



POSITION STATEMENT

Prepared by:
Strutt & Parker

On behalf of:
Mr David Hambrook (owner of Land at Wellgreen Lane, Kingston)

South Downs Local Plan Examination

Representor ID: 81

Matter 10/11: Sites and Settlements

Site: SD77 Castelmer Fruit Farm, Kingston-near-Lewes

November 2018

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Appendix 1: Monson Traffic/Access Constraints Report Issue B

1. INTRODUCTION

- 1.1 Strutt & Parker have previously submitted representations on site SD77 'Castelmer Fruit Farm' on behalf of Mr Hambrook, owner of Land at Wellgreen Lane, Kingston. Our representations to date have focused on the suitability of Castelmer Fruit Farm for allocation, providing evidence which demonstrates the problems that would be faced when delivering it. Many of our concerns would not rule out delivery of SD77 altogether, and we do not therefore pursue them at this stage of plan preparation.
- 1.2 However, there is one remaining aspect of our representations which does affect the deliverability of SD77. This is the presence of third party land, belonging to the property known as Pippins, within the required visibility splay.
- 1.3 As it stands, we do not consider that the designation of site SD77 is deliverable during the plan period and therefore conflicts paragraph 182 of the NPPF12.
- 1.4 This Statement supports our previous representations to the Pre-submission version of the Plan and should be read alongside them. We provide further evidence in the appended Traffic/Access Constraints Report Issue B (dated 12th November 2018) in relation to the third party land ownership issue. The report also provides commentary on the Updated Hampshire County Council Highways Assessment Report in which SD77 is considered, and also on the SOCG between SDNPA and Divine Homes (prospective developer for SD77).

2. BACKGROUND

2.1 We submitted evidence at the Pre-Submission Consultation Stage in relation to both the lack of justification for choosing SD77 for allocation, and to the inability of SD77 to be delivered during the Plan period.

2.2 Our representations included a report by Monson Transport Consultants, which questioned the potential for safe access to/from SD77. The key points raised in their Traffic/Access Constraints Report Issue A (dated 26th September 2017) included the following:

- Visibility to the southeast (left on egress) crosses third party land.
- Road widening appears to be possible within land owned by Castelmer Fruit Farm, but this would require substantial retaining structures, which would impact on adjacent properties, and the removal of mature trees.
- Fire and refuse vehicles would struggle with the gradient of the access and may not have enough space to turn at the end of it. At least one dwelling would need to be removed to facilitate this, should the gradient prove acceptable. The site is too far from Ashcombe Lane for bin stores to be an acceptable alternative.
- The access would form a cross-road with Ashcombe Lane and The Avenue.

2.3 Our Regulation 19 representations also included a copy of pre-application advice received from ESCC Highways on the Castelmer site (dated 16th November 2017). This stated:

“During the site visit it was observed that the required visibility splays could not be achieved to the southeast whether over land within the applicants control or within the highway boundary. Driver visibility is restricted in this direction by the road alignment and neighbouring hedge allowing only 2.4m x 30m. The visibility exhibited on site is therefore not sufficient for vehicle speeds of 30mph.”

2.4 Since the Regulation 19 consultation, Hampshire County Council have provided an updated Highways Assessment Report dated March 2018 in which SD77 is assessed for the first time in relation to highway matters. The third party splay issue is not addressed correctly in the report (it assumes the verge is highway land when it is not).

2.5 We also note the submission of a SOCG between SDNPA and Divine Homes in which our representations are discussed. Included is a pre-application response from ESCC to Divine

Homes, which states that the main issues to consider and requirements to be met are (*inter alia*):

"2) Suitable vehicle, pedestrian and cycle access, to include sufficient width, gradient and visibility splays. Visibility sightlines need to be over land that are either in control of the landowner or public highway."

2.6 There is no indication that adequate visibility splays have been demonstrated during those pre-application discussions, and this remains one of our key concerns with the allocation of SD77.

2.7 We have been in recent discussions with East Sussex County Council regarding the conflicting advice received by ESCC during our pre-application discussions with them in November 2017, and the pre-application advice given to Divine Homes. In an email from Mr. Edward Sheath dated 23rd November 2018, it was confirmed that Divine Homes submitted their pre-application request based on OS mapping data, and not on topographical data as we have done in the accompanying report by Monson (Issue B). We were also provided with the following information:

"Land in this location was acquired by East Sussex County Council in the 1960's for a road improvement scheme. As part of the works for the scheme a close boarded fence was erected along the new highway boundary. This fence is the current boundary fence of Pippins and therefore all the land up to this fence forms part of the adopted public highway."

2.8 We have sought further evidence of this land acquisition, which implies that it involves the grass verge currently in dispute, and we are awaiting a response from Mr. Sheath. In the meantime, it remains of concern to us that both the Highway Boundary Plan and the Title Plan for Pippins (as shown in Monson's report), indicate that the grass verge is currently owned by Pippins. Pippins was last purchased in 1987, following the alleged land acquisition, and their Title Plan remains as showing the grass verge within their ownership. **This needs to be clarified before Castelmer Fruit Farm can be allocated for housing.**

3. ADDITIONAL EVIDENCE

- 3.1 The appended report by Monson (Issue B) demonstrates that visibility cannot be achieved to the left on egress without the need for third party land which, if indeed correct, ESCC have indicated would be objectionable.
- 3.2 Drawing 8770K/03 of the Monson report shows the adopted highway boundary measured onto a topographical survey of the relevant stretch of Ashcombe Lane. The black line shows how the adopted highway narrows at the entrance to Pippins, to exclude the grass verge. The red line on the drawing shows the required 2.4m x 43m visibility splay to a point 1m off the edge of the carriageway (as required by ESCC), which cuts across the grass verge in third party control.
- 3.4 This would not meet ESCC's requirements and would result in a highway objection to any planning application that is submitted under policy SD77. The development would be unsafe in highway terms and would unlikely be supported by the SDNPA. **Under these circumstances, the site cannot be delivered during the plan period.**

5. CONCLUSIONS

- 5.1 As it stands, there is evidence to suggest that policy SD77 is not deliverable. Further investigations should be undertaken to establish the status of the grass verge in dispute, including the identification of supporting evidence to the 1960s land acquisition and establishing why neither the Highway Boundary Plan, nor the Title Plan for Pippins, have been amended to reflect this change in ownership.