

Hamish Evans

From: [REDACTED]
Sent: 17 May 2024 11:33
To: Hamish Evans
Cc: Kevin Toogood
Subject: Comments on Application DM/23/2493
Attachments: Acacia Entrance facing West.jpg; Heathy Ridge 1937 Conveyance.jpg

[REDACTED]

Dear Mr. Evans,

I would like to submit the following comments on planning application DM/23/2493.

In particular I would like to comment on the rebuttal letter from [REDACTED] of Yes Engineering Group Limited.

I strongly disagree with the conclusions drawn in the letter that [REDACTED] has somehow shown anything different to previous assessments made by West Sussex County Council Highways department. Yes Engineering carried out a topological survey that simply confirmed material already available from the ordinance survey. It didn't show anything new. The shape or boundary positions are no different. Yes Engineering produced a new drawing based on the topological survey, and then drew a visibility line incorrectly. Exactly the process that previous applicants had done, with exactly the same conclusion. Their conclusion in reality amounts to 'if you draw a visibility line incorrectly you can claim to have shown that the visibility splay doesn't pass over third party land'. What a waste of time and resources. This won't wash. I am not a fool.

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The Design Manual for Roads and Bridges is quite clear about how visibility splay lines should be drawn. Highways have stated quite categorically how they should be drawn. Previous applicants have tried the smoke and mirrors of incorrectly drawn splays before. It didn't work.

However, Yes Engineering in commissioning the topological survey, have moved the argument. They have now shown, with a topological survey, considered best practice, that if you draw a visibility line in accordance with DMRB and West Sussex Highways requirements it definitely crosses 3rd party land. There is no longer any doubts about the accuracy of ordinance survey based drawings, Yes Engineering have proved beyond any doubt that they are accurate.

There are also clear incoherencies and inconsistencies within other parts of the rebuttal letter. For example:

[REDACTED] states *"it would be highly unusual to have a running carriageway lane immediately against a private frontage"* and then reproduces a drawing from WSCC that shows just that. WSCC don't dispute that I own the land up to the metal. It came about through road widening. I've attached a conveyance from 1937 that gives clues to how the situation arose. Copthorne Road is no longer the 'Lane' it once was.

[REDACTED] states *"At no point would an employee of YES Engineering be prepared to present inaccurate document to the local authority for consideration or compromise our reputation"* and yet figure 3.1 of the report contains an obvious error in not drawing the visibility line to the road tangent as required by DMRB and WSCC.

[REDACTED] states *"Each of the comments raised by the adjacent owner are discussed below commencing with the 19th April correspondence"* yet doesn't counter or even discuss my central assertion that the visibility splay as presented is drawn incorrectly.

[REDACTED] also presents drawings of a motorcycle and data as to where a motorcycle might sit on the road. Is he developing an argument that the requirements of DMRB should be relaxed as a motorcycle will never actually be at

the tangent to the road edge? If so, it's an argument he should present to the DoT for future revision of DMRB. Not a justification to draw a visibility splay incorrectly.

Likewise the relevance of what the approach to Acacia looks like from the West is not clear, or why there is a photo of it. I think we all know that a motorcyclist wouldn't pick himself up from the tarmac saying to an ambulance driver "it's my fault, I didn't see that car pull out from the side road". As we all know, for all too many motorcyclists the last thing that they actually see is a car pulling out in front of them from a side road or entrance.

The photograph that [REDACTED] doesn't present anywhere is the view from Acacia looking West. So I've attached one to this email. It was taken from a spot in the centre of Acacia's entrance, 2.4m North of the carriageway, i.e. at the apex of the visibility splay triangle. It clearly shows that the line to the tangent passes over my land. In fact there is an orange bucket on top of a pole that is placed well within my land. It is as clear as night follows day that the bucket is within the visibility splay. In fact it could have been placed much further into the visibility splay. The photo was taken on the evening of 16th May 2024. However, this is the same view that WSCC saw previously that led to their comments about the incursion into neighbouring land being significant. To quote [REDACTED] of Highways again:

"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."

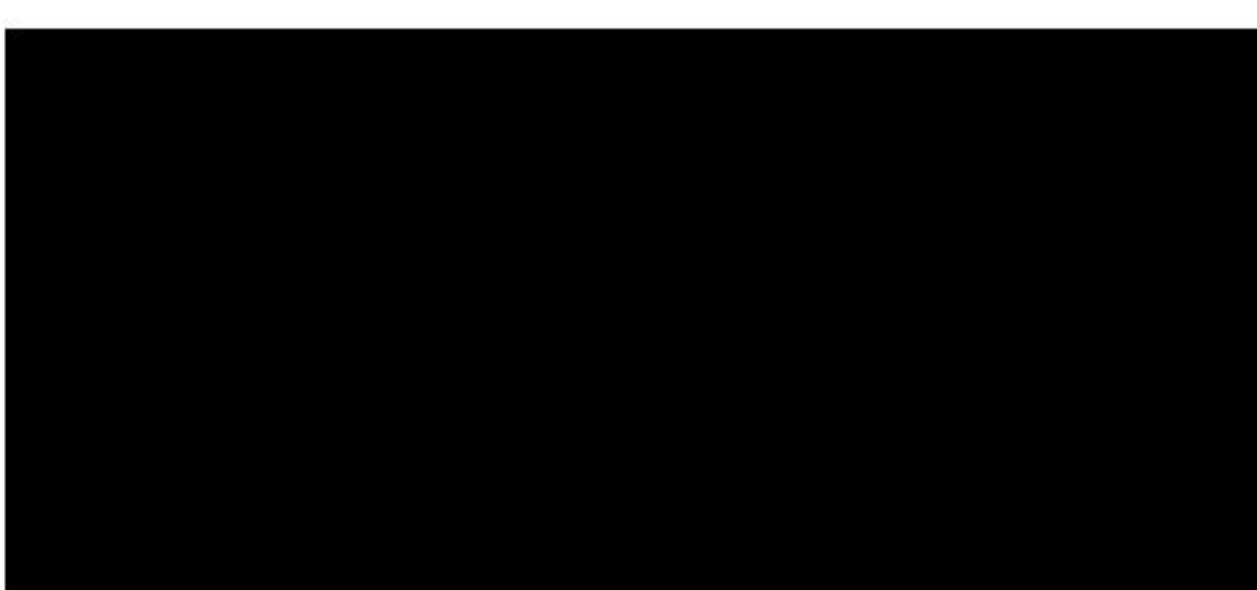
I don't believe [REDACTED] reached this conclusion from a desktop exercise, I believe he reached this conclusion, like so many others have, by standing on the spot and using his own eyes.

It is this aspect of the whole affair that is actually so galling. At any time anybody, without training or instruments, can stand at the spot and see clearly that they are looking over my land in order to gain visibility of traffic approaching Acacia. And yet the applicant submits a smoke and mirrors report, accompanied by a degree of professional chest puffing and assertion of unproven fact that we are all supposed to swallow and believe to the contrary.

And finally, as to the question of impartiality. The attached photo also shows a telegraph pole sat right in the visibility splay area. This must have been clearly visible to Yes Engineering, yet there is no comment on it whatever either in their Transport statement or [REDACTED] so said rebuttal. It would be incredible to believe that Yes Engineering are being truly impartial in this matter, and therefore their call to overturn conclusions reached and matters settled a decade ago should be resisted. It should be remembered that both the previous owner and owner before that finally accepted the reality of requiring my land in a visibility splay, despite similar attempts to confuse the issue.

I would be very happy to meet [REDACTED] at the site, and of course the applicant or representative of MSDC or WSCC. We can carry out the 'bucket test' quickly and hopefully all agree to move forward sensibly on this question.

Best Regards,



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