

For the Attention of:

Mr Robert Bryan
Independent Examiner, Liss Neighbourhood Development Plan
c/o South Downs National Park Authority

31st May 2017

Dear Mr Bryan

On 28/04/17 I asked Chris Paterson to forward an email for your attention. In response to my request I received an email from Chris Paterson dated 08/05/17 conveying to us that:

“The Examiner has asked me to notify you that he cannot consider the additional comments you sent across (attached) as these were submitted after the regulation 16 deadline.”

With respect, the reason for this communication to you is that the relevant information was only released to us after the deadline for representations to you despite our formal request for the information to the SDNPA as early as 13/01/17.

We understand and respect your role in this process. In the ordinary course of events, any representations to the Independent Examiner should have been made in line with the aforementioned deadline. Indeed our representations to you were extensive and detailed.

However, since the deadline, with the benefit of the information previously withheld from us, we have become aware of a series of errors and misrepresentations in relation to our site in the SDNPA SHLAA published December 2016. This issue is of particular significance because the landscape officer's commentary and advice regarding our site were afforded considerable weight by the Liss Neighbourhood Development Plan (“LNDP”) committee in its site allocation process. Indeed, in his first communication (12/08/15) to me the LNDP Project Manager, Mr Roger Hargreaves, stated:

“I note that you are seeking to have your site considered within the SHLAA for the Park and this is one of our major starting points when it comes to considering sites”

From the outset it has been clear that the LNDP were heavily influenced by the SDNPA's Landscape Officer's commentary regarding proposed sites for allocation in the LNDP. We submitted our initial SHLAA proposal to the SDNPA 18/08/15 and continued developing our plans for the site and invited the Landscape Officer to join us on site during the 16 months before the SHLAA Report was published in December 2016. Not once during that period did the Landscape Officer ask any questions about our proposals or join us to discuss our plans for development.

The subsequent scale of the misrepresentations and sheer volume of errors in the underlying analysis of our site contained within the documentation provided to us by the SDNPA only after the deadline had passed is material. It serves as vital evidence that our site was prejudiced by the Landscape Officer's erroneous analysis and commentary, because that same narrative was used to justify some of the LNDP's reasons for rejecting our site from their site allocation schedule. The minutes of the LNDP Sites Meeting with

SDNPA dated 14/12/15 attended by the Landscape Officer, Veronica Craddock, provide evidence of the misrepresentations made regarding our site (Referred to as "Hatch Lane Site 11" in these minutes) to the LNDP by the Landscape Officer.

I attach in Appendix (B) the email I sent on 28/04/17 to Chris Paterson that I asked him to forward to you. Additionally I have listed the chronology of events (detailed in Appendix A) that lead to our submitting the information in that email for your consideration. We had no opportunity to review this information prior to the deadline for representations to the Independent Examiner, not for the want of requesting the information, but because it was not released to us until well after the deadline had passed.

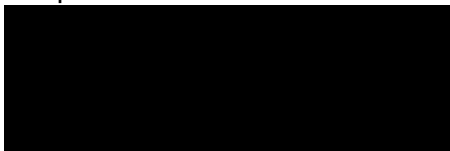
Sir, it is this information, withheld from us for so long by the SDNPA, and denied to us before the deadline for representations to the Independent Examiner, that we ask you to admit to your evidence base for assessment of the influence the Landscape Officer's erroneous analysis had on the LNDP's site allocations committee. If we had received this information in time we would certainly have addressed the errors and misrepresentations of the Landscape Officer's assessment in our representation to the Independent Examiner. This information was not provided to us, despite our formal and explicit request for a copy of it on 13/01/17. Under Freedom of Information legislation such information must be disclosed within 20 days. If that had been adhered to we would have received the requested information prior to the deadline for representations to be submitted for your review.

We appeal to you to take this into account as we were denied this opportunity to present material evidence that proves that our site was not correctly assessed by the Landscape officer and that her negative and erroneous narrative concerning our site was presented and taken into account by the LNDP site selection committee to our detriment.

Thank you for your attention and kind consideration in this matter. I reiterate our respect for your role and trust this is appropriately reflected in the structure and drafting of this correspondence.

Yours sincerely

Stephen Hale



Appendix A: – Chronology of events that lead to our submitting the information in the email to Independent Examiner dated 28/04/17:

11/01/17: Stephen Hale (“SJH”) emailed Veronica Craddock (“VC”), Landscape Officer responsible for advising the LNDP site selection committee and for producing the underlying landscape and SHLAA analysis for our site (cc Chris Paterson (“CP”). SJH advised VC of our surprise that the SDNPA SHLAA published December 2016 “excluded” our proposed site at Hatch Lane (ref. EA142) and that we were expecting to meet with her on-site to discuss our development proposals as agreed by her in our email exchanges of early March 2016. SJH requested an explanation as to why our site (EA142) had been “excluded”.

12/01/17: Matthew Bates (“MB”) replied to SJH as Planning Policy Officer who led the SHLAA for the previous six months prior to the SHLAA Report publication in December 2015. MB inserted a brief quote conclusion regarding our site in order to provide an answer to my query. MB stated:

“The planning officer who assessed the site came to the following conclusion regarding this site:

“The site does not relate well to the existing settlement pattern and development on the site would have a potential adverse impact on the character and appearance of the landscape.””

We assume that the “planning officer referred to was in fact the Landscape Officer since no details were provided.

13/01/17: SJH email to MB in which SJH advised MB’s quote insertion in his email of 12/01/17 was a reiteration of limited phrase already in the SHLAA Report published in December 2016 and did not answer SJH’s question as to why our site was “excluded” from the SHLAA. SJH requested further clarification of four points including (point 2) a request for a copy of the completed SHLAA assessment that led to the conclusion that our site should be “excluded” by the Landscape Officer.

18/01/17: MB advised SJH that he believes the site at Hatch Lane (EA142) should have been “rejected” not “excluded”. He also contradicts his assertion that our site is ***“not detached and unrelated”*** to the settlement boundary by stating in the same email ***“I can see the site is well outside the settlement boundary”***. MB attached two PDF documents to his email including one entitled “Extracted pages from Appendix E – Full Assessment Outcomes”. However, this extract was not from the SHLAA Report published in December 2016. Instead, there was a gap in the Appendix (E) where site EA142 would be referenced if it had been “rejected”. “Excluded” sites are not included in Appendix (E) of the SHLAA Report.

23/01/17: SJH advised MB that Hatch Development Ltd was finalising a submission with its planning consultants and architects that ***“will to clearly show how our site development proposals mitigate any impact concerns that the SDNPA or Parish may have had. We will happily discuss our submission with you when you are in receipt of it. We believe the evidence we present will facilitate your being able to move our site from a revision of “rejected” to one of having potential for development.”***

10/02/17: Deadline for representations to the Independent Examiner relating to the LNDP. At this stage Hatch Development Ltd (“HDL”) believed it had received all the SHLAA documents from MB at this time.

27/02/17: SJH emailed MB the Feasibility Report by Snug Architects and requested SDNPA undertake a fresh SHLAA assessment of our site given the previous assessment was flawed and additionally requested all references to our site be removed from the SHLAA published December 2016.

28/02/17: MB email to SJH: MB referenced HDL’s 2015 SHLAA document submission stating that our Feasibility layout may have a bearing on the SHLAA assessment, however the December 2016 SHLAA assessment was published and it is too late to assess our site. MB actually used the term ***“this new site.”*** MB did not accept that the existing SHLAA was “flawed”. MB stated that the HDL SHLAA as submitted failed on ***“Stage 2 criteria”*** (undefined).

02/03/17: SJH email to MB: SJH advised MB that we had not submitted a revised site or site boundary. SJH also challenged MB that, despite his assertion to the contrary, the SHLAA drafted by the Landscape Officer does influence the LNDP site allocation (As confirm in 2015 by the LNDP Project Manager, Roger Hargreaves, and evidenced by the minutes of the site meetings between LNDP and SDNPA officers). SJH reiterated that we wished to see a copy (under the Freedom of Information legislation) of the full SHLAA assessment of our site as it was now clear to us that we had not received it. We had first requested it 13/01/17.

05/03/17: SJH email to MB requesting answers to my questions relating to the SHLAA treatment of our site in addition to the Freedom of Information response received from Robin Parr, Head of Governance, SDNPA.

07/03/17: MB email to SJH sending the full landscape assessment **53 days after my first formal request for this information, and 25 days AFTER the deadline for submission of representations to the Independent Examiner regarding the LNDP.** Our subsequent analysis and identification of numerous misrepresentations and errors within this assessment are detailed in the email I asked to be forwarded to the Independent Examiner on 28/04/17.

Appendix B: – Email dated 28/04/17 relating to information only released to Hatch Development Ltd 07/03/17 despite a formal request for same 13/01/17. This is the email previously requested to be provided to Independent Examiner.

From: Stephen Hale
Sent: 28 April 2017 09:50
To: 'Matthew Bates'; Chris Paterson
Cc: Lucy Howard
Subject: RE: Site at Hatch Lane, Liss
Importance: High

Dear Matthew

Thank you for your email dated 07/03/17. I have highlighted some text in this email and also sent it to Chris Paterson as he has been liaising with the Independent Examiner as it contains urgent action requests. Thank you both in advance for your kind assistance.

We have waited to reply pending an opportunity to review the erratum that you advised would be published alongside the SHLAA on your website. Unfortunately, there does not appear to have been any subsequent action. We have not yet observed any publication of the proposed erratum to date.

Given the weighting that the Liss Neighbourhood Development Plan (“LNDP”) committee afforded the comments of the Landscape officer regarding our site, and other sites proposed for consideration for allocation in the LNDP, we feel strongly that the Independent Examiner of the LNDP should be made aware of the errors made by the Landscape Officer in assessing our site. Moreover, the Examiner should have the benefit of this knowledge before he concludes his assessment. It may be that other sites have suffered similarly which could therefore impact upon the Independent Examiners’ review of the basic conditions requirement. Without understanding, and being aware of the process and approach adopted by the Landscape Officer the Independent Examiner will not have the benefit of full knowledge in his consideration of the Para 8 Town and Country Planning Act 1990. This is particularly relevant now, as we have observed an addendum on the SDNPA webpage relating to an email request (22/03/17) from the Independent Examiner for the Liss Neighbourhood Plan including the following:

“In the assessment of the potential residential site allocations are there any written comments from SDNPA regarding the sites. I note the SDNPA landscape officer was involved to an extent. What form did this or any other SDNPA involvement take?”

Clearly now the fact that our site was incorrectly assessed, and that the Independent Examiner will be furnished with that data to review is seriously prejudicial to our site’s allocation assessment. Additionally the Independent Examiner needs to be aware that the only reason we had not updated our SHLAA submission was because we were advised by the Landscape Officer that she would meet with us to review our site following our invitation in March 2016. This led to our SHLAA submission “on-record” differing materially from our revised proposals. The Independent Examiner needs to understand this situation clearly and immediately, in addition to the potential broader impact as outlined above and the impact on the basic conditions assessment.

Therefore we request that you and / or Chris Paterson provide the Independent Examiner with a copy of this email without delay please.

Please ensure that the Independent Examiner receives a copy of this email before he completes his review and produces his report.

In your email you kindly provided the following two attachments:

1. Full SHLAA Assessment Outcomes for the site,
2. Full landscape assessment.

We had already downloaded the versions of the SHLAA report and its various appendices published in December 2016 by the SDNPA. In Appendix (C) to that report the following extract contains information concerning our site (Your ref EA142):

Site Ref	Site Address	Settlement	Parish	Recommendation	Total Yield	0-5 Years	6-10 Years	11-15 Years	Rejected/Excluded Reason
EA142	Hatch Lane	Liss	Liss	Excluded	0	0	0	0	The site does not relate well to the existing settlement pattern and development on the site would have a potential adverse impact on the character and appearance of the landscape.

The full SHLAA assessment outcome for the site that you provided does not contain a great deal of analysis. Are the two extracts you provided (listed as 1 & 2 above) the sum total of the entire analysis undertaken by the landscape officer in reaching her conclusions regarding our site please?

I specifically requested “*The full SHLAA assessment report for the site at Hatch Lane, including all analysis of our site against the relevant SHLAA criteria.*”

If there is any additional analysis, please provide it. However, I have no doubt you have been thorough in your response to my request. Therefore, in the absence of any additional analysis, our response to the SHLAA assessment of our site is provided here.

We note that you stated in your email that:

“*It is simply not realistic, given available resources, to offer site meetings with every site promoter for the purposes of the SHLAA assessments.*”

We would counter that the landscape officer stated via email 01/03/16:

“*Thank you for your offer of visiting the site which I would be pleased to take up when I undertake the SHLAA assessments - likely to be later on in the year.*”

If the landscape officer had advised us that in fact she had no intention of honouring her statement and meeting us on-site, rest assured that we would have submitted our revised proposals for our site via the SDNPA SHLAA template submission process. However, we took the landscape officer at her word, and were still awaiting her confirmation of her site visit, and our meeting, when we observed that the SDNPA SHLAA update had been published in December 2016. We did not sit around idly. We were waiting for the landscape officer to contact us to confirm the site visit “later in the year” as she had promised. Given the communications between us in March 2016 the landscape officer would have been in no doubt that we wished to discuss certain concerns raised by both her and the Liss Neighbourhood Development Plan (“LNDP”) committee, also that we had proposals that we believed mitigated those concerns. We had discussed our request for details of the comments provided by her to the LNDP at the sites meeting, concerning various proposed

sites for allocation in the LNDP, held between members of the SDNPA and LNDP on 14/12/15.

If the landscape officer had simply had the courtesy to advise us that she could no longer meet with us on site prior to completing her assessment then she would have received our revised proposals to take into consideration prior to her assessment of our site and the subsequent publication of the SHLAA report.

With regard to the document entitled: "Full SHLAA Assessment Outcomes for the site" which refers to our site at Hatch Lane (EA142):

- The landscape officer states that the site is "*outside the defined settlement boundary and in open countryside*". That is not the case and is misleading. It is located immediately adjacent to the settlement boundary, and is on Hatch Lane, one of the main roads into Liss from the East. Additionally, the site is not "*in open countryside*". We have neighbours at Stanleys to the West, and border the settlement at the junction of Hatch Lane and Highfield Gardens. We have neighbours at Highfield farm to the south and further housing development exists all the way along Hatch Lane to the junction with the B2070 London Road. Our site is bounded by mature trees, and those together with its topography prevent any risk of further development beyond our site's boundaries.
- With reference to our site, the Landscape officer also stated that, "*It is remote from the centre of the settlement and local services and facilities*". This is again misleading. The majority of Liss is located East of the railway station, its associated crossing, and the retail centre. Our site is a mere 1,100m by road from the roundabout located at the very centre of the small retail area in Liss. It takes less than 1½ minutes by car to drive that distance. The vast majority of the conurbation of Liss lies to the East of the station, the retail centre of the village, and that roundabout. It is arguably more accurate to state that our site "conforms" to the development pattern of the settlement.

With regard to the document entitled: "Full landscape assessment" which refers to our site at Hatch Lane (EA142). The Landscape Officer has made a series of errors that misrepresent our site:

- Under the column heading: "Historic Landscape Character", the landscape officer refers to our site as being part of a field system "*which continues the tract of assarts to the south east of Liss, before the woodland of the greensand hills beyond this to the south, and the dispersed settlement of Hillbrow.*". However, our site is very much located to the north east of Liss. The proposed development most definitely does not extend the village of Liss towards Hill Brow. Indeed, it projects northwards toward Rake, if it can be said to project towards anywhere other than Liss. In addition, our development proposal respects the proposed protected gap and places development in the western side of the site.

The concern that our site would somehow fill in the gap between the main settlement of Liss and the housing development on the Hill Brow ridge is misleading. When one observes the O/S map or views the satellite imagery available on Google Earth it is obvious that the gap between Liss and Hill Brow is covered in considerable depth by unbroken woodland that would likely be protected by the SDNPA, presenting a physical barrier to further development. This woodland is 500m - 800m deep from the

eastern boundary of our land to the Hill Brow Ridge, being the edge of Hill Brow rather than the centre of the settlement, which would prevent such a coalescence even if the proposed protected gap were not in place. It is inconceivable that development on our site's western half would extend the village in any meaningful way or provide precedent for further "creep" eastward due to the green space we would create in our eastern half of our land and the woodland barrier beyond.

The LNDP's claim that our site is poorly related to the settlement boundary is inconsistent with the fact that it sits adjacent to the existing Liss settlement boundary in just the same way as every one of the allocated sites proposed in the LNDP. It is treated as a negative in the appraisal of our site, and yet as a necessary variable in the appraisal of the allocated sites since there were no sites proposed inside the village settlement boundary since sufficient space does not exist within the existing village limits to provide the required development.

Our proposed development will be sited on the western side of the site opposite Highfield Gardens, a cul de sac of family houses (within the settlement boundary) that then links into the Inwood Road/Vinson Road estate. It is therefore directly adjacent to the existing settlement pattern, extending northwards from Highfield Gardens, following the existing pattern of village development, and is protected from further expansion by mature woodland all along the northern boundary of our property. Our site can therefore be said to relate to the settlement pattern in the same way that any of sites (3b), (3c), (4a) and (5) can do. It is acknowledged that the site is currently outside of the settlement boundary however, this currently applies to all allocated site, and is therefore not a differentiator.

Due to the connection to the village via the pedestrian link through Highfield Gardens, our site is actually closer to important village facilities such as the pre-school (Puddleducks) and Liss Primary School than other sites such as (4) and (4a), and equidistant to site (5). Again, our site has been adversely and unreasonably penalised in relation to distances from services when compared to other sites.

- Under the column heading "Views and visibility", the landscape officer states, "*the site is not connected to the settlement boundary*" when it clearly is connected to the settlement boundary along Hatch Lane to the junction with Highfield Gardens. All the allocated sites sit outside the current village boundary in exactly the same way. It is along this boundary that our site's proposed development extends. The landscape officer then continues by erroneously stating that Highfield Gardens is on the opposite side of Hatch Lane to the north of our site. In fact our site is North of Hatch Lane opposite Highfield Gardens. She then continues by stating that our site is bounded to the south by the wooded slopes of the greensand hills. The only woodland that extends upwards is to the extreme east of our site. She also states that the surrounding settlement pattern is "*very dispersed*". That is not the case at all with regard to Highfield Gardens and extending towards Rake Road. Our proposed development would be comparable with this pattern of the settlement's development. We do have sufficient land to reduce the development's density by dispersing the proposed dwellings across the site and affording each a larger plot if that is the planners' preference.
- Under the heading "Landscape Framework", the landscape officer states that Hatch Lane links Liss to Hill Brow. In fact, Hatch Lane links Liss to the B2070 London

Road near to the approach to Rake. It is, principally, Hill Brow Road and Huntsbottom Lane to the south that link Liss to Hill Brow. To suggest otherwise is to misrepresent the cartographic and geographic facts. The Landscape Officer then states that our land “*is the visual gap between Liss and the wooded slopes of the adjacent greensand hills which rise up to the south of the site.*” This is not the case. Our land does not extend to the south of Hatch Lane. Directly to the south of where our proposed development site layout is located across Hatch Lane lies Highfield Gardens. Further East from Highfield Gardens and opposite that area of our site we propose to leave open for green amenity space lies Highfield Hollies farm and arboretum business site. Our proposals have evolved to reflect the desire to retain an open expanse to the eastern end of the site where our woodland will be retained together with open areas for amenity. Furthermore the landscape officer claims our site is “*an important visual gap between Liss and Hillbrow the only area where views over the surrounding land are available along Hatch Lane*”. This is again misleading as any view is difficult from a vehicle as the gaps in the hedgerow are minimal and a vehicle would be driving at 30 mph. It is also questionable whether, when seated low down in a car, these views are achievable. The point at which any gaps in the tree line foliage and / or hedgerow exist any glimpses into our site are very limited and do not extend to views to surrounding land due to the topography of our land and the mature tree borders to our site. There is no pavement at those points either so pedestrians, including dog-walkers, visitors to the SDNPA, etc. cannot be expected to be using the road in any event.

- Under the heading “Contribution to key SDNPA landscape features and / or Special Qualities” the landscape officer reiterates that our site lies to the South East of Liss and attempts to relate our site to the settlement at Hill Brow that is centred over a kilometre away to the South East. Our land is unequivocally situated at the North Eastern edge of the Liss settlement as even a glance at Google Earth, referring to our site at GU33 7NH postcode reference, will clarify. We did wonder if the landscape officer perhaps viewed a different site to ours given the number of errors in describing the location of our site in her report. Our offer to visit our site and meet with us remains extended.
- Under the heading “Access and Highway impacts on landscape features” the landscape officer states that there are no footpaths on Hatch Lane. In fact the footpath from the junction of Highfield Gardens extends along Hatch Lane to a point opposite our proposed site entrance. The landscape officer also comments that any enlargement of the site entrance would involve a “*likely loss of hedgerow to achieve visibility splays*”. Firstly, our proposals are that we would simply move hedgerows back, and not remove them, to reverse any entrance defined as necessary by the Highways team. Secondly, the Landscape officer would have been aware of that if she had met with us as promised. It is important to note that the hedgerows are not the subject of any preservation order, yet we have already committed to protect, retain, and enhance them as part of any proposal. Her comments are misinformed.
- Under the heading “Landscape Character” the landscape officer states that “*the site is in an area of transition from the settlement*”. This is the same for the allocated sites at The Grange and Browns Farm that are both more open sites and more visible from the neighbouring road and pathways than our site. We would add that the site formerly part of The Grange was not even assessed under the Liss Neighbourhood Plan site

selection criteria and so was treated differently from all other sites. The landscape officer then asserts that our site “*would clearly have an impact on these valued characteristics*”. However the detailed landscape assessments we have conducted with our architect combined with our site layout proposals clearly demonstrate that the landscape officer’s analysis is flawed. If she had engaged with us as promised she would have had the benefit of both our detailed evidence and our revised proposals to allay her concerns.

- Under the heading “Landscape Sensitivity” the landscape officer reiterates that the field is visible from Hatch Lane but refrains from clarifying to what extent given its extensive hedgerow and tree cover. She also states that development on our site would “*truncate these views, which include views of mature woodland*”. This continues to misrepresent the reality. There are very limited views over our site from a seated car position at any given point on Hatch Lane. Additionally the points east of our entrance are not served by pavements or pathways and, as such, are not going to impact pedestrians who would not be clambering up the embankment to look into our former paddock. The hedgerows are high and there are only limited foliage gaps. There are wooded boundaries to our site but they are not of a material depth to be accurately considered a “woodland” view. They are simply a wooded boundary to our field. There are no views from Hatch Lane of any landscape beyond the boundary to our field. Our proposals submitted in our documentation to the Independent Examiner – that could have been shared with the landscape officer if she had kept our site appointment – demonstrate that our proposed site layout options do not impact any important views or adversely impact any limited glimpses / views of our site through foliage gaps from Hatch Lane. The Landscape officer’s comments are misleading and somewhat overly dramatic in nature.

In summary, the SHLAA assessment undertaken by the landscape officer for our site contains numerous errors and misrepresentations. These could have been prevented if the landscape officer had met with us on site to conduct her site visit as she committed to us she would. If she had subsequently provided us the courtesy of advising us that she was in fact unable to meet with us perhaps due to her commitments we would have submitted a revised SHLAA in time for her to utilise it in her assessment analysis. If that had been possible then we are certain her analysis would have been better informed.

In addition, given that the landscape officer’s comparative comments in relation to the various sites both allocated and excluded from the LNDP, are not consistent. For example, the SHLAA for the site at Inwood Road (EA034) contains commentary by the landscape officer that “*the site is within the settlement*” when the LNDP clearly states that “*all the proposed housing site allocations are currently outside the settlement policy boundary*”. This provides further evidence that the landscape officer consistently made errors in her SHLAA commentary. We believe it is important that the Independent Examiner is made aware of these inconsistencies to facilitate his consideration of the basic conditions requirement. Given the Independent Examiner has proactively raised this matter with the SDNPA it is imperative that he places the right amount of weight on the conclusions and comments provided by the Landscape Officer. Site comments should be consistently applied and evidenced to ensure that all proposed development can, and will, fulfil the sub-conditions contained within the basic conditions requirement to ensure the development of a robust LNDP.

Please provide us with a draft of your proposed erratum for the published SHLAA and forward this email to the Independent Examiner immediately for his consideration.

Thanks and kind regards

Stephen