

Hamish Evans

From: [REDACTED]
Sent: 19 April 2024 21:04
To: Hamish Evans
Cc: Kevin Toogood
Subject: Comments on Application DM/23/2493 :Transport Technical Note submitted April 2024
Attachments: General Site Plan with Visibility Splays 3100-114 9-6-10.pdf; Correctly Drawn Visibility Splay submitted 11-12-14.pdf; Picture 1 Acacia Entrance facing East.jpg

[REDACTED]

Dear Mr. Evans,

I would like to submit the following comments on planning application DM/23/2493. In particular to questions of visibility splays.

I have now had a chance to look through the applicants 'Transport and Technical Note' . I'm disappointed and a little insulted by the contents of this report which is clearly biased and appears purposed to obscure, obfuscate and create further delay. I'm disappointed because I've gone to great lengths to extend the hand of cooperation to the new owner and come to an amicable arrangement for a visibility splay agreement; this has been deferred by them and now, by the submission of this report, rebutted. And insulted because the authors of the report are attempting to insult the intelligence of anybody who is familiar with this case or the site.

That a correctly drawn visibility splay line crosses onto my land is, above all, easily observable on the ground. Many observers have stood at the junction over the years and seen it with their own eyes. Nothing has changed. And it is clearly and easily demonstrable now, and would be in the future if legal action were ever the result of a decision made on the basis of this report. Attempts to present incorrectly drawn visibility splays are not new, the last attempt in 2014 failed, no doubt this one will fail too. What had been finally accepted by the two previous owners (I've attached two drawing from previous applications) has now been disputed by the new one. The last attempt did not pull the wool over the eyes of WSCC during consideration of 14/00571/FUL:

Ian Gledhill to Steven King 24th December 2014 :

*"The visibility splay retains a 2.4metre X distance and a Y distance of 215metres drawn to the nearside kerb edge to both the east and west. It is the visibility splay to the west that requires 3rd party land. A sightline of 215 metres is drawn to the nearside kerb edge to the west of the site. Given that the access is located on the outside of curve, **a further check on visibility is required**. This requires a further sightline being drawn to the tangent point. Understandably this additional sightline will not be 215 metres but dependent on the distance from the access to the tangent point. **It is this additional sightline to the tangent point that crosses 3rd party land**. Based on the evidence submitted, visibility splays of 2.4 by 215 metres cannot be achieved within highway land or that under the control of the applicant."* (my emphasis).

Ian Gledhill to Steven King 7th January 2015 15:11 :

"The revised visibility splay plan has been discussed and agreed with WSCC at least in terms of the accuracy in terms of the length of the splays and how they are drawn. There is no uncertainty that the splays cross land that is outside the control of the applicant. Clearly any planning permission requiring splays of 2.4 by 160 metres could not be implemented without the consent of the 3rd party being first obtained. The applicant is seemingly aware of this fact."

Ian Gledhill to James Simpson (Applicants Agent) 12th June 2015 12:18 :

“Even with the reduced speed limit, the situation is still that the visibility splay to the west relies upon 3rd party land. Any condition to require the provision of and future maintenance of visibility splays cannot be complied with.”

Ian Gledhill (WSCC Highways) to Steven King (LPA) 1st May 2015 11.10 :

“Hello Steve, as discussed previously, it’s quite clear that the applicant can’t achieve sufficient visibility within land forming part of the public highway or under their control. The area of the visibility splay that falls within 3rd party ownership is quite significant. The applicant has no ability to control or maintain this element of the splay. As such, any condition could not be complied with.”

14/00571/FUL was subsequently refused at committee because the applicant failed to demonstrate adequate visibility splays.

Detailed Comments on report

In reality there was little need for a speed survey to be carried out to ascertain whether suitable visibility splays can be established. That just about acceptable visibility at Acacia can be achieved is not in dispute. What is in dispute, now, is whether the required visibility display includes my land. On the ground it is obvious it does. It is also obvious that before none of my land is required the 85% percentile speed on the road would have to be very low indeed. The Copthorne Road is well surveyed, and this survey merely confirmed surveys carried out in 2016 and 2019 reports commissioned by Mid Sussex District Council. That the road sees around 5,000 to 8,000 vehicles per day in each direction with an 85% percentile around 46 mph is not in dispute.

The report concludes that my land is not included in the required visibility splay, and says this is supported by so said evidence. This presented ‘evidence’ contains a number of misrepresentations and a suitably vague choice of scale and Insert view and assertions about ownership of land presented on a single drawing. Errors in the drawing include:

1. The boundaries of land under Highway ownership has been exaggerated, and this is evident from a simple comparison of figure 3.1 and 2.1. For example, there is a section of land at the east side of my property that appears to have changed ownership between figure 3.1 and 2.1. Also on figure 2.1 the shading of land in Highways ownership appears to cross a line and be undefined in the section between Acacia and Heathy Ridge. This creates the impression of more extensive ownership by Highways than is reality, or indeed that Highways claim.
2. The 2.4m to the visibility splay apex has been drawn from a line that doesn’t exist on other published material, and places the imagined road edge too far south and therefore the apex too far south. On the ground, the road edge line does not suddenly widen as shown on figure 3.1. The said line chosen to draw the 2.4m from is actually the jagged joint between the surface of the A2220 and the surface of the entrance of Acacia. Over the years repairs have pushed that joint into the carriageway material to the extent that it is now further into the carriageway than both the original ‘white line’ and also the road gulley! This can be seen at Picture 1 attached. The apex of the visibility splay triangle should be further north onto the site.
3. The western visibility splay is drawn incorrectly on figure 3.1. It has been drawn to a point at 130m from the entrance, and ignores the fact that the road bends to the north after passing the 130m mark. This can be seen on figure 3.1 as the blue visibility splay line appears to go down the centre of the eastbound carriageway at approx. 90m from Acacia. It should be drawn to a tangent. (for a better explanation see Ian Gledhill’s of WSCC Highways above). It should be noted that any visibility splay will still have a requirement for this tangent, so even if the applicant had shown 85% percentile speeds that only required a 30m splay, the visibility splay would still pass over my land.
4. On the Insert view in the bottom left of figure 3.1 the shading of Highways ownership appears to ‘step’ north conveniently. This is not evident on figure 2.1. If the shading did not contain this step then in fact the Insert view shows the visibility splay line clearly crossing into my land, notwithstanding the other drawing inaccuracies that attempt to minimise the incursion.

There is also other evidence that the report set out to give the result that the applicant wanted rather than being an independent piece of work. 'Yes Engineering Group Limited' clearly heard the brief well. Such bias can be seen in the items above, but in their conclusions about the volume of traffic using the site entrance, it is stark. From the reports summary:

'd The vehicular surveys of the site access also confirm that in the AM peak hour there were just 5 vehicles exiting and 10 entering the site, whilst in the PM peak hour there were 6 vehicles exiting and 5 enter the site.' (page 7).

That statement clearly attempts, reinforced by the use of 'just', to give the impression that this is a lightly used entrance, and that there is little to be concerned about. Yet, when we look at the Auto Surveys Limited manual survey results tabulated on page 166 we learn that in the 24 hour period of 17/1/2024 there were 204 vehicles entering the site and 207 vehicles leaving it. And from the same survey from page 163 we can see that between 9am and 10am there were 21 vehicles entering and 13 exiting, and between 10am and 11am there were 20 entering and 14 exiting. On page 164, between 2pm and 3pm 15 vehicles entered and 16 exited, between 3pm and 4pm 20 entered and 18 exited. So far from being quiet, this is a busy entrance They don't say how they define 'peak hour' but clearly the conclusion statement sets out to misrepresent the data, their data. The reality is that a vehicle enters or exits every couple of minutes or so during large parts of the working day. And at an average of every 3.5 minutes over the 24 hour period. And of course this isn't surprising, Acacia is being used extensively for airport parking, it is literally crammed with cars, some lawfully, some unlawfully and the subject of this application, and some unlawfully that isn't covered in this application.

If this were the entrance to a small residential estate, the 411 total trip loading would be typical of a 96 house development (TRICS 4.257 per residence C3 housing). This would be considered a major development and likely require 4.5m x 160m visibility splays to be demonstrated according to the DMRB.

In conclusion, I think this report, far from demonstrating that a visibility splay agreement is required, shows that even if every ruse possible is used one still can't get away from a simple fact, safe visibility at Acacia is dependent upon the use of land that I own. There is too much history and too many people at WSCC and MSDC LPA are familiar with the site and have heard the arguments too many times for this fact to be simply overturned by a contrived report.

I am not attempting to hold the applicant to ransom over this issue, and have never asked for a financial consideration should the applicant wish to negotiate an amicable visibility agreement. I simply want what was promised to me by a previous owner in return for my cooperation many years ago, a cooperation that he and his successors in title have benefited from immensely. But I will not have taken from me by stealth that which I'm fairly offering. So I must repeat my declaration of not making a visibility splay agreement with the applicant while a planning consent is extant that conditions the provision of such visibility splays. Such a condition would therefore become unenforceable, unlawful and would be legally challenged, I have already made that decision and wish to communicate it to MSDC beyond any doubt should it later be raised in the matter of costs.

Best Regards,


Heathy Ridge
RH10 3PD



Virus-free. www.avg.com