

Ref: Lewes District Council Local Plan Pt 2 – Site Allocations and Development Management Hearings

Dear Mr Banks,

I write further to our recent email exchange concerning these hearings, at which I have requested to be present. As I am not an expert in these matters, I am not certain which sessions are relevant, but have made a suggestion below. Please feel free to change this according to the correct topics.

I submitted my original comments in two capacities (which have some overlap). These are:

1. As the chair of the Theobalds Road Residents Association (hereafter TRRA) – and therefore representing the interests of the residents of Theobalds Road
2. As a private resident, living in West Sussex, who is concerned at the additional strains that additional development in this area is and will continue to place on resources which are almost entirely provided by Mid Sussex (and thus funded by mid Sussex Council tax payers – so there is overlap with a proportion of the residents of Theobalds Road who also live in, and thus pay Council Tax to, Mid Sussex)

In the sections below, I have tried to separate the issues into topics where I am responding in the two categories.

The submissions already sent covers most of the issues. There are, however, a few important additional points which were active during the input period but had not been resolved at the time. Where some clarification has been achieved, I have taken the liberty of attaching the additional documents for your attention, as you asked for any further input to be provided by the 15th March.

Issues which have been raised repeatedly by the Residents' Association are below:

Status of Theobalds Road as an Ancient Bridleway.

Theobalds Road is and always has been a designated bridleway as far as Mid Sussex is concerned (BH47). East Sussex also had it designated as a bridleway but also an unadopted public highway. The TRRA had sought justification and clarification of the status of the Theobalds Road bridleway from East Sussex Council. At the time of the submissions, no response had been received.

I therefore attach the legal opinion report by Rupert Clubb, Director Communities, Economy and Transport at East Sussex County Council, confirming that Theobalds Road is a bridleway, and only a bridleway. As such, the July 2018 National Planning Policy Framework (paragraph 98) requires Local Planning Authorities to “protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users”.

Brier Cottage Theobalds Road Burgess Hill West Sussex RH15 0SS

15th March, 2019

The TRRA regards this as an important clarification and thus I attach it to this letter.

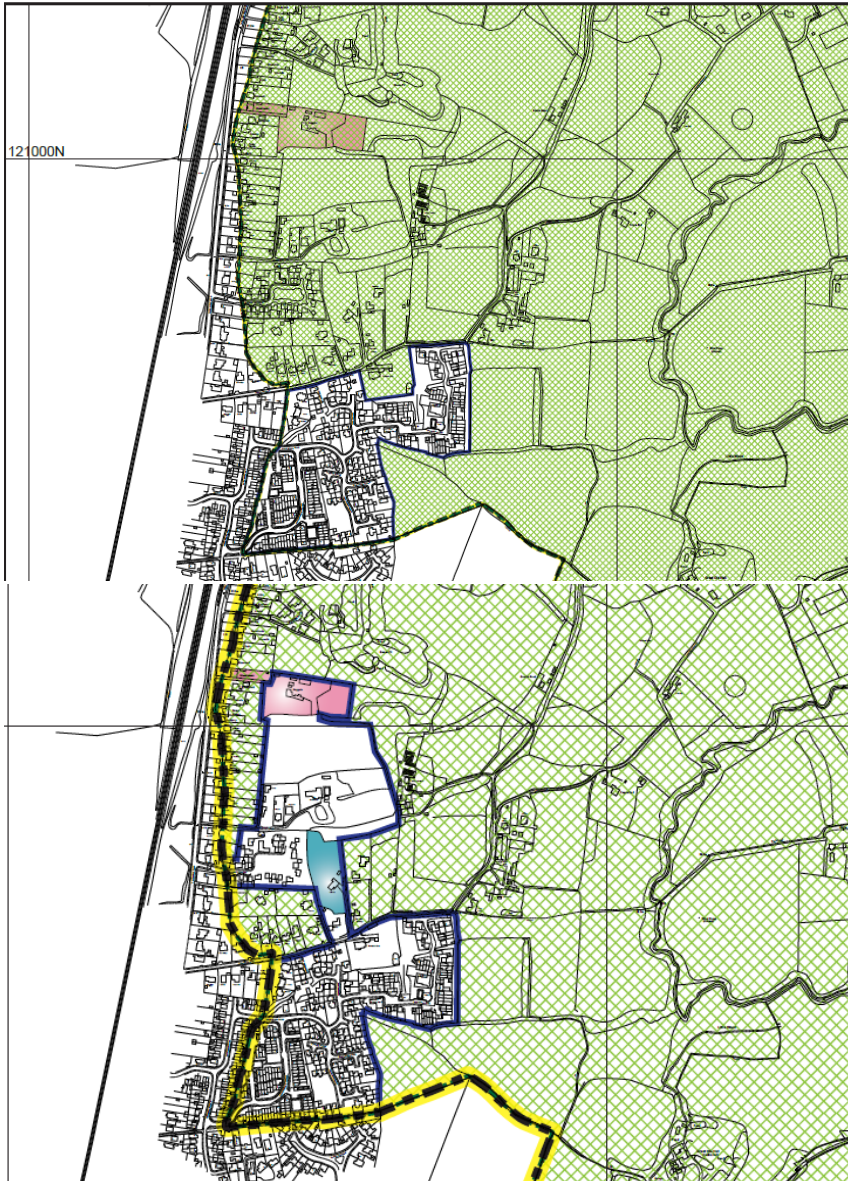
Extensions to the developments along Valebridge Road and gradual moving of the Planning Boundaries.

Theobalds Road is an important asset for the community (both in East and West Sussex) and is much used. It includes within the area several areas of designated Ancient Woodland, and is the access route for pathways (for example, from Ansty Farm towards Wivelsfield church, mentioned in the above document).

The planning boundaries in this area are being revised regularly, for example, the so-called “Edge of Burgess Hill” planning boundaries map (CD002 Submission Policies Map – Edge of Burgess Hill) as established (and as published as part of this process), is as below:

Yet the published documents also include CD019 Consultation Draft Proposals Map 11, which for convenience I include below:

In this, despite assurances that there are sufficient additional buildings defined within Wivelsfield Parish in the pre-existing plans, the proposals now extend significantly – and there has been, as far as I am aware, no public consultation on this at all.



The plans would seem to be part of a continuous drip-feed of “development dumping” in this area. The plans posted as part of the SHELAA 2018 reporting, where I have extracted a broadly similar area, are as below:

Note that those areas in hatched red (06WW) are defined as “Not Deliverable or Developable – Not Suitable”, however, reading the documentation, there is an “unacceptable impact on the existing landscape... and areas of ancient woodland”, however the main constraint is defined as “no means of suitable and viable vehicular access” – in this case, the only possible access route is via Theobalds Road (now accepted as a bridleway, quite apart from being single lane, narrow, only having been metalled (at the cost of residents) for equine, people and light vehicle for resident access only).

Equally, the areas designated 08WW, 22WW, 10WW, 12WW, 19WW and 30WW all lie in areas hatched green (outside planning boundaries) in the current (CD002) boundary maps but have moved into the development zone in the draft map (CD019) – without comment or publicity.

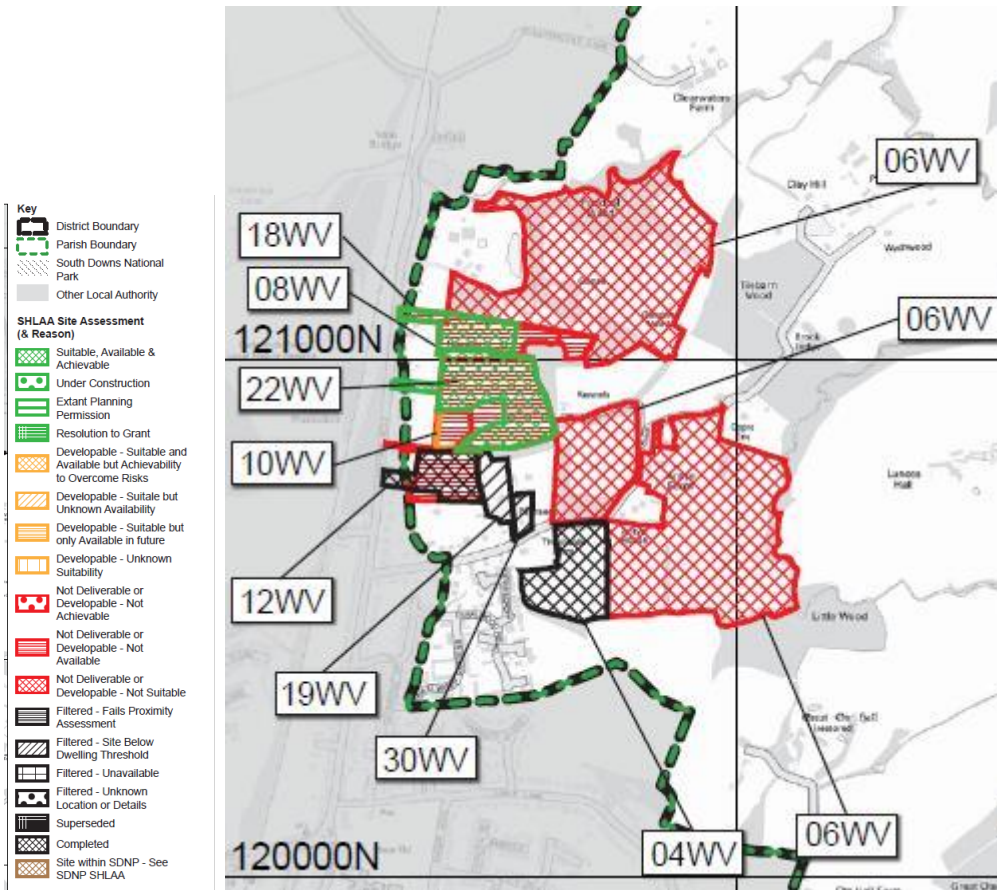
The area marked 04WW was a bitterly fought battle over many years. Its status was also “Not Deliverable or Developable” but the development went ahead anyway.

The small subset of these plans (WW018 – Nuggets) is a case in point. It lies outside the development boundaries in CD002 above (but it is marked in red with a note that planning permission has been applied for anyway). Note that it shows up on the SHELAA 2018 as being suitable for 14 units, yet the outline planning permission is for 25 units, only on the western half of the area, strongly suggesting a later application for an additional 20-25 units on the eastern half.

Given this “scope creep”, the three areas jointly defined as 06WW, outlined for 500 units, could easily end up being up to 2,000 at a similar density.

I am aware that you will have these maps very much in your in-tray, my point was partly to demonstrate the way planning boundaries are moved, and suitability assessments changed, apparently at will by LDC.

The Wivelsfield Neighbourhood Plan as an Adopted Plan, does not include any of this development within it. In fairness to Wivelsfield Parish Council, which put a lot of work into that plan, the need for additional housing within the Parish came too late for inclusion in the plan. However, there is another Neighbourhood Plan which should also be taken into consideration – the World’s End Neighbourhood Plan, which covers the Mid Sussex



area. This speaks of the distinctive “village atmosphere” of World’s End. This does not seem to be given any weight or consideration in all of these planning considerations.

Issue as a Council Tax Payer to West Sussex/Mid Sussex.

I must specify that the following is submitted by me as a Mid/West Sussex Council Tax payer who happens to live on Theobalds Road. Whilst my immediate neighbours have expressed quite some surprise at this issue, it is not one necessarily shared by the TRRA members overall, and therefore I must identify my separate role.

Increased, unfunded, demands on Mid Sussex Resources

The overall Burgess Hill and Haywards Heath are has been identified as an area suitable for large scale development. This is understood – new housing is required and new associated employment opportunities as well as the social resources to support it. By social resources, I mean leisure facilities such as designated green spaces, playgrounds and sporting and leisure centres, plus the core requirements of schools, GP and other medical facilities, not to mention

police and fire resources, as well as railway and other public transport infrastructure as well as a sustainable road network for the ever-increasing amount of traffic.

I recognise the need for more houses. I know that means a regrettable loss of green space, but it is not possible to “freeze the area in aspic”.

The Mid Sussex District Council website

<https://www.midsussex.gov.uk/revsandbens/council-tax/> identifies that the council tax paid by residents in businesses in Mid Sussex are used directly to provide:

- Education
- Fire and Police Services
- Roads
- Libraries
- Rubbish Collections
- Planning Whilst the categories of spend further include
 - Leisure Centres and Outdoor Facilities
 - Street Cleaning and Environmental Services
 - Housing
 - Transport and Parking Services Whilst a separate set of accounts from West Sussex County Council highlights the spend on Adults and Health as well as fire and rescue services, highways and infrastructure and suchlike. Policing is likewise funded primarily from Council Tax. Local medical facilities (GPs, Dentist, hospitals and mental health facilities come under the NHS, however they need to be put somewhere and the infrastructure – just like for schools and transport facilities – also needs space and construction. Thus, directly or indirectly, all of the above are funded by the local community in terms of business rates and council tax for residents. Yet all of the development identified above, will end up relying on resources provided by, and funded by, Mid Sussex or West Sussex, yet the council tax will flow to East Sussex, as will any

CIL arising from the developments. I recognise this is not new. However, it only goes one way – in favour of East Sussex and Lewes District Council directly.

I raised this (in the context of the Nuggets development noted above) with Wivelsfield Parish Council. I was told that “it all balances out”. In fact, this assertion was made to be twice in Parish Council meetings (i.e. it is the official position).

I therefore took the trouble of following the East/West Sussex county border from the North, where it runs into Surrey, to the coast. I identified all of the communities I could find, and could find no case at all where East Sussex would be providing resources for West Sussex. There are two hospitals in the area, in Haywards Heath and Brighton, thus one in East and one in West Sussex, and both funded by the NHS. Apart from this, it all goes in favour of East Sussex.

The email exchange appended at the end of this letter makes this point. I have asked, now, on three occasions for some facts, information or some sort of report to support this assertion. Answer came there none. Thus, since three months have now elapsed since I raised the issue, I must conclude the principle of equality is not based on fact.

There are no areas which could counter the demands being placed, and planned to be placed in ever- increasing scale, on resources provided by, and funded from Mid Sussex Council Tax payers.

This point was made explicit in the Nuggets Planning Development application, where the proximity of school, doctors, dentists, leisure facilities and railway station – all in West Sussex – was cited as a major advantage of the location.

Duty to Co-operate


It is hard to look at the history of past development in this area and the map of future identified sites cited in the SHELAA 2018 plan without coming to the conclusion that Lewes District Council is indeed working on a strategy of development dumping, in particular in this area, which will exacerbate the demands on the already over-stretched transport, leisure and social resources in Mid Sussex.

I have been told there is a committee in place to manage the “Duty to

Cooperate". And that this has all been looked at. This is identified in some of the documents uploaded on the portal for these hearings as "West Sussex and Greater Brighton". However, this is an incorrect reference, as its correct name is "**Coastal** West Sussex and Greater Brighton" and *its geographical remit does not cover this area*. Thus, there is no evidence that the statutory requirement of "Duty to Cooperate" has been fulfilled.

I therefore call upon this hearing to place a total moratorium on any and all development in this area, until such time that a proper, rational cross-border plan has been put in place and an actual agreement established between Mid Sussex and Lewes District Councils, to cover not only the practicalities of provision or resources and infrastructure, but proper respect for green spaces as well as a funding plan, including the allocation of both Council tax and CIL payments, which is acceptable to Mid Sussex Council Tax payers, as evidenced via a referendum as such funding decisions require.

Yours sincerely



Chair, Theobalds Road Residents Association and Private Resident

Appendix – Email exchange with Clerk of Wivelsfield Parish Council seeking evidential support for the official assertion of overall equality of resource provision.

From: Robin Walker **Sent:** 10 March 2019 13:14 **To:** 'Clerk' **Cc:** 'Sarah Roberts' 'Richard Maltby' 'Antonia Okey'

Subject: RE: WNP thanks and development/border request for clarification

Dear Liz,

I thought I should drop you a line to remind you of this topic.

As a brief reminder, as a Mid Sussex resident, I disagreed with the stated assertion from Wivelsfield Parish Council that whilst development dumping by Lewes District Council in the immediate area of World's End would provide unbalanced benefits to East Sussex, this would balance out overall between the

two district councils.

I provided the information below which demonstrates this is a completely inaccurate assertion: the benefits only go to East Sussex. As this had been stated in Parish Council meetings at least twice (and in fact has since been repeated as if it were correct by East Sussex residents within Theobalds Road), I now feel it is important, given the upcoming hearings as well as local elections, to resolve this.

I therefore invite Wivelsfield Parish council to do one of the following:

1. Provide evidence which supports this rather lazy assertion, or
2. Withdraw it in writing and agree that the benefits only work in favour of East Sussex along the whole border.

Given you have now had four months to respond and refute this, I feel it is only fair to get some response as above. I fully appreciate that the Parish Council is volunteering its time and resources and that is why I have left it for a while. However, it must be a topic for the upcoming development plan hearing in April, where I

fully intend to move for a block on all developments that expect resources from Mid Sussex, until this is resolved.

If I hear nothing before the hearings in April, I shall take it that Wivelsfield Parish Council has no supporting evidence and that the benefits are, as I stated, only one way.

Sorry to be somewhat brutal in this but it has been hanging around for a long time and when I speak to fellow Mid Sussex residents, they are somewhat surprised that Mid Sussex would accept this on behalf of its tax paying residents.

Your sincerely

Robin Walker

From: Robin Walker **Sent:** 07 December 2018 13:58 **To:** 'Clerk' **Cc:** 'Sarah Roberts' 'Richard Maltby' 'Antonia Okey'

Subject: RE: WNP thanks and development/border request for clarification

Dear Liz,

Many thanks for your holding response.

It is now three weeks since you sent this, but I do not seem to have had a reply. My apologies if it was sent and I missed it.

I expected the source of this “information” would be quite easy to provide, given that Mr. Dawson stated it as fact in two meetings. That it has not been found strongly suggests to me that it is perhaps one of those perceived truths that gradually consolidate over time into “facts”.

As I believe my analysis as originally provided ably demonstrates, this assertion is not only untrue from the visible evidence, but it seems as if there is no official evidence that can be used to support it, or it would have been provided by now.

Whilst I understand it is in the best interests of Wivelsfield Parish Council – not to mention Lewes District Council – that this particular canard should be promulgated, I would like this to cease, and either the council members do not state it, or, ideally, publicly accept the truth that almost all of the recent, current and future planned development within WPC’s area is, indeed, planned in the context of relying on Mid Sussex to provide almost all of the necessary resources whilst LDC captures all of the Council Tax, and also all the CIL payments if a proportion of these are not “successfully bid for” by MDSC.

Regardless of the future response, I shall certainly be ramping up my campaign for a much closer link between income and resource provision, and, absent any new information from WPC, the inability to support the claim serves as sufficient evidence of its inaccuracy.

Kind regards

Robin Walker

Brier Cottage, Theobalds Road WEST Sussex

From: Clerk **Sent:** 16 November 2018 10:06 **To:** **Subject:** Re: WNP thanks and development/border request for clarification

Dear Robin, Just to acknowledge receipt of your email which I have forwarded to members of the Council.

Kind regards, Liz

Redacted copy of Further Statement REP/454/001

Liz Gander Clerk to Wivelsfield Parish Council

From: Robin Walker **Sent:** Monday, November 12, 2018 11:31:55 AM **To:** Clerk **Cc:** 'Antonia Okey'; 'Sandown';; 'Richard Maltby' **Subject:** WNP thanks and development/border request for clarification

Dear Liz,

I wanted to thank everyone from the Wivelsfield Parish Council (WPC) for taking the time to listen to the concerns from the Theobalds Road Residents' Association (TRRA) related to the Wivelsfield Neighbourhood Plan (WNP).

To reconfirm what we said, it is absolutely not our intent to run any risk of damaging the current integrity of the WNP – quite the opposite, I hope that everyone from TRRA was clear that we totally support WPC in having and wanting to use the WNP and that our wish is to ensure it has a long life. We see the best route to that is by it being fully up-to-date (including all the significant changes that have happened in terms of additional housing in the Parish), absolutely factually accurate, demonstrably takes a “whole of the parish” approach, and that includes reference to all of the recent/current/planning applied for developments. That way, we can better ensure that future housing is sustainable and appropriate.

Clearly, if Wivelsfield Parish has provided more than its fair share of housing and well ahead of its “five year supply” basis, then the parish can more legitimately take the stance of “cast out the mote in thine own eye” regarding overall shortfall at the LDC level.

I did get on my hobby-horse (but only briefly) of the issue of Lewes' development dumping along the border with West Sussex (speaking as a Mid Sussex Council Tax payer). It was not the topic of the meeting.

However, during the meeting, your chair, Ian Dawson stated – as at the previous PCC meeting where the Nuggets development was discussed – that it may be all in East Sussex' favour around Burgess Hill and Haywards Heath but it balances out elsewhere.

When Ian mentioned it before, I took it at face value, but as he raised it a second time, I thought it was not unreasonable to check, and it prompted me to look at it. I don't know where the statement comes from – I would be very interested to

find out, hence my question.

I am sure that you will understand this is a major concern for me – as it will certainly be for every Mid-Sussex Council Tax payer – so I want to understand its origin.

I looked at the East/West Sussex border from the North (where both counties run into Surrey) to the South Coast.

My observations are as below:

I use the abbreviation WS for West Sussex, and ES for East Sussex.

From the North:

We first encounter Holtye Road, which has no development in ES, but of course runs west into East Grinstead, a sizeable community all in WS (where the development goes up to the Surrey border, but not beyond – so WS is only developing on its own side of this border, too.

There are a few scattered farms before Maypole Rd (which turn into Homestall Rd in ES) marks the very edge of Ashurstwood – again, in WS, once again, far more developed in WS than ES, in fact the rather complex boundary here contains housing developments in WS clearly constrained by the county border. This village includes schools and . Yet, there are no towns on the ES side which could be expected to contribute to the WS border developments; the units in this area clearly will go to Ashurstwood.

Forest Row is the first town on the ES side. It is clearly larger than Ashurstwood, also contains schools, churches and similar. Would people from Ashurstwood go to Forest Row rather than East Grinstead?

The border then skirts to the West of Weir Wood reservoir and south along Grinstead Lane to Plawhatch Lane. The villages of West Hoathley and Sharpthorne lie in West Sussex, but some distance from the border and, absent an urgent need to visit the garden centre in Wych Cross, which I know is excellent, I can see no ES resources that these villages might use.

The border winds between the villages of Horsted Keynes in WS and Danehill in ES – with Chelwood Common just to the North. I see no reason for one-way traffic here.

The next significant habitations lie with Scaynes Hill, E of Haywards Heath, on the

WS side of the border on the A272 and North Chailey and Lewes on the ES side. Both are away from the country line and both have their own resources.

The border then circles to the west, skirting Haywards Heath, where we know major resources are available, including the main railway station, hospital and schooling, and where, of course, LDC is busy piling 175 units into the top west corner of its border with WS, where, clearly, additional resources in terms of schooling will be added – but to a development which is still relying in WS for most other things.

We then follow the border south to the much-contested area where, as I pointed out, there are significant developments crushed against the border (including what is there from Downlands, and the current string development on Valebridge Rd plus what is in for consideration (Nuggets) – let alone the northernmost section of WV06, which could reasonably be split off and claimed to be accessible via Valebridge Rd, and is several times the size of Downlands (78 units).

As the Burgess Hill Neighbourhood Plan identifies, this all feeds into Worlds End, centred around Wivelsfield Station, yet what has been added is probably already more than Worlds End – recall that the Nuggets planning application identifies Worlds End resources as the main rationale for its sustainability.

We travel further south, skirting the eastern side of Burgess Hill, where there are developments on the WS side and little but lovely field on the ES side, until we cross Keymer Rd between Keymer and Ditchling, with Keymer being the larger, but, again, with more resources than Ditchling (and, I think we would agree, wider roads!).

The country line winds its rather odd way across the South Downs and runs some distance to the North of Brighton. Brighton, of course, is a major centre, and properties on the WS side would reasonably go there. Yet the only things we see are the string of ancient villages which lie along the “spring line” between the base of the chalk downs and the underlying shale. Each has its own resources – it may be that some people go to Southwick or Portslade for senior school, and here the local hospital is clearly Brighton. Yet these villages are tiny and the A293, which marks the northern side of residential development in ES, encloses a major conurbation.

Finally, our county border hits the coast between Fishersgate and Southwick, with, respectively, Hove to the East on the ES side and Shoreham-by-Sea to the west on the WS side. Both these latter have similar community-funded resources

Redacted copy of Further Statement REP/454/001

to provide for anything that Fishersgate and Southwick might lack.

So, I am very interested to understand the origin and/or factual basis upon which the assertion was made, since it was repeated. I cannot see *any area* where ES is likely to be doing any major provision of resources for WS residents' use, yet the area between Haywards Heath and the Worlds End community is being relentlessly filled – and Mid Sussex council tax payers are expected to provide the resources, whilst both CIL payments and all future council tax payments flow to LDC, with Mid Sussex' ability to cover its costs limited to "bidding for a portion of the CIL".

I think it is reasonable to take Princess Royal in HH and the Royal Sussex in Brighton, which both serve quite a wide community (and are 98% funded by central government anyway), out of the equation.

I am very interested to pursue this purely on the basis of the facts and therefore would appreciate some insight into the original source of the assertion.

Kind regards

Robin Walker

Chair, Theobalds Road Residents' Association