

Hamish Evans

From: [REDACTED]
Sent: 03 July 2024 06:25
To: [REDACTED]
Cc: [REDACTED]
Subject: URGENT Comments on Application DM/23/2493 MSDC

Dear Ms. Farrell,

I have had the opportunity to review your consultation response letter dated 26th June 2024 to Hamish Evans of Mid Sussex District Council in relation to a planning application DM/23/2493.

I am writing to ask you to urgently reconsider your submission on the basis that I don't believe you have applied WSCC policy consistently in forming your judgement, have given too much weight to the applicants submissions and have not duly considered both my submissions and the previous position of WSCC as expressed by Ian Gledhill.

In particular I do not believe you have tested the applicants submissions in line with DMRB CD123 V2.1.0 Section 3.9 and the additional visibility splay assessment that this requires. For information I attach a submission I made to MSDC of the 20th June.

Failure to assess the applicants submissions in accordance with DMRB CD123 V2.1.0 Section 3.9 is at odds with Ian Gledhill's previous submissions, and I believe you have incorrectly concluded that reduced visibility splay lengths mean that the tests of Section 3.9 need not apply. Whether visibility according to road speeds is required at 215m, 210m, 160m or 139m is irrelevant to the fact that because of the curvature of the road, visibility at around 80m to 90m is the issue, the test specifically required in section 3.9. Approaching vehicles that are in full sight at 130m can disappear from view at around 90m and don't reappear until around 60m unless visibility across 3rd party land, my land, is available.

WSCC input during the consideration of 14/00571/FUL contained the following:

Ian Gledhill to Steven King (Mid Sussex LPA) 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."

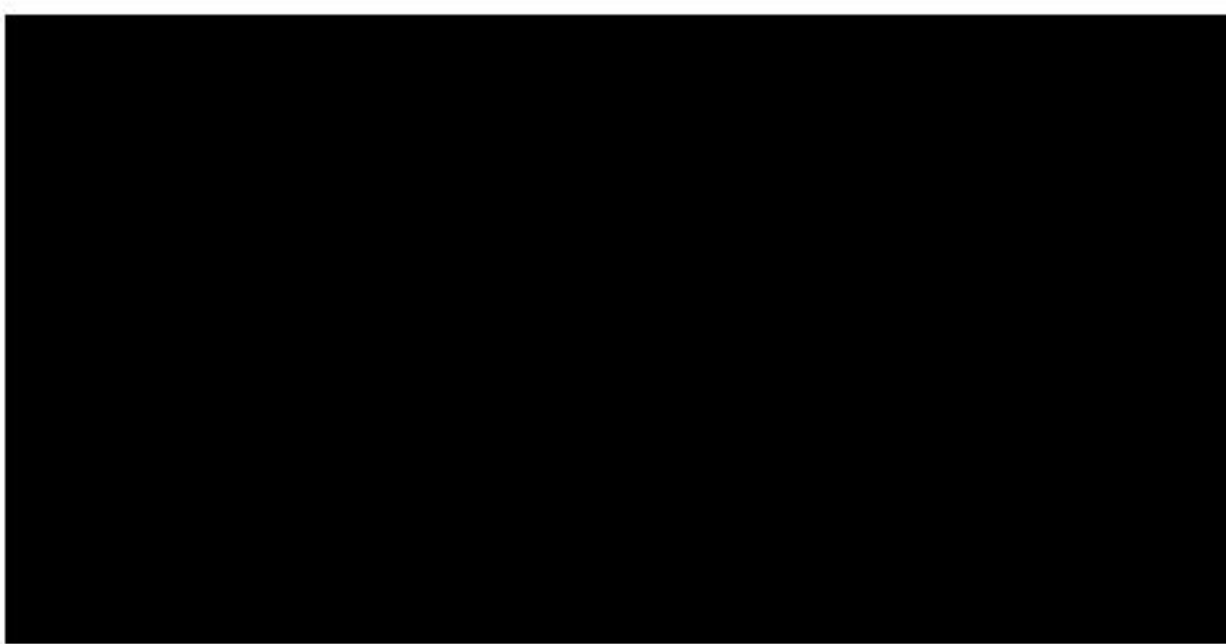
Ian Gledhill (WSCC Highways) to Steven King 1st May 2015 11.10 :

"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."

Also I do not understand your comments about not being able to judge where the legal ownership lies between my land and the highway. I've always accepted WSCC published information, information that the applicant himself referred to. Unless WSCC now claim greater ownership than previously it would be absurd to overturn the previous position of WSCC that a correctly drawn visibility splay required a significant chunk of 3rd party land.

I fully appreciate that you do not wish to enter into a dispute between neighbours, but by not applying DMRB standards fully you have done in a way that is prejudicial to my ongoing visibility splay agreement negotiations with the applicant. This is clearly to my detriment, and I cannot allow it to pass without challenging it, particularly after all of the previous history, including previous litigation. Hopefully you will be able to look again, review your conclusions giving appropriate weight to my submissions and the previous submissions of WSCC and reconsider your consultation response.

Best Regards,



Sent: 20 June 2024 21:15
To: hamish.evans@midsussex.gov.uk
Cc: kevin.toogood@midsussex.gov.uk
Subject: Comments on Application DM/23/2493

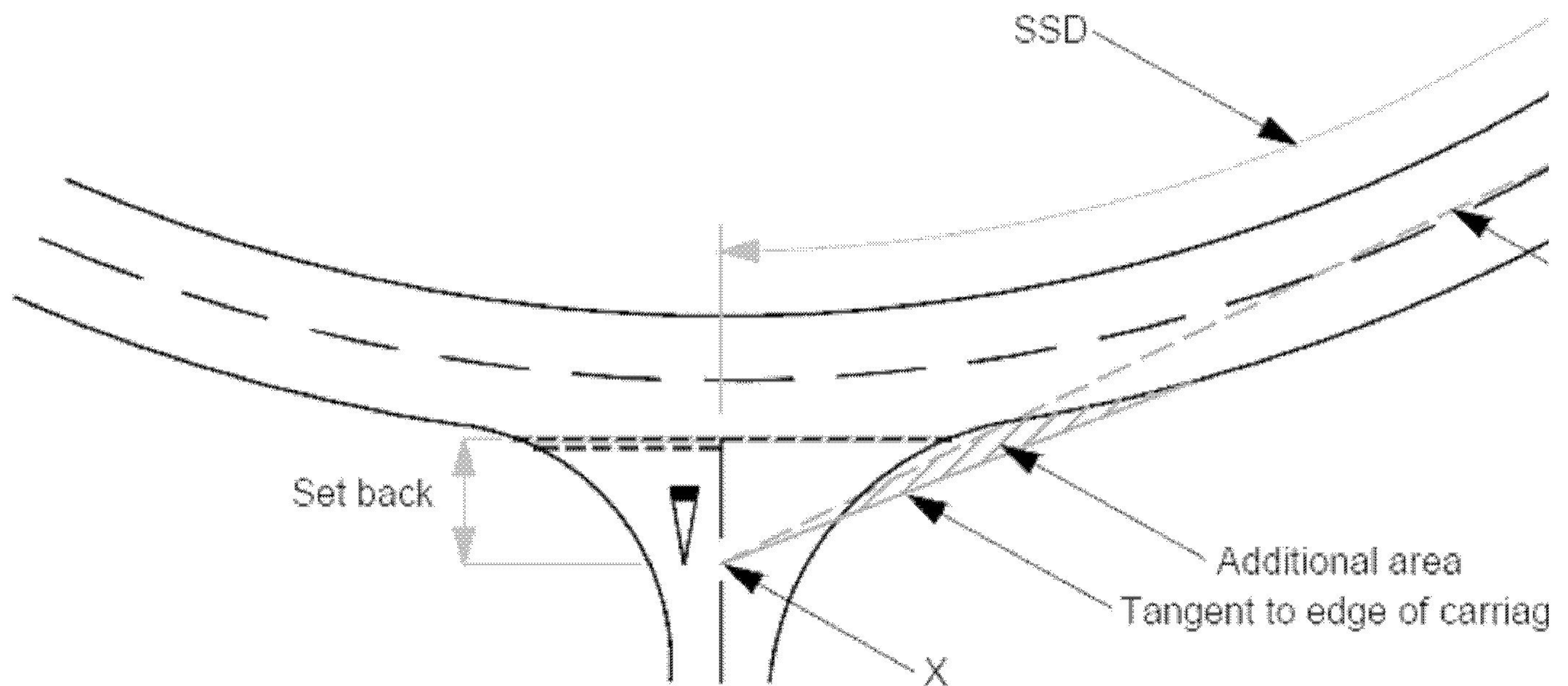
Dear Mr. Evans,

I would like to submit the following comments on planning application DM/23/2493. In particular to discuss some points made in Yes Engineering's rebuttal letter of 5th June, because for the first time Yes Engineering have conceded that their Figure 3.1 does not show visibility lines drawn in accordance with DMRB.

In item 2. of the above letter, Paul Willis states '*DMRB is guidance rather than policy*'. I do not believe this is true. National Highways own description is 'The Design Manual for Roads and Bridges (DMRB) contains information about current design standards relating to the design, assessment and operation of motorway and all-purpose trunk roads in the United Kingdom.' So, not policy, not guidance, but a set of standards. He further goes on to say '*the objector is relying entirely on the point of the tangent in the leading direction*' and he would be correct, because DMRB CD123 V2.1.0 Section 3.9 says exactly that:

3.9 Where the line between points X and Y falls partially within the major road carriageway, an additional area shall be added to the visibility splay formed by drawing a line from X to a point tangential to the nearer edge of the major road running carriageway, as illustrated in Figure 3.9.

Figure 3.9 Additional area of visibility on the outside of a curved major road



Clearly, in the narrative in item 2. Paul Willis accepts that Yes Engineering did not draw the visibility line to the tangent as required by DMRB CD123 V2.1.0 Section 3.9, and he gave as one of the reasons for not doing so as *'it is extremely difficult to ascertain the exact position of the tangent point due to the lack of defined carriageway'* (strangely no such difficulty arose during the topological survey in surveying the whole road which Yes Engineering claim as best practice). In fact no attempt whatever was made to comply with Section 3.9 as Yes Engineering drew the line halfway across the carriageway at the point where it should have been tangential and claimed that was acceptable as motorcycles don't ride at the edge of the carriageway.

Highways Engineers can refer to DMRB as representing the current best practice, and if the requirements of DMRB are met fully then the design can be judged to meet the highest standards of safety. Any deviation therefore represents a sub-optimal solution from a safety point of view, and such a deviation would arguably only be made if other factors outweighed the compromised safety.

So in summary, Yes Engineering have chosen to ignore a whole section of DMRB standards and claimed that there is flexibility to do this *'when all factors are considered'*. But what are the factors in this case? Why would a sub-optimal solution be acceptable in this case? There is no physical impediment to fully complying with DMRB. The answer is simply that Yes Engineering do not wish to admit that a DMRB compliant solution, therefore the optimal safety solution, requires the use of third party land. The impediment isn't physical, it is legal.

Clearly, Yes Engineering propose that WSCC and the LPA should accept their recommendation, compromise road safety by not adhering to DMRB standards for the simple reason that their client wants to avoid a visibility splay agreement with a neighbour. This should of course be resisted. As it was previously.

Best Regards,





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