	Drawings	SA	CS	Issue																																

# Extract: Site Access Layout: Rev E, Aug 2021

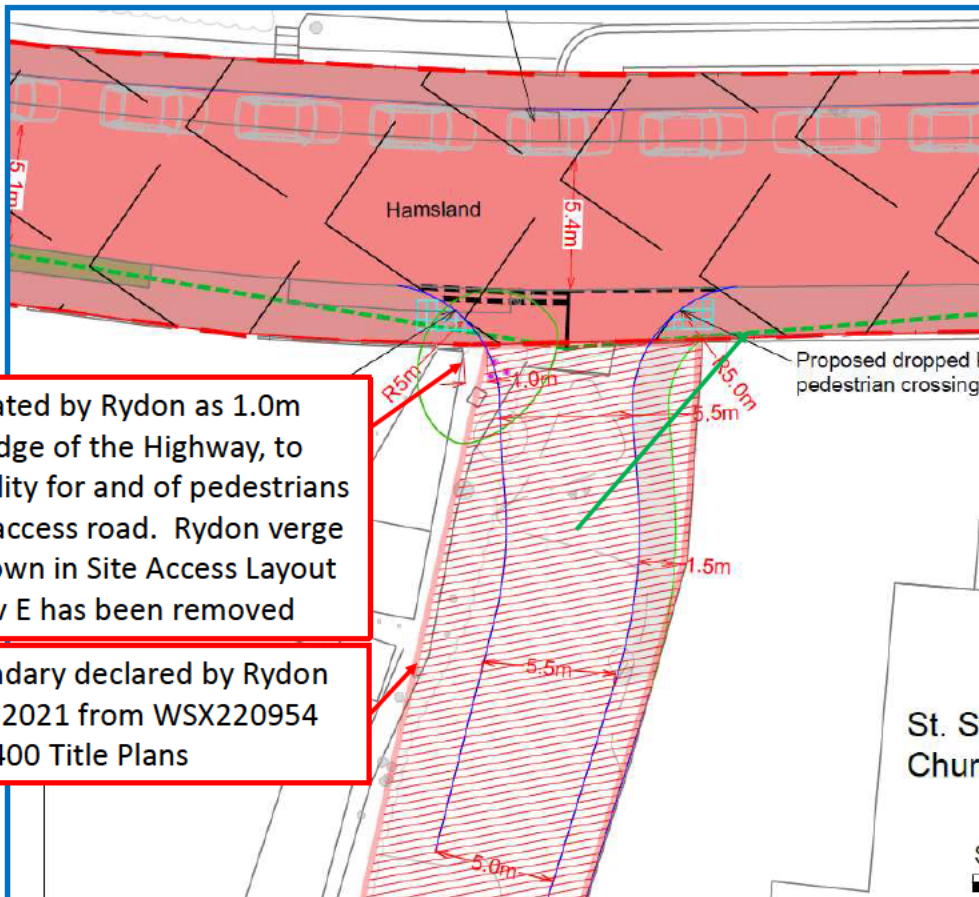
(Source: Access Technical Note JNY10084-08, Uploaded 26 August 2021)



Verge, annotated by Rydon as 1.0m wide at the edge of the Highway, to provide visibility for and of pedestrians crossing site access road. Rydon land boundary shown in Site Access Layout Rev C has been removed

# Extract: Composite Access Drawing, Nov 21

(Source: Rydon Drawing 1044-HK-LG01, Uploaded 11/11/2021, Posted c. 16/12/2021)



Verge, annotated by Rydon as 1.0m wide at the edge of the Highway, to provide visibility for and of pedestrians crossing site access road. Rydon verge boundary shown in Site Access Layout Rev C and Rev E has been removed

Red line boundary declared by Rydon in November 2021 from WSX220954 and WSX123400 Title Plans

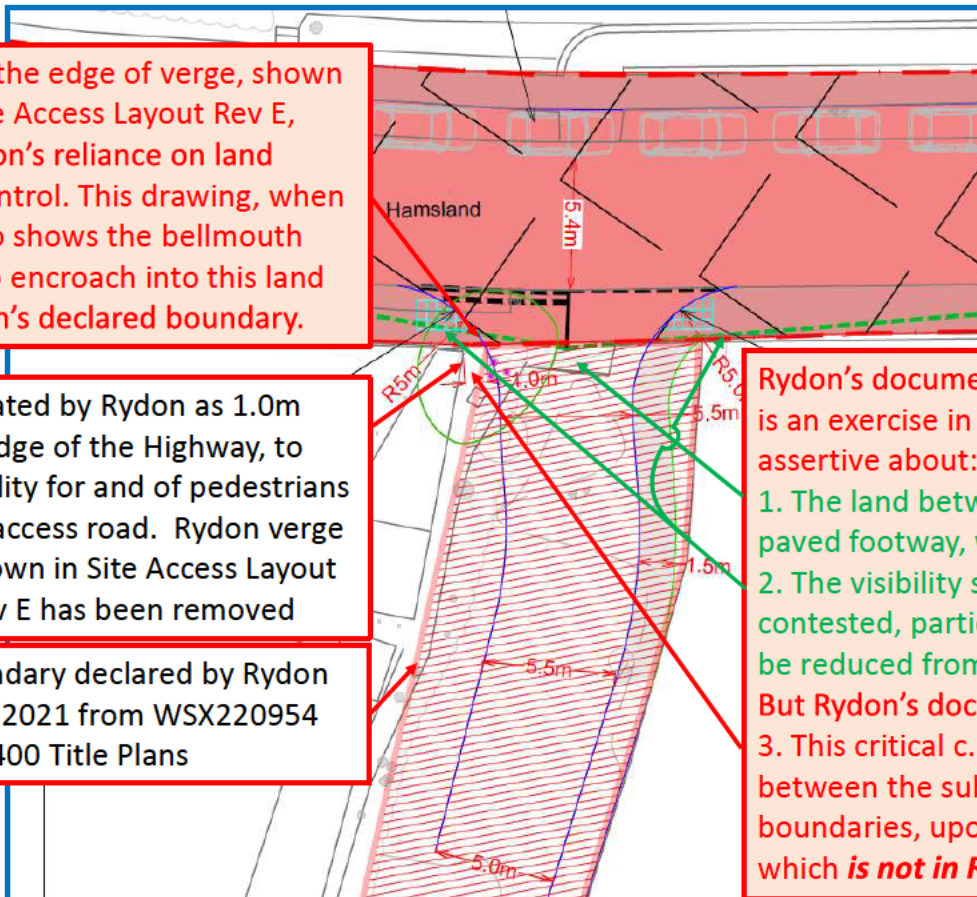
# Extract: Composite Access Drawing, Nov 21

(Source: Rydon Drawing 1044-HK-LG01, Uploaded 11/11/2021, Posted c. 16/12/2021)

Not showing the edge of verge, shown clearly on Site Access Layout Rev E, conceals Rydon's reliance on land outside its control. This drawing, when enlarged, also shows the bellmouth kerb may also encroach into this land beyond Rydon's declared boundary.

Verge, annotated by Rydon as 1.0m wide at the edge of the Highway, to provide visibility for and of pedestrians crossing site access road. Rydon verge boundary shown in Site Access Layout Rev C and Rev E has been removed

Red line boundary declared by Rydon in November 2021 from WSX220954 and WSX123400 Title Plans



Rydon's document including this drawing is an exercise in deflection. It is boldly assertive about:

1. The land between the gate and back of paved footway, which is not contested
2. The visibility splays, which are not contested, particularly as X distance could be reduced from 2.4m to 2.0m if required. But Rydon's document is totally silent on:
3. This critical c. 1.0m wide strip of land between the substation and Rydon boundaries, upon which Rydon relies but which **is not in Rydon's control**



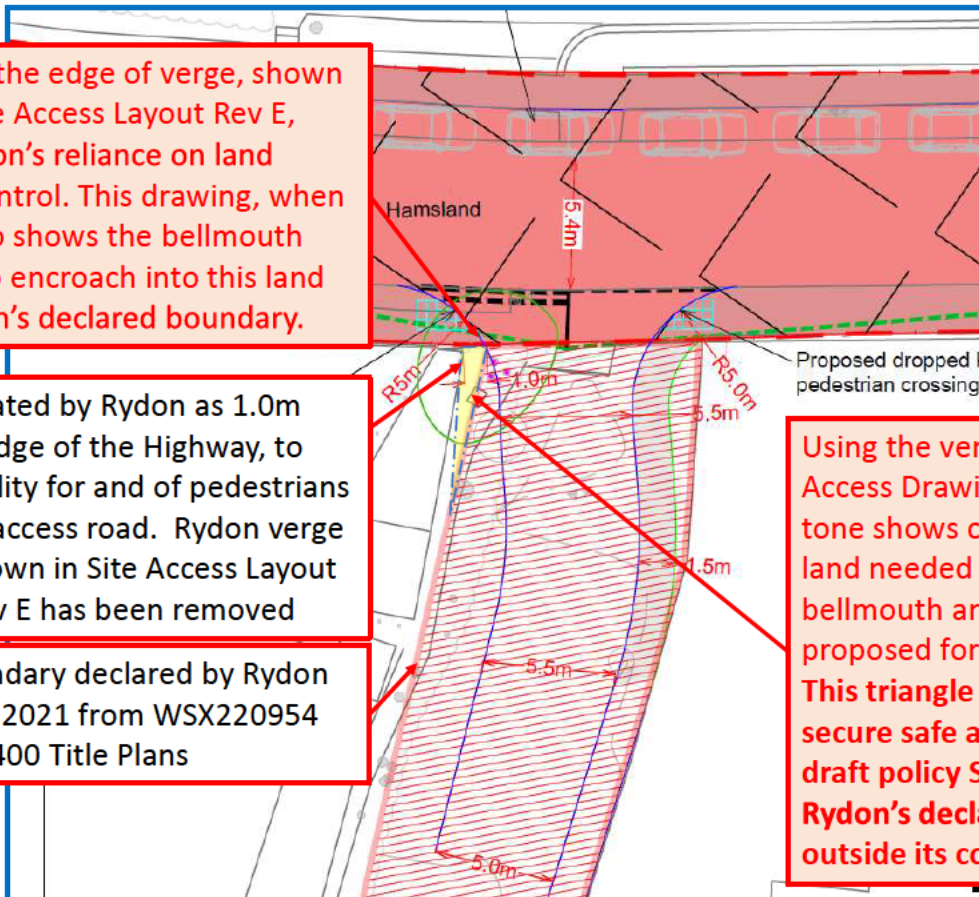
# Extract: Composite Access Drawing, Nov 21

(Source: Rydon Drawing 1044-HK-LG01, Uploaded 11/11/2021, Posted c. 16/12/2021)

Not showing the edge of verge, shown clearly on Site Access Layout Rev E, conceals Rydon's reliance on land outside its control. This drawing, when enlarged, also shows the bellmouth kerb may also encroach into this land beyond Rydon's declared boundary.

Verge, annotated by Rydon as 1.0m wide at the edge of the Highway, to provide visibility for and of pedestrians crossing site access road. Rydon verge boundary shown in Site Access Layout Rev C and Rev E has been removed

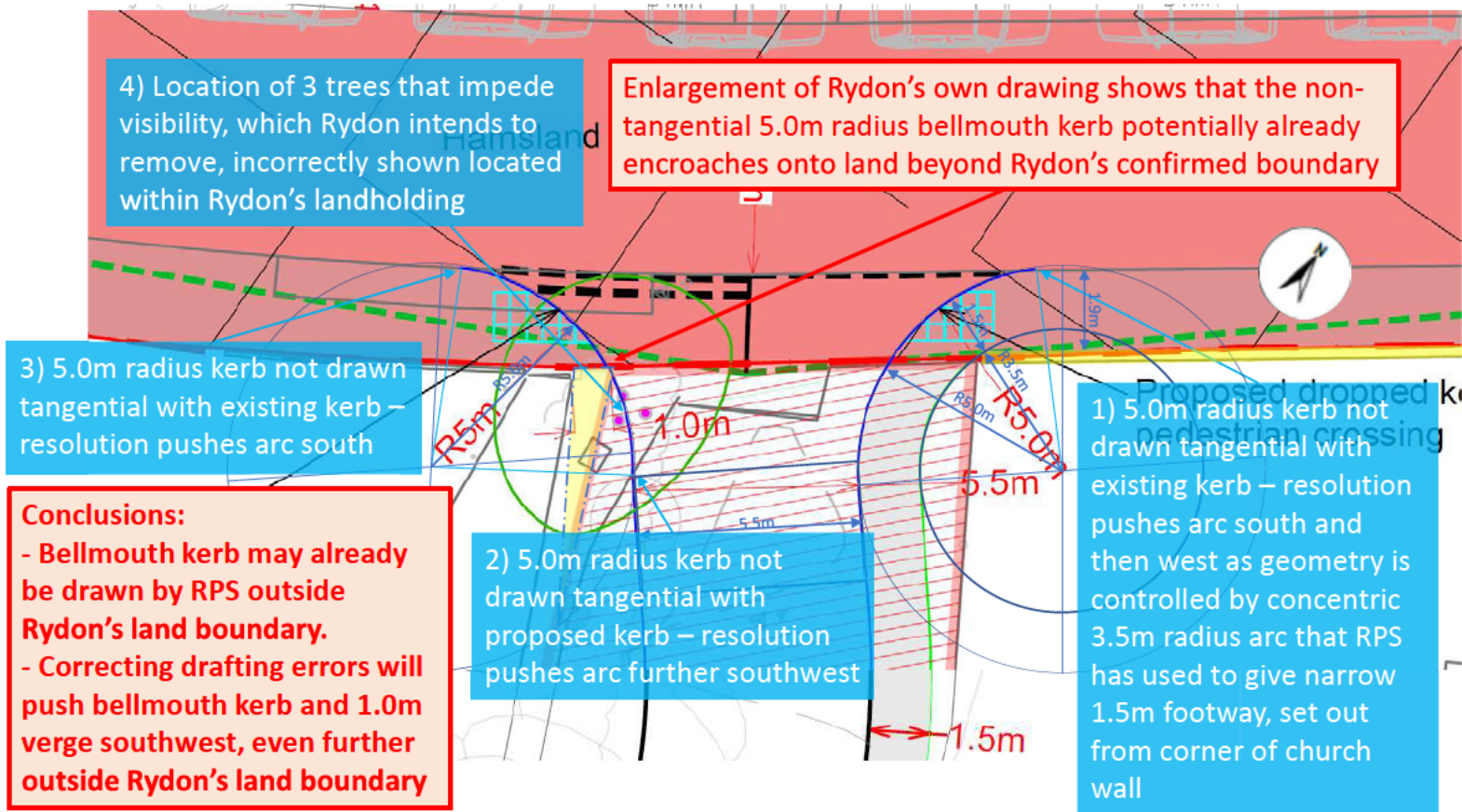
Red line boundary declared by Rydon in November 2021 from WSX220954 and WSX123400 Title Plans



Using the verge boundary on Site Access Drawing Rev E, the yellow tone shows clearly the triangle of land needed by Rydon for the bellmouth and the 1.0m wide verge proposed for pedestrian visibility. This triangle of land is necessary to secure safe access, as required by draft policy SA29, but is beyond Rydon's declared boundary and is outside its control

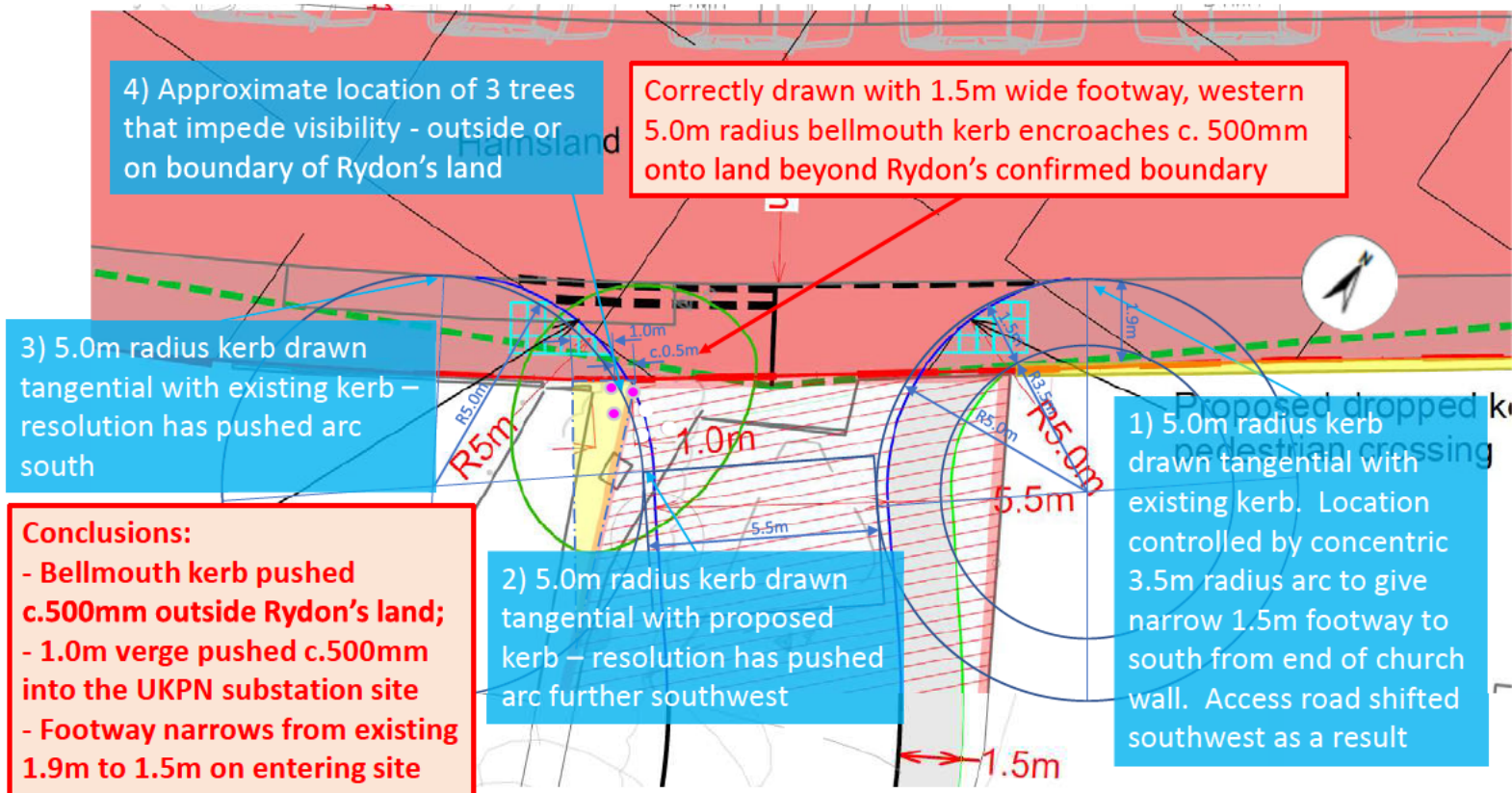
# Drafting Errors: Composite Access Drawing

(Source: Enlarged from Rydon Drawing 1044-HK-LG01, Uploaded 11/11/2021, Posted c. 16/12/2021)



# Corrected v1: RPS Narrow 1.5m Footway

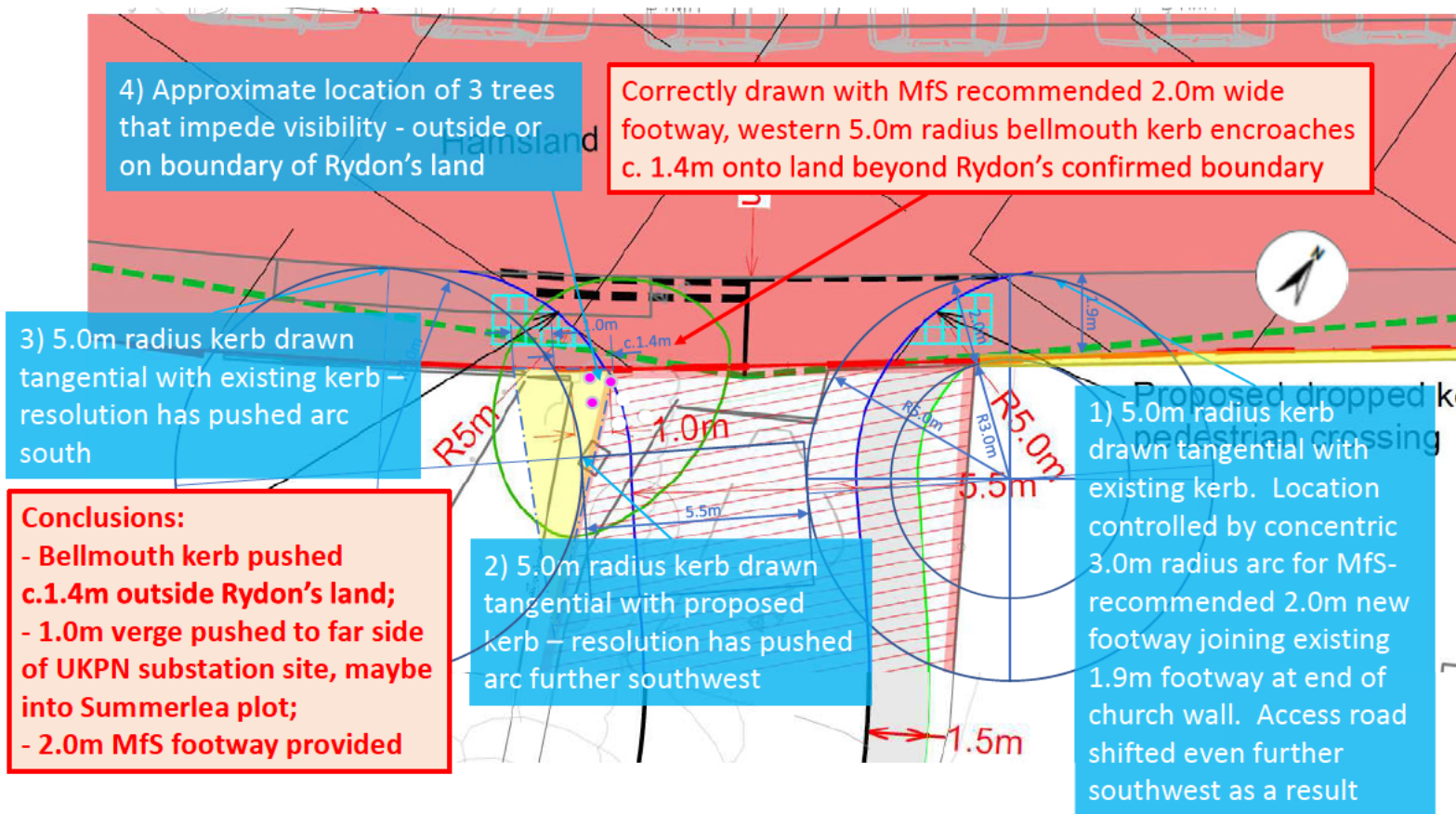
(Base Drawing: Enlargement from 1044-HK-LG01, Uploaded 11/11/2021, Posted c. 16/12/2021)





# Corrected v2: MfS 2.0m Footway (as SA29)

(Base Drawing: Enlargement from 1044-HK-LG01, Uploaded 11/11/2021, Posted c. 16/12/2021)



# Photograph – Tree & Hedge Location

Rydon  
WSX220954 &  
WSX123400

Land  
not in  
Rydon's  
control

UKPN

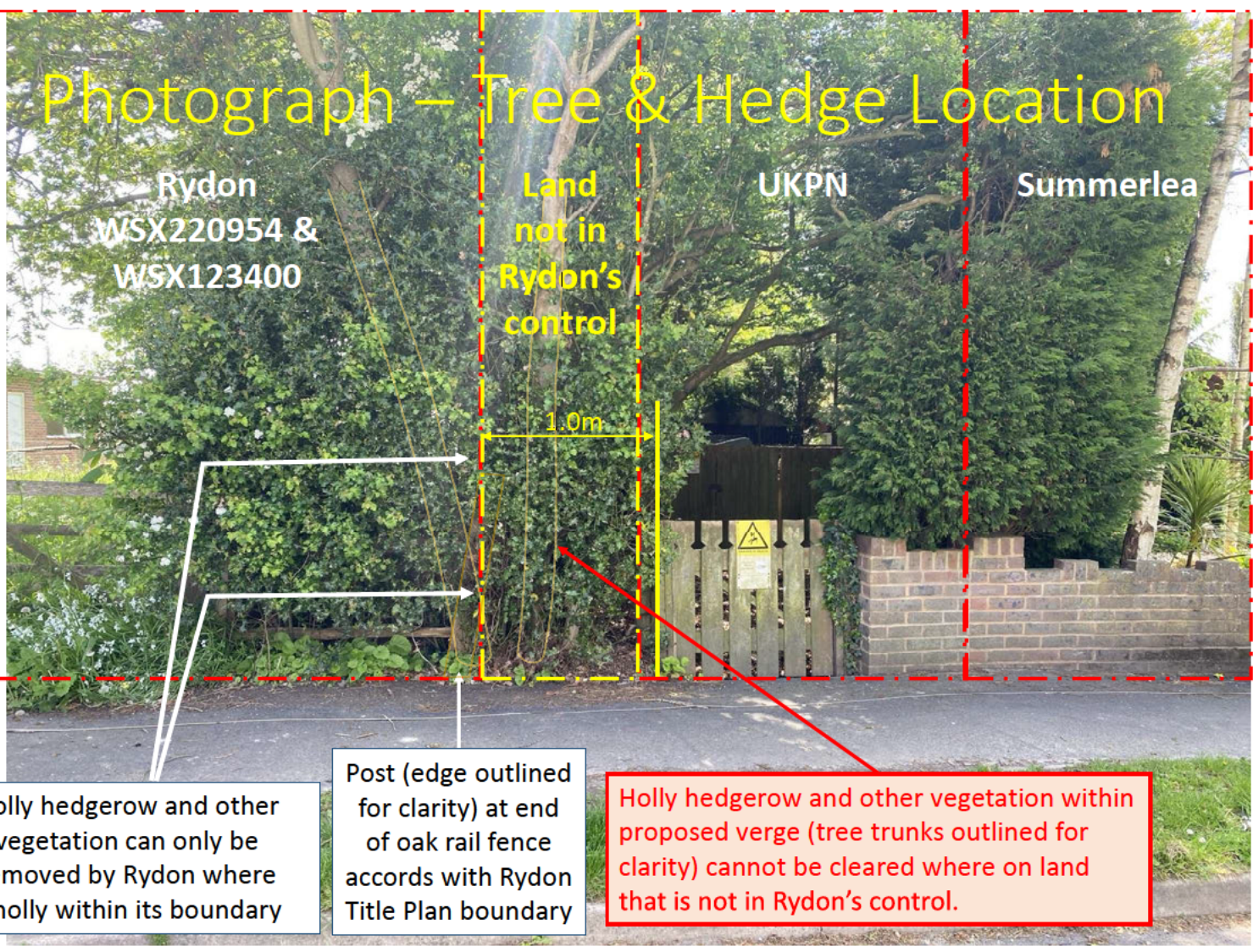
Summerlea

1.0m

Holly hedgerow and other vegetation can only be removed by Rydon where wholly within its boundary

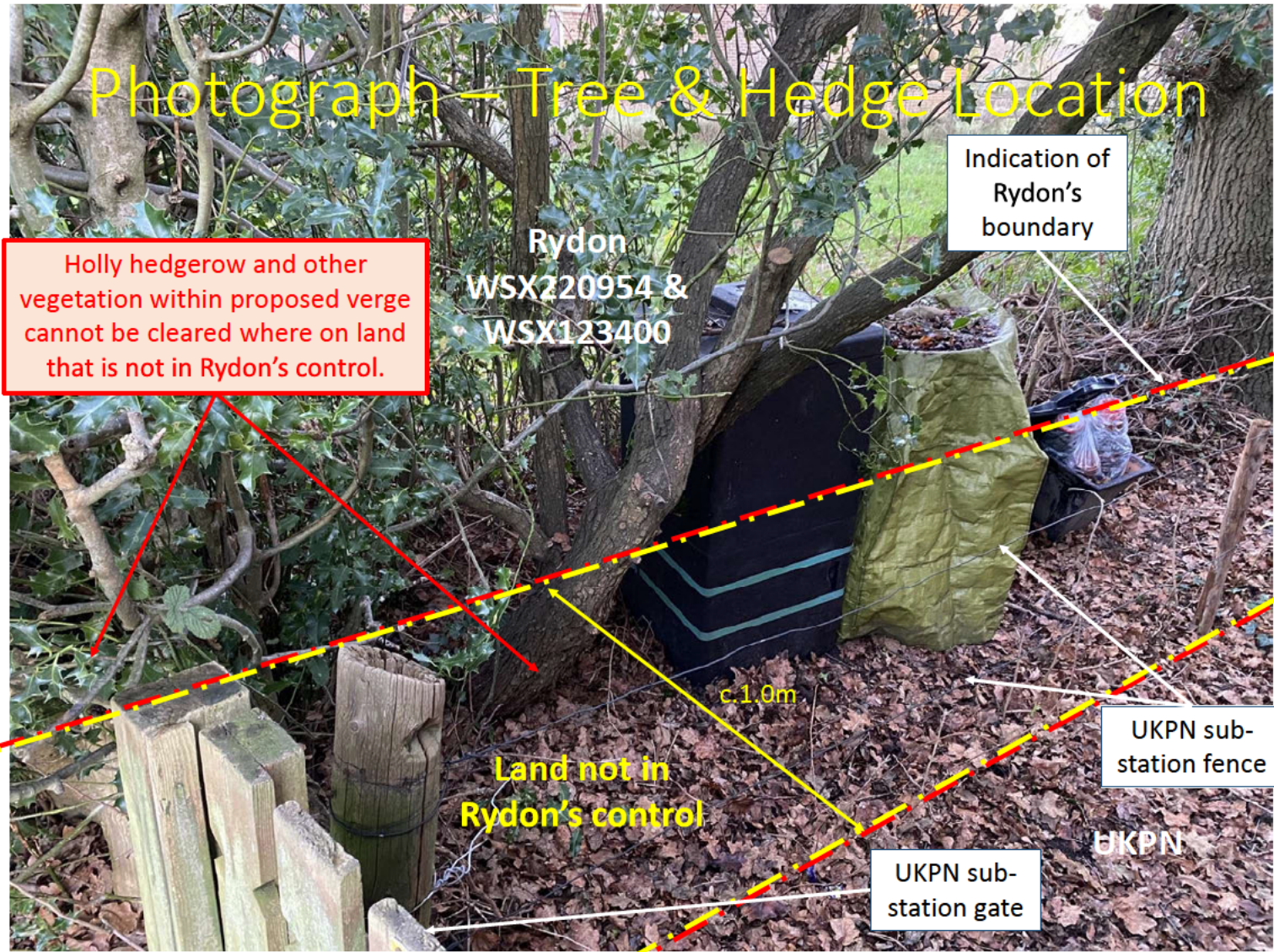
Post (edge outlined for clarity) at end of oak rail fence accords with Rydon Title Plan boundary

Holly hedgerow and other vegetation within proposed verge (tree trunks outlined for clarity) cannot be cleared where on land that is not in Rydon's control.





# Photograph – Tree & Hedge Location





# Photomontage – Rydon

Rydon  
WSX220954 &  
WSX123400

Land  
not in  
Rydon's  
control

UKPN

Summerlea

Fence post location  
accords with Rydon  
Title Plan boundary

Holly tree and other vegetation within  
verge cannot be cleared where not in  
Rydon's control. Without clearance,  
there is no visibility for and of  
pedestrians using dropped kerb crossing.

1.0m

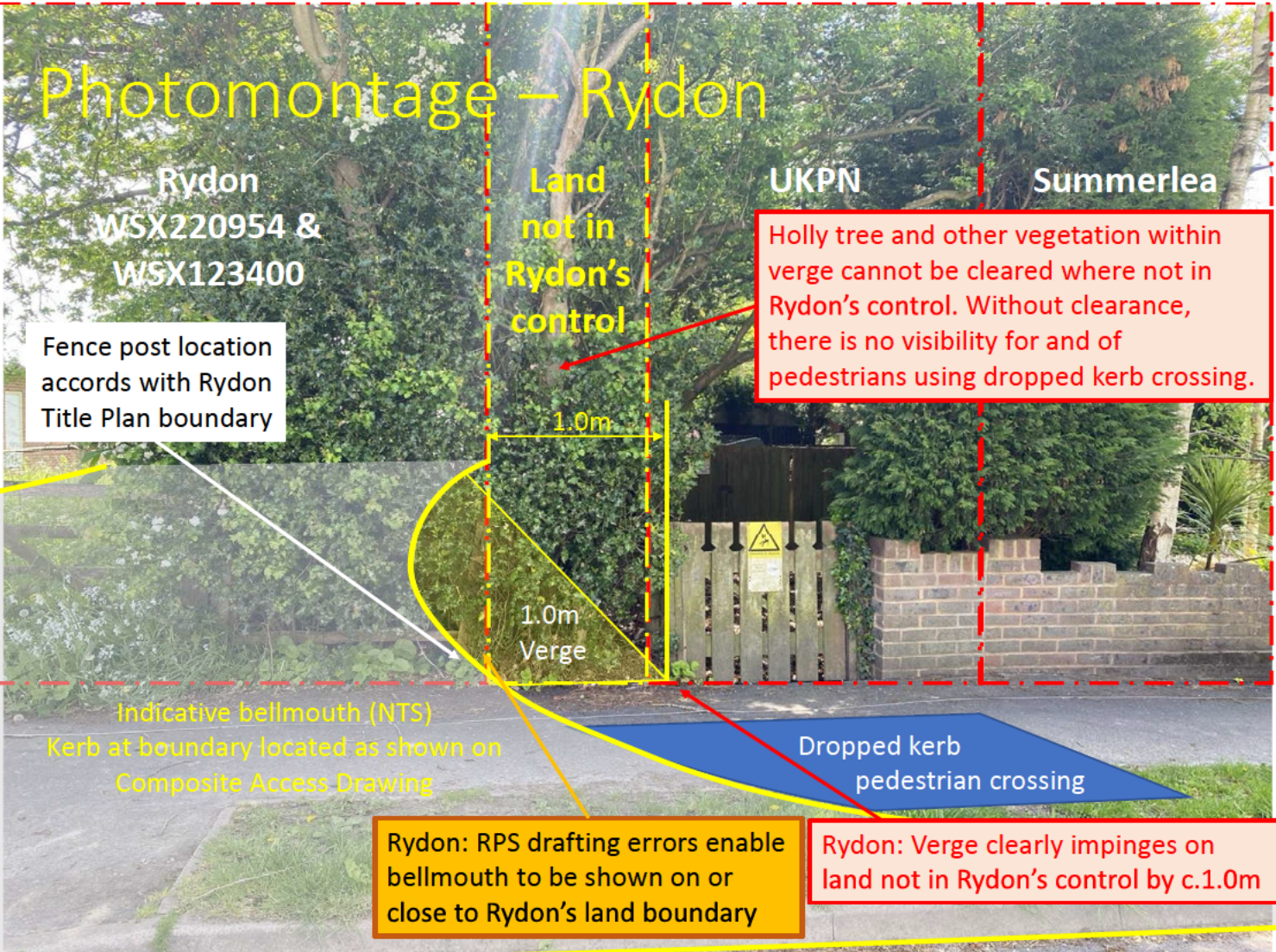
1.0m  
Verge

Indicative bellmouth (NTS)  
Kerb at boundary located as shown on  
Composite Access Drawing

Dropped kerb  
pedestrian crossing

Rydon: RPS drafting errors enable  
bellmouth to be shown on or  
close to Rydon's land boundary

Rydon: Verge clearly impinges on  
land not in Rydon's control by c.1.0m





# Photomontage – Corrected v1

Rydon  
WSX220954 &  
WSX123400

Land  
not in  
Rydon's  
control

UKPN

Summerlea

Fence post location  
accords with Rydon  
Title Plan boundary

Holly tree and other vegetation within verge cannot be cleared where not in Rydon's control. Without clearance, there is no visibility for and of pedestrians using dropped kerb crossing.

c.0.5m 1.0m

1.0m  
Verge

Indicative bellmouth (NTS)  
Kerb at boundary *with errors corrected*  
as shown on Corrected v1 Drawing  
(Narrow 1.5m wide footway option)

Dropped kerb  
pedestrian crossing

v1: After correcting drafting errors, bellmouth and verge clearly impinge on land not in Rydon's control by c.500mm and c.1.5m respectively



# Photomontage – Corrected v2

Rydon  
WSX220954 &  
WSX123400

Fence post location  
accords with Rydon  
Title Plan boundary

Land  
not in  
Rydon's  
control

c.1.4m

UKPN

Summerlea

Holly tree and other vegetation within verge cannot be cleared where not in Rydon's control. Without clearance, there is no visibility for and of pedestrians using dropped kerb crossing.

1.0m

1.0m  
Verge

Indicative bellmouth (NTS)

Kerb at boundary *with errors corrected*  
as shown on Corrected v2 Drawing  
(MfS 2.0m wide footway option)

Dropped kerb pedestrian  
crossing

v2: After correcting drafting errors and providing MfS 2.0m footway, bellmouth and verge clearly impinge on land not in Rydon's control by c.1.4m and c.2.4m respectively

# Landholding - Conclusion

- Rydon's Title Plan WSX220954, submitted to support the planning application in November 2021 confirms its land boundary.
- Rydon's latest Rev E Proposed Site Access drawing and its newly produced Composite Access Drawing both clearly rely on use of a triangle of land beyond that boundary for a 1.0m wide verge. This verge provides visibility for and of pedestrians crossing the site access road so as to secure safe pedestrian access, which is an explicit requirement of modified draft policy SA29.
- Correction of clear drafting errors still evident in the latest Composite Site Access Drawing pushes the bellmouth kerb into third-party land by c.500mm.
- Provision of a 2.0m footway, as stipulated by draft Policy SA29 to be "in accordance with MfS", creates a gross 1.4m incursion into third party land for the bellmouth and a further 1.0m incursion beyond that for the verge



# WSCC Highways Landholding Concern

(Source: WSCC Highways Consultation Responses: 08/10/2021 and 16/11/2021)

8<sup>th</sup> October 2021:

“The note does not address previous comments regards land ownership and extent of highway boundary. Only a Location Plan with amended red edge has been provided. *The LPA should be assured that the applicant has ownership of all land required for access and visibility splays* and that the access, visibility splays and all other plans are amended to reflect this..”

16<sup>th</sup> November 2021:

“*It seems to me from this evidence* (Rydon submission 11/11/2021) that the only small section outside red edge and not public highway is immediate fronting summerlea and splays show this land is not required and therefore splays can be maintained in perpetuity.

As this is the only outstanding highways matter here are the recommended conditions and informatives.”

The WSCC Highways Planning officer’s concern about whether Rydon controls all the land it needs is evident. This document demonstrates clearly that the WSCC Highways Planning officer has been mis-led by Rydon’s deflections and inaccurate assertions in its 11/11/2021 submission. The WSCC Highways Planning officer is invited to reconsider her conclusions based on the analysis provided in this document, or to advise clearly where she thinks the analysis in this document is misguided on this critical issue.

# Overall Conclusion

- Despite Rydon's best endeavours, their latest drawings demonstrate conclusively that:
  - ***Safe access cannot be provided to the site without using third-party land that is not within Rydon's control***
  - ***The access to the site is too restricted to permit safe swept paths on egress from the site***
- These problems, which are evident in Rydon's own drawings submitted to support its application, are exacerbated if the drafting inaccuracies in these drawings are corrected, even more so if compliance with MfS is delivered (e.g. 2.0m wide footway), as required by draft Policy SA29
- No reliable evidence has been provided to demonstrate that safe access along Hamsland can be secured, as required by draft Policy SA29
- Unless these fundamental flaws can be resolved, and Rydon can demonstrate evidence-based compliance with the Inspector's modified draft Policy SA29, this planning application should be refused

## **MSDC Consultation on Inspector's Main Modifications Schedule November 2021**

### **Response on behalf of the Hamsland Action Group**

Our response follows each relevant extract from the Mid Sussex SA DPD Examination – Main Modifications schedule relating to Policy SA29

#### **MM11 Policy SA29, page 82**

Modify policy SA29: Land South of St Stephens Church, Hamsland, Horsted Keynes, for 30 dwellings, as follows:

Under Objectives: • To deliver a high quality, landscape led, sustainable extension to Horsted Keynes, which respects the character of the village and **conserves and enhances the landscape and scenic beauty of the High Weald AONB**, and which is comprehensively integrated with the settlement so residents can access existing facilities.

The site is located within the High Weald AONB, which has the highest status of protection within the planning system, and the modification brings the policy into line with national AONB policy, as expressed in paragraph 172 of the Framework.

#### **Response**

Because of its high visibility accentuated by its urban-style high roof lines, the overall impact of the proposed development upon the appearance of the area will be negative, and it is very difficult to comprehend how this can fulfil the objective of the above modification. (See also **Response re protection of trees** below.)

#### **MM20 SA29, page 82**

Modify policy SA29: Land South of St Stephens Church, Hamsland, Horsted Keynes, for 30 dwellings, as follows:

Under Highways and Access: Delete first bullet point and insert: • **Safe and convenient pedestrian and vehicular access needs to be secured, in accordance with Manual for Streets (MfS) to enable (a) satisfactory access by waste collection vehicles and emergency services vehicles; and (b) safe and convenient pedestrian access, both along Hamsland and into the proposed development.**

Under Biodiversity and Green Infrastructure: Add new bullet point: • **Ensure adequate protection of the existing trees along the site boundary.**

The modification ensures that pedestrian safety is taken into account in the proposed development, in accordance with national policy to secure (and by inference maintain) high quality walking networks as expressed in paragraphs 104 (d) and 108 (b) of the Framework. The modification is also in line with the ethos of the July 2021 Framework as expressed in paragraph 128, to note the important contribution trees make to the character and quality of urban environments and to retain existing trees wherever possible.

#### **Response re safe and convenient access**

The following extracts from the Hamsland Action Group's submission to the Planning Officer on 22<sup>nd</sup> December 2021 re Rydon's application DM/20/4692 provides multiple evidence that

the “safe and convenient pedestrian and vehicular access ...” referred to above cannot be secured as required by the Inspector’s modifications:

### **1. Road width needed for safe access at site access junction with Hamsland**

The provision of a parking bay opposite the site entrance in the PA is intended to permit waste and emergency vehicles to turn into and exit from the site with due regard for pedestrian safety and the avoidance of accidental collision with parked vehicles.

However, the latest drawing submitted by Rydon to Stuart Malcolm (MSDC) and Katie Kurek (WSCC) on 11<sup>th</sup> November 2021 to support their claim that sufficient road width exists to allow waste vehicles to turn into and exit from the site fails to use real-world data. The drawing shows a road width of 5.4m between parked vehicles in the proposed parking bay opposite the site entrance and the southern edge of the road, but this fails to address the actual parking requirements of residents of the eastern section of Hamsland. Instead, the developer has used an average car size rather than acknowledge what they know to be the case in the real world, viz. that residents own larger vehicles that are regularly parked along this section of Hamsland at present and would of course park in a bay if one was constructed. For example, on Saturday, 18<sup>th</sup> December 2021, a small camper van and two medium-sized commercial vans were parked along the section of road where the bay is situated on the developer’s drawings.

The developer originally provided drawings to show that a parking bay replacing the 1.4m wide grass verge would offer 5.7m width of available road for their swept path analysis, but when challenged has corrected this to 5.4m. However, one resident regularly parks his van opposite the site entrance alongside the pedestrian ramp which leads up to his home, and on 18<sup>th</sup> December I measured the road width from the outer edge of his van’s wing mirror to the opposite road edge. The distance is 3.82m which, when added to the 1.4m verge width, gives only 5.22m of available road width. The van was parked 8cm from the kerb. This exercise confirmed measurements I made a few weeks ago (see photos at Appendix 1).

As the change to Hamsland would be permanent, we should insist that acceptable planning practice accommodates the widest vehicle that residents are entitled to buy, e.g., a 2.5m wide camper van. This would reduce the available road width to approximately 5m. This is clearly insufficient for the developer’s access plans. It does not inspire public confidence in Rydon’s professionalism to find that they have limited themselves to a very best-case scenario from their point of view and have not only ignored the worst-case scenario which needs to be planned for but have even ignored well known present-day realities. As MSDC and WSCC Highways do not seem to have spotted this obvious and fatal flaw in Rydon’s case, we draw it to their attention now.

### **2. Safety of eastward walking pedestrians when reaching site exit**

The Inspector’s modification to the Highways and Access section of draft policy SA29 has introduced an explicit requirement to protect pedestrian safety at the entrance to the site from Hamsland. The key drawing submitted by Rydon Homes to Stuart Malcolm (MSDC) and Katie Kurek (WSCC) on 11 November 2021 shows that Rydon have at last been forced to abandon their spurious, persistent and highly unprofessional claim to control a parcel of land clearly outside SA29’s site boundary and lying to the south of the

public footpath (Highways land) in a strip between Rydon's site boundary and the UK Power Networks substation. This land has been used by the owner of Summerlea since his acquisition of his property six years ago as it was by previous owners. This latest drawing effectively concedes the accuracy of previous submissions to MSDC and the Inspector by the owner of Summerlea, Paul Fairweather, with the support of technical reports and drawings produced by retired civil engineer Paul Fairbairn.

This is important because of the two small and healthy trees growing on this parcel of land, a holly and a hawthorn. The holly's dense evergreen foliage is right beside the footpath and extends from ground level up to 3.5 metres. This will obscure both pedestrians' view of approaching vehicles exiting the site and drivers' view of pedestrians approaching from the west. Previous drawings submitted by Rydon incorporated a verge 1m in width at the site's exit which crossed over this parcel of land - see chart headed 'Rydon updated Rev C access proposals' on p.3 of Paul Fairbairn's report attached to my covering email. Rydon's plan was to remove these trees in the interests of pedestrian safety. Over many months the developer repeatedly claimed to both MSDC and the Inspector that this land fell under their control, but as noted above this claim was always unsustainable and has finally been abandoned.

So pedestrian safety has been compromised in two ways by this change in the access plan because the developer has been forced to remove the verge giving a buffer between the public footpath and the exit road from the site and to accept that they have no power to remove the trees which block sightlines of traffic exiting the site and pedestrians approaching it. These pedestrians include the elderly, those with impaired hearing or vision, and children who may be talking or otherwise distracted from approaching traffic noise.

I therefore submit that the developer's proposals are not consistent with adopted street design criteria and proper safety concerns for pedestrians as required by the Inspector's modification of the SA29 draft policy.

### **3. Safety of access to the site from Hamsland's junction with Lewes Road**

Two similar incidents on the 17<sup>th</sup> and 18<sup>th</sup> December 2021 have illustrated the arguments repeatedly put forward by residents that, contrary to the demonstrably unreliable conclusions of Rydon's Transport Statement, the extended single track operation along the c. 150m long western section of Hamsland which is part of the existing local road network is unsuitable for a development which entails an influx of construction traffic for a two-year construction phase followed by a 56% increase in traffic using Hamsland when that phase is completed.

An ambulance was called on Friday 17<sup>th</sup> to No. 12 Hamsland on the south side of the western section of Hamsland around midday and was accompanied by a paramedic vehicle and another emergency vehicle (possibly an unmarked police car) with blue flashing lights. The patient was an elderly male living on his own. These emergency vehicles parked outside the property, blocking the one available lane for all other traffic. Appendix 2 shows photographic evidence of the resultant blockage. After what residents estimate as about 30 minutes, the ambulance managed to turn around by backing into the property and took the patient to hospital.

The following morning, an ambulance was called to another elderly male living on his own at No. 4 Hamsland. This also caused a traffic blockage, and one of the witnesses caught up in this was a Lewes Road resident visiting her daughter at No. 8. She reported that a lady was banging on everyone's doors on the northern side of Hamsland asking them to move their cars so people could get through. The patient was also eventually taken to hospital.

Although such incidents rarely come on successive days as in this case, they are bound to happen from time to time given the elderly age of several residents in this section of Hamsland. When these blockages do occur, the forecast 56% increase in vehicular movements into and out of Hamsland as a result of the proposed development means that the safety risks that such blockages trigger will occur more frequently, and potentially with greater severity as there is more likelihood of multiple vehicles being involved. This will also occur during the construction phase because the regular flow of construction traffic will add to normal residential traffic and will include much less manoeuvrable vehicles than residents' cars. The Inspector in his modification of SA29 draft policy has introduced an explicit requirement that "Safe and convenient pedestrian and vehicular access needs to be secured ... to enable ... safe and convenient pedestrian access, *both along Hamsland* and into the proposed development."

It is easy to envisage the added chaos that would result on a weekday during the construction phase if 8-wheeler trucks tried to use the road at the same time as such a blockage, especially trucks entering Hamsland from Lewes Road. If they needed to reverse back into Lewes Road to allow the ambulance to take the patient to hospital, such a dangerous manoeuvre might be blocked by other vehicles seeking to enter Hamsland and would be impeded by vehicles regularly parked in Lewes Road on both sides of the Hamsland junction. If one or more of the vehicles were to drive up, or worse still reverse, onto the verge and footpath in order to enable oncoming vehicles to pass, that would be profoundly unsafe for any pedestrians using the footpath at the time.

Clearly the blockages discussed above risk delaying an ambulance trying to convey a patient to hospital. The risk of accidental damage to parked vehicles and injury to other road users would be greatly increased by enforced traffic manoeuvres of the kind noted above by drivers understandably anxious to let an ambulance through as quickly as possible. Attendance by other emergency services to other parts of the cul-de-sac should the need arise during such blockages would also be frustrated – another point explicitly referenced by the Inspector as needing satisfactory resolution in his MM20 modification of draft policy SA29.



The incidents on Friday and Saturday [in mid-December 2021] were both emergencies, but another repeated cause of such blockages is heating oil deliveries. As there is no mains gas in the village, some homes along this stretch of Hamsland are heated by oil-fired central heating, which typically generates one or two oil deliveries per house per annum with an oil delivery



tanker parked for 10-15 minutes at a time whilst making its delivery. Photos of blockages caused by such fuel deliveries have been submitted in previous consultation responses, and a resident has provided a more recent example for this document showing the manoeuvres to which some drivers resort to avoid a complete blockage (see above).

Given the Inspector's explicit strengthening of draft policy SA29 regarding securing safe and convenient access for waste and emergency vehicles and for pedestrians along Hamsland and onto the site, the question MSDC and WSCC face as the authorities responsible for public safety is whether they should put the public they are elected to serve at demonstrably greater risk than is necessary or accept compelling evidence that the existing road network is inadequate to support the proposed development.

### APPENDIX 1



*Figure 1 - dropped kerb at entrance to SA29*





Figure 2 - Tape measure crossing dropped kerb at 382cm

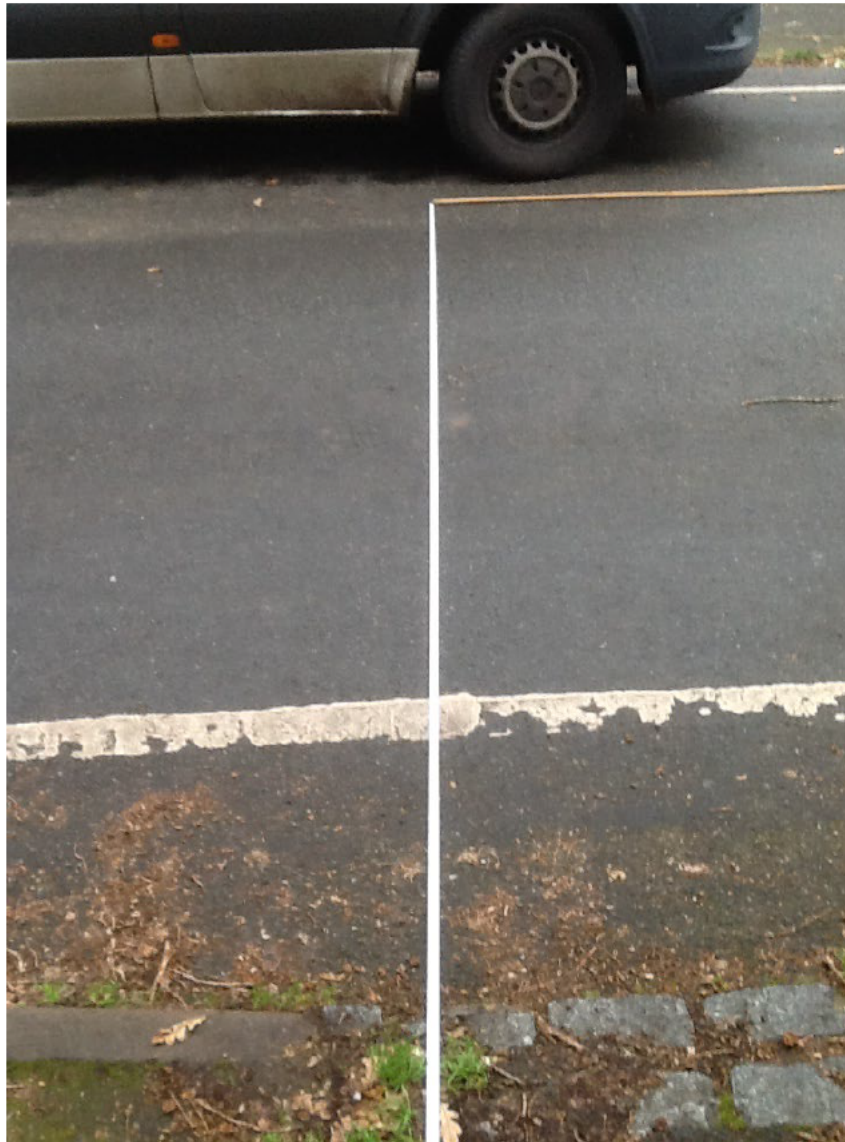


Figure 3 - Tape measure in Figure 2 extended to edge of wing mirror

## APPENDIX 2







*Above photos taken by Terry Higham of 20 Hamsland towards end of blockage*



*Above photos taken by Paul Fairweather of Summerlea, Hamsland*



*Above photos taken by Carly Martin of 8 Hamsland*

In our response to Rydon's planning application reproduced in '**2 Safety etc.**' above, I credited Rydon with abandoning their claim to the parcel of land at the intersection of the Highways footpath and the western edge of the proposed bell mouth exit for the site access road. However, I have been advised by Mr. Fairweather that he and Mr. Fairbairn have re-examined Rydon's drawings which still appear to present the western curve of their bell mouth exit from the site as crossing the edge of the parcel of land under neither Rydon's nor Highways ownership or control. They found that this error has not been eliminated from the bell mouth drawings and will incorporate proof of that fact into Mr. Fairweather's submission to this MM consultation.

### **Response re protection of trees**

We and other residents (e.g., Helena Griffiths) have provided evidence to MSDC's DPD consultation and to the Inspector's examination process that the planned access route will inevitably damage adjacent trees by subjecting their root plates to stress (by compaction of soil, reduction in water supply, and tunnelling for service ducts) and by reducing their lower foliage by 40% to allow site access for high-sided vehicles. These actions may well cause serious instability and significantly shorten their lives as well as damaging their appearance and site screening value. They therefore fail in our view to satisfy the modified wording of draft policy SA29 to "Ensure adequate protection of the existing trees along the site boundary." A 10-20% reduction of the trees' crowns may be considered reasonable, but a 40% removal of their lower branches over the site access road would not only endanger their long-term health but also destroy their character both as a row of individual trees in their own right and as an integral part of the boundary hedge to the west of the site which has been a prominent landmark in the local landscape for many decades.

All this would certainly be seen as environmental vandalism by local residents and visitors to the village and, we submit, can neither be said to offer the protection required by the Inspector's modification nor be consistent with the principles and policies of the High Weald AONB Unit which have, as far as we know, never been consulted by MSDC on this aspect of policy SA29. If, as we suspect, MSDC planning officers have not discussed all these matters with the AONB unit then, given the multiple times this concern has been raised in residents' consultation responses, we believe this omission constitutes a serious dereliction of their public duty.

Terry Higham

Secretary, the Hamsland Action Group

22<sup>th</sup> January 2022