

Print Room QSP (EU)

From: Jane Moseley <jane.moseley@westsussex.gov.uk>
Sent: 09 July 2014 15:49
To: Bob McCurry
Cc: Michael Elkington; Dominic Smith; Geoff Davies; Jenny Massingham; Gareth Wilson; Lucy Wood; Alex Jack
Subject: RE: Proposed Temporary Well Site, Land south of Boxal Bridge, Wisborough Green (WSCC/083/13/KD)

Bob

I write in response to your letter of 8 July 2014 regarding the above.

In your letter you note that you consider WSCC has not given Celtique a reasonable time to respond to the comments received from our Highways Officers. You also note that the highways comments are not matters of principle but aspects of detailed design which can definitely be overcome.

In response to this I would note the following:

- Vehicle tracking along Kirdford Road: the initial response from WSCC Highways asked for swept path tracking along the route for the largest vehicles along this route. The vehicle tracking was provided with the additional information in May 2014, but only for Boxal Bridge and Wisborough Green (P25 - attached), not the entire route. Further, the tracking shown in P25 indicates that vehicles turning at the A272/Kirdford Road junction cannot do so safely. This raises serious, in-principle safety concerns which we are not confident can be overcome. From the diagrams provided it appears that overcoming the issues would involve the road being realigned, using part of the Green which is a significant issue. It is difficult to understand why your highways consultant did not note the issue at the junction, or provide swept paths along the whole route, as requested.
- Traffic Assessment: the initial response from WSCC Highways asked for clarification as to why the HV threshold was set at 1.5t, referenced in table 10.4 as 7.5t, but identified in DMRB guidance as 3.5t, and asked for a more detailed breakdown by vehicle type. It also identified inconsistencies in the data. Part of the survey data was provided with the additional information in May 2014, but without clarification of why the HV threshold was set as it was. No survey data was provided to verify the appraisal of the A272.
- Visibility Splays: The initial response from WSCC Highways asked for a Designer Response to the Road Safety Audit of the site access and for visibility splays to be identified in accordance with the recorded road speed. The response provided shows that the visibility splays are inadequate. The diagram at paragraph 4.12 of WSCC's Local Design Guide shows how visibility splays are to be measured, reflecting DMRB and Manual for Streets guidance. This shows distances must be measured to the near-side kerb. The information submitted shows that the required visibility is achievable at the far-side kerb, and that it is not achievable at the near-side kerb. This obviously raises serious, in-principle safety concerns which we are not confident can be overcome. It is again difficult to understand why your highways consultant did not follow the standard procedure for visibility splays.

The Road Safety Audit states in section 1.4 that it has "...not examined or verified compliance of the designs to any other criteria. The Auditor states that the Audit has been carried out in accordance with Highway Directive 19/03 which, in section 2.62 states that "to maximise the benefit from the Road Safety Audit, the brief needs careful preparation and must include sufficient information to enable an efficient Audit to be undertaken. An Audit Brief should contain the following:b) details of approved Departures and Relaxations from Standards".

It is the responsibility of the Design Team to identify departures from relevant design standards and seek approval for departures where required. This should occur prior to a Road Safety Audit being undertaken. An application for a 'Departure from Standard' in accordance with General Direction 01/08 has not been received.

In response to your comments regarding Mr Smith's lack of engagement I would note the following (updating your table for ease of reference):

			WSCC Response:	
Telephone Smith	Dominic	02/07/14	Left message asking to call back.	Call received at 18.05. Not returned due to other workload.
Telephone Smith	Dominic	24/06/14	Left message asking to call back.	Information had not been looked at so call not returned as no comments to make at that time.
Telephone Smith	Dominic	23/06/14	Left message asking to call back.	No call received (we have computerised telephones which enable us to track this).
E-mail	Dominic Smith	03/06/14	Out of office received. No subsequent response.	This email requested feedback on the CMTP for Broadford Bridge, not the present site.
Telephone Smith	Dominic	08/01/14	Discussed detail of CTMP outline in addendum transport chapter.	

While in the latter stages this is not ideal, as I noted previously your highways consultant gave us no indication that suitable visibility splays could not be achieved, swept paths had raised problems, or that they disagreed with the issues regarding what constituted a HV. As an authority we have engaged with Celtique and Barton Willmore throughout the process, particularly through James Neave and myself, and Mr Smith engaged in extensive pre-application dialogue to set the scope of the assessment, identify preferred routes and highlight issues emerging from feasibility studies. If these issues had been brought to our attention prior or after the submission of further information we would have ensured Mr Smith's early attention was given to the application.

In relation to the comments you have provided from Mr Smith:

- 16 July 2013: "From a purely technical perspective I think the preference would still be for the construction vehicles to take the most direct and shortest route from the A272." This is still the case. The preference for this route does not mean that it is necessarily safe.
- 17 February 2014: "The Road Safety Audit of the proposed 'Route 1' indicated that the route was generally considered acceptable with some intervention required in respect of overgrown vegetation. Junctions are onto roads with slower speed limits and therefore reduced visibility requirements; and neither route is considered to have

operating capacity constraints." This was the case based on the information submitted at that time. Further information was provided in response to the Regulation 22 request which indicated that this was not in fact the case.

- 2 May 2014: "From a technical perspective we are satisfied that this [the shortest route to and from the 'Advisory Lorry Network' which routes vehicles through the centre of the village] is not detrimental to safety or capacity." Again, these comments were made without reference to the additional information which had been requested.

With regards to methodology used for the Transport Assessment I would refer you to the attached initial highways response which, among other things notes that:

"Traffic Assessment

Existing vehicular movement counts have been included; collected data should be included to verify the findings.

Clarification is sought as to why HV threshold was set at 1.5t in assessment and referenced in table 10.4 as 7.5t. The DMRB identifies large vehicles to be vehicles in excess of 3.5t (p1.19 of TD50/04). Data collected through the existing traffic counts should provide a more detailed analysis of vehicular type."

You state that I said the 4 points of objection from WSCC Highways could be overcome at appeal. I do not recall saying that. However, if that is the case my intention would have been to flag up your options, should Committee refuse the application, one of which is appealing the decision. I was trying to be clear that we would take the application to Committee on 22 July with a recommendation of refusal because of the highways issues which I did not consider could be overcome.

You state that I mentioned on the phone that we would not defer the Committee for logistical reasons. You do not note that I said we would not take it to Committee if there were not sound planning reasons for refusal that we were confident could not be overcome.

In light of the above, we intend to take the application to Committee on 22 July. Hopefully this has clarified why this is the case.

Regards
Jane.

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From: Bob McCurry [mailto:bob.mccurry@bartonwillmore.co.uk]
Sent: 08 July 2014 16:53
To: Jane Moseley
Cc: Michael Elkington; Dominic Smith; Geoff Davies; Jenny Massingham; Gareth Wilson; Lucy Wood
Subject: RE: Proposed Temporary Well Site, Land south of Boxal Bridge, Wisborough Green (WSCC/083/13/KD)

Dear Jane,

Thank you for your email below and please find attached a response letter which has been sent in the post to you tonight.

In summary, we believe there is a good justification for deferring the application from the July committee in order to allow some additional time to overcome the highways objections that were only received on the 2nd July 2014.

The reasons provided by the Council for why the application cannot be deferred are not considered strong ones and, more importantly, Celtique Energie firmly believe these objections can be overcome at the local level and are keen to work positively with the Council to resolve these points.

I hope the attached is clear and I look forward to hearing from you in due course.

Regards

Bob McCurry

Director

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Please note our Registered Office in Reading is relocating. From 16th June the new address is: The Blade, Abbey Square, Reading, RG1 3BE

From: Jane Moseley [<mailto:jane.moseley@westsussex.gov.uk>]

Sent: 07 July 2014 16:07

To: Bob McCurry

Cc: Dominic Smith; Jenny Massingham; Lucy Wood; Alex Jack; Michael Elkington

Subject: RE: Proposed Temporary Well Site, Land south of Boxal Bridge, Wisborough Green (WSCC/083/13/KD)

Bob

I write in response to your email below, and your subsequent telephone call this morning.

I am sorry to hear that the objection from WSCC Highways has come as a surprise to you and your client. In this case, however, we consider that we have been open in expressing our concerns about the submitted highways information. I consider that Mr Smith's initial response to the application was clear about what additional information was required. I was not aware that the issues he raised caused you any problems so we were perhaps under the impression that the highways' concerns had been overcome. While it is unfortunate that Mr Smith did not review your response until recently, it should come as no surprise that if the issues he raised are not addressed, an objection is likely to be forthcoming.

From my perspective the issues raised by Mr Smith raise fundamental causes for concern over road safety. Lorries would have to swing onto the other side of the A272 to access the route to the site. Further, no justification has been provided for using a 1.5T threshold for HGVs, despite this being requested. While we can extrapolate HGV numbers from the raw data provided, this leaves us to reach our own conclusion which is that there is the potential for a significant highway impact. Finally, the visibility splays at the site access have not been shown to be acceptable, with, again, potentially significant impacts on the highway network.

With regards to the lack of communication from Mr Smith, while it would have been useful for his response to be prepared earlier, this is not always possible given fluctuations in workload.

I will now respond to the specific issues raised, set out in your table for ease of understanding:

Objection Details	Initial Response	WSCC Response
<p>Provide suitable visibility at the site access and its junction with Kirdford Road to satisfy the stopping sight distances of the recorded 85th percentile speed</p>	<ul style="list-style-type: none"> Road Safety Audit Stage 1, Kirdford Road, Wisborough Green Site Access" provided at Appendix 10.7. No matters raised by the RSA1 which could not be dealt with by condition. Further information can be provided to WSCC. Conclusions and recommendations of road safety audit will not change. 	<ul style="list-style-type: none"> The Audit is not a Design Check. It would assume that there has been no departure from the DMRB Standard unless this was identified in the Audit Brief – which it was not. <p>The submitted data indicates that sufficient visibility has not been provided. This therefore demonstrates that the design is incorrect.</p>
<p>Submit an accurate assessment of the likely traffic impacts of the proposed development and establish an accurate and realistic baseline position</p>	<ul style="list-style-type: none"> Methodology in application agreed and approved at Broadford Bridge. All information has been provided to WSCC. Further assessment work can be provided if required. Absolute number of site vehicles per day will not change nor total volume of baseline traffic. 	<ul style="list-style-type: none"> The methodology used for both applications was, in retrospect, incorrect. Having realised this, the issue was raised in WSCC Highways' initial response to this application. The baseline assessment does not match the recorded count data. The lack of data and the inconsistencies were raised in the initial response but remained unchanged in the further submission. The baseline traffic assessment needs to change as it fails to provide a comparable assessment.
<p>Demonstrate that approach roads are suitable to accommodate the additional traffic generated by the development and, in particular, large vehicles at the junctions of the A272/Durbans Road, Durbans Road/Kirdford Road and along Kirdford Road given width constraints and two-way vehicular flow</p>	<ul style="list-style-type: none"> "Road Safety Assessment, Proposed Temporary Haul Route, Wisborough Green, West Sussex" provided as Appendix 10.5. All sections of highway referred to in objection included in this audit. No matters raised by the study which could not be dealt with by condition. Further information can be provided to WSCC. Conclusions and recommendations of road safety assessment will not change. 	<ul style="list-style-type: none"> It is unclear whether the audit included the A272/Durbans junction. Regardless, the auditor did not have access to key information such as swept path diagrams. The A272 carries a significant volume of traffic so notwithstanding the outcome of the Audit, WSCC Highways considers there is a high possibility of conflict in the event that vehicles cross the centre line. It is also of note that when this information was provided for the Fernhurst application the Auditor raised concerns over vehicles crossing into the opposing lane – on a road

<p>Demonstrate that large vehicles are able to execute a right hand turn out of the site access and its junction with Kirdford Road</p>	<ul style="list-style-type: none"> • Road Safety Audit Stage 1, Kirdford Road, Wisborough Green Site Access" provided at Appendix 10.7. No matters raised by the RSA1 which could not be dealt with by condition. • Further information can be provided to WSCC. Conclusions and recommendations of road safety audit will not change. 	<p>with significantly less traffic.</p> <ul style="list-style-type: none"> • As per point 1 – the Audit is not a technical design check.
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With regards to the possibility of meeting, having set out the reasoning above, I do not consider there would be a benefit to discussing matters further. I think the issues are so fundamental that if they can be resolved, it is not without significant additional information being provided. While I can understand your client's wish to try to overcome the highways issues and take the application to Committee with a favourable recommendation, I would note that from our perspective, the issues were set out clearly in our initial Highways response, but not addressed.

If the application is refused at Committee you will of course have the opportunity to make a resubmission, or to appeal the decision.

Regards
Jane.

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From: Bob McCurry [<mailto:bob.mccurry@bartonwillmore.co.uk>]
Sent: 04 July 2014 14:39
To: Jane Moseley
Cc: Dominic Smith; Jenny Massingham; John Russell; Lucy Wood
Subject: Proposed Temporary Well Site, Land south of Boxal Bridge, Wisborough Green (WSCC/083/13/KD)
Importance: High

Dear Jane,

I write further to our telephone conversation yesterday in relation to Celtique Energie's planning application for a temporary exploratory well near to Wisborough Green (ref: WSCC/083/13/KD).

As I'm sure you can appreciate following our conversation, Celtique Energie, Barton Willmore and SCP (Transport Planning) are extremely surprised to, firstly, have received a formal objection from WSCC Highways and, secondly, the Council's reaction suggesting this will lead to a recommendation for refusal without allowing the applicant any reasonable time to respond accordingly to the comments received (which are not matters of principle, merely aspects of detailed design that can most definitely be overcome).

As I explained on the phone, SCP (John Russell) has tried to make contact with Dominic Smith at WSCC Highways on a number of occasions since the submission of additional material on the 25th April 2014 to discuss the proposals and ascertain whether he had any comments or concerns, but Mr Smith has not sought to reply or adequately engage with SCP. This is disappointing as Mr Smith was very amenable earlier in the process. Are you able to offer any explanation for why Mr Smith has not responded to Mr Russell in recent weeks? A list of attempts to contact Mr Smith (with no response) is provided below:

Telephone Dominic Smith	02/07/14	Left message asking to call
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		back.
Telephone Dominic Smith	24/06/14	Left message asking to call back.
Telephone Dominic Smith	23/06/14	Left message asking to call back.
E-mail Dominic Smith	03/06/14	Out of office received. No subsequent response.
Telephone Dominic Smith	08/01/14	Discussed detail of CTMP outline in addendum transport chapter.

We have then received an objection letter dated 2nd July 2014 (5 working days before your committee report needs to be completed on the 9th July) and you have informed me that this is likely to lead you to recommending the application for refusal. This objection has arrived a little over 9 weeks after the additional information was submitted on the 25th April and it seems wholly unreasonable to expect the applicant to fully respond in a couple of days.

In addition, the objection from Mr Smith appears to be completely at odds with his comments sent to you in an email dated 2nd May 2014 (see attached) which states (emphasis underlined):

"At present, we have indicated that our preferred route for vehicles is the most direct to the 'Advisory Lorry Network' which would route vehicles through the centre of the village. From a technical perspective we are satisfied that this is not detrimental to safety or capacity"

It is our view that the four points raised in Mr Smith's objection are not points of principle but areas of detail where further clarity in respect of the already submitted information is required, with potentially some minor additional material. These are not insurmountable issues and a summary of the points raised and our initial response is provided below:

Objection Details	Initial Response
Provide suitable visibility at the site access and its junction with Kirdford Road to satisfy the stopping sight distances of the recorded 85th percentile speed	<ul style="list-style-type: none"> Road Safety Audit Stage 1, Kirdford Road, Wisborough Green Site Access" provided at Appendix 10.7. No matters raised by the RSA1 which could not be dealt with by condition. Further information can be provided to WSCC. Conclusions and recommendations of road safety audit will not change.
Submit an accurate assessment of the likely traffic impacts of the proposed development and establish an accurate and realistic baseline position	<ul style="list-style-type: none"> Methodology in application agreed and approved at Broadford Bridge. All information has been provided to WSCC. Further assessment work can be provided if required. Absolute number of site vehicles per day will not change nor total volume of baseline traffic.
Demonstrate that approach roads are suitable to accommodate the additional traffic generated by the development and, in particular, large vehicles at the junctions of the A272/Durbans Road, Durbans Road/Kirdford Road and along Kirdford Road given width constraints and two-way vehicular flow	<ul style="list-style-type: none"> "Road Safety Assessment, Proposed Temporary Haul Route, Wisborough Green, West Sussex" provided as Appendix 10.5. All sections of highway referred to in objection included in this audit. No matters raised by the study which could not be dealt with by condition. Further information can be provided to WSCC. Conclusions and recommendations of road safety assessment will not change.
Demonstrate that large vehicles are able to execute a right hand turn out of the site access and its junction with Kirdford Road	<ul style="list-style-type: none"> Road Safety Audit Stage 1, Kirdford Road, Wisborough Green Site Access" provided at Appendix 10.7. No matters raised by the RSA1 which could not be dealt with by condition. Further information can be provided to WSCC. Conclusions and recommendations of road safety audit will not change.

Way Forward

On the basis that this objection letter has been received so late in the process and we are confident that the points raised can be adequately addressed, we would kindly request that the application is deferred from the July committee and an extension of time is agreed.

If the Council are unwilling to defer the application, then we kindly request that an urgent meeting is held on Monday morning or Tuesday next week with you and Mr Smith so that we can discuss these points and provide the additional clarification / information required as early as possible next week, in order to allow further consideration of these points prior to the completion of your committee report on Wednesday.

Celtique Energie are extremely keen to work with the Council to overcome this matter and firmly believes that the highways comments received can be successfully resolved. We would therefore be grateful if you could consider the two requests above and advise on how best we can proceed.

I look forward to hearing from you soon.

Regards

Bob McCurry
Director

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