# LEAD MEMBER FOR TRANSPORT AND ENVIRONMENT



**DECISIONS** to be made by the Lead Member for Transport and Environment, Councillor Claire Dowling

#### **MONDAY, 21 FEBRUARY 2022 AT 10.00 AM**

#### **COMMITTEE ROOM, COUNTY HALL, LEWES**

#### **AGENDA**

- 1. Decisions made by the Lead Cabinet Member on 17 January 2022 (Pages 3 - 6)
- 2. Disclosure of Interests Disclosure by all Members present of personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- 3. Urgent items Notification of any items which the Lead Member considers urgent and proposes to take at the appropriate part of the agenda.
- 4. Reallocation of Community Match underspend to Road Safety schemes (Pages 7 - 14) Report by the Director of Communities Economy and Transport.
- Notice of Motion for 20mph zones (Pages 15 26) 5. Report by the Director of Communities. Economy and Transport
- 6. Eastbourne Cycle Routes consultation outcomes (Pages 27 - 138) Report by the Director of Communities, Economy and Transport
- 7. London Road, Bexhill Traffic Management Proposals (Pages 139 - 270) Report by the Director of Communities, Economy and Transport
- 8. Application to deregister and replace a Town & Village Green known as The Triangle, Hailsham - VG 35 (Pages 271 - 398) Report by the Director of Communities, Economy and Transport
- Any urgent items previously notified under agenda item 3 9.

PHILIP BAKER Assistant Chief Executive County Hall, St Anne's Crescent **LEWES BN7 1UE** 

11 February 2022

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## LEAD MEMBER FOR TRANSPORT AND ENVIRONMENT

DECISIONS made by the Lead Member for Transport and Environment, Councillor Claire Dowling, on 17 January 2022 at County Hall, Lewes

Councillors Stephen Shing and Wendy Maples spoke on item 4 (see minute 36)

Councillors Godfrey Daniel and Julia Hilton spoke on item 5 (see minute 37)

- 34. DECISIONS MADE BY THE LEAD CABINET MEMBER ON 13 DECEMBER 2021
- 34.1 The Lead Member approved as a correct record the minutes of the meeting held on 13 December 2021.
- 35. REPORTS
- 35.1 Reports referred to in the minutes below are contained in the minute book.
- 36. PETITION CALLING ON THE COUNTY COUNCIL TO REDUCE THE SPEED OF TRAFFIC IN JEVINGTON
- 36.1 The Lead Member considered a report by the Director of Communities, Economy and Transport.
- 36.2 Comments from the Lead Petitioner received after publication of the agenda were read out, and the Lead Member referred to an email from the Jevington Residents' Association. The Lead Member thanked the Lead Petitioner.

**DECISIONS** 

- 36.3 The Lead Member RESOLVED to advise the petitioners that:
- (1) Speed humps or a traffic calming scheme in the Green Lane area of Jevington are not a priority for the County Council at the present time;
- (2) A traffic calming scheme in Jevington does not currently meet the benchmark score for consideration within a future capital programme, but they may wish to contact Willingdon and Jevington Parish Council to determine their interest in a community funded scheme through the Community Match initiative. A Feasibility Study (at a cost of £500) would be required prior to a Community Match application; and
- (3) The existing traffic signs on the approaches to Green Lane will be reviewed to identify whether any improvements would be appropriate.

#### Reasons

36.4 The resources that are available for road safety are limited and priority must be given to locations with a history of personal injury crashes. As part of this year's Road Safety Programme for Local Safety Sites, the County Council has identified 59 locations where at least four personal injury crashes have occurred in the latest three-years. As the safety record within the extent of the 30mph speed limit at Jevington is very good, a road hump at Green Lane, as part of a wider traffic calming scheme in Jevington, is not an identified road safety priority for the County Council

# 37. <u>A259 DENMARK PLACE/A2101 ALBERT ROAD, HASTINGS, PEDESTRIAN</u> CROSSING IMPROVEMENTS

37.1 The Lead Member considered a report by the Director of Communities, Economy and Transport.

## **DECISIONS**

- 37.2 The Lead Member RESOLVED to (1) Note the responses to the stakeholder consultation and public information exercise on the proposed pedestrian crossing improvements set out in this report; and
- (2) Approve the proposed changes to the pedestrian crossing facilities at the junction of the A259 Denmark Place/A2101 Albert Road to improve accessibility to the seafront and encourage more active travel and progress the scheme to detailed design and construction.

#### Reasons

- 37.3 Improvements to the pedestrian crossing facilities at the A259 Denmark Place/A2101 Albert Road junction in Hastings town centre will help to improve accessibility to the seafront and encourage more active travel. In turn, this will contribute towards the County Council's commitment of net zero carbon emissions by 2050 or earlier if possible, and the Government's decarbonising transport agenda.
- 37.4 No objections have been received following the stakeholder consultation and public information on the proposals although requests for additional provisions have been received which will be considered and incorporated where possible as part of the detailed design.

### 38. VIRIDOR IN EAST SUSSEX COMMUNITY FUND

38.1 The Lead Member considered a report by the Director of Communities, Economy and Transport.

#### **DECISIONS**

38.2 The Lead Member RESOLVED to approve the constitution of the Viridor in East Sussex Board, which will assess applications to the Community Fund and award funding, as set out in paragraph 2.4 - 2.9 and appendix 3 of the report.

#### Reasons

- 38.3 Limone is committed to Social Value and, during the procurement process of the processing and disposal of dry mixed recyclables contract, proposed a Community Fund. The value is £15,000 per year for local projects that deliver benefits to the local community. It has taken some time to agree and prepare the administration for the fund. We are in year three of the contract and now have a total fund of £45,000 available to award to successful applicants.
- 38.4 Since the fund went live and was advertised on 21 September 2021, we have had five applications that are waiting to be assessed by the Board. It is hoped that the Board can be assembled, and a meeting can be organised early in 2022. In consultation with ESCC, Limone has produced documents that set out the governance and constitution of the Community Fund.

# Agenda Item 4

Report to: Lead Member for Transport and Environment

Date of meeting: 21 February 2022

By: Director of Communities, Economy and Transport

Title: Reallocation of Community Match underspend to Road Safety

schemes

Purpose: To consider the allocation of a proportion of the current Community

Match underspend to deliver community focused road safety

interventions.

#### RECOMMENDATIONS: The Lead Member is recommended to:

(1) Approve the allocation of £0.750m from the current Community Match underspend to provide community focused road safety interventions;

- (2) Approve that any future in-year underspend within the allocated Community Match budget be reallocated to fund additional community focused road safety interventions; and
- (3) Approve the proposed two stage appraisal process and criteria, and delegate authority to the Director Communities, Economy and Transport to approve any future amendments to the appraisal process;

#### 1 Background Information

- 1.1. The Community Match initiative has been operating since 2014 and has delivered fifteen schemes of importance to local communities, such as new footways or revised parking restrictions, which otherwise would not have been implemented through our capital programme of local transport improvements.
- 1.2 The current budget for Community Match is £0.250m per annum. However, due to fewer Community Match schemes than anticipated being taken forward to construction, has led to an underspend of £0.990m accruing within the allocated Community Match budget. Three Community Match schemes have been allocated funding in 2021/22 financial year, £25,000 to Burwash for a traffic calming scheme, £12,500 to Rotherfield for a speed limit scheme and £17,500 to the Spatham Lane speed limit scheme. Other feasibility appraisals are ongoing, and it is likely there will be a small number of further schemes granted funding during 2022/23 financial year for implementation. It is therefore prudent to estimate the underspend at approximately £0.750m.
- 1.3 If the current trend in community match applications does not change it is forecast that in future financial years there will also be an underspend at year end.

#### 2 Supporting Information

2.1. It is recognised that for Members, road safety issues feature highly in constituents' concerns for their communities. However, the level of funding available for road safety has seen significant reductions since the removal of the dedicated central government annual £0.800m Road Safety Grant in 2010. This has resulted in interventions being prioritised on their potential contribution to

casualty reduction and sites/routes that can demonstrate that they have a significant and sustained history of crashes.

- 2.2. We receive many requests for small scale road safety improvements to be made which we are unable to consider due to the level of funding that is available and the need to currently prioritise our work to sites that contribute significantly to casualty reduction or fulfil the priorities identified by our Local Transport Plan (LTP). It is therefore proposed that the £0.750m of Community Match underspend be allocated to deliver Local Safety Infrastructure schemes at sites where there is not necessarily a significant and/or sustained history of crashes, but where concerns have been raised by the local community and a member of the Road Safety Team has assessed that there is an identified road safety issue.
- 2.3 This approach would demonstrate our commitment to addressing identified road safety concerns, allow for a more flexible approach and ensure a more efficient use of the limited available budget.
- 2.4 Sites would be prioritised through a two-stage appraisal process, with criteria which would enable the delivery of interventions and improvements that would address a greater number of the concerns raised by our local communities. Selected schemes would address identified road safety concerns, cost no more that £40,000, and would be identified by considering a range of issues and specific site characteristics, weighted to define their relative priority. The proposed two stage appraisal process is shown at Appendix 1. The criteria are more community focused and offers a more localised balance to our current criteria for road safety interventions which is focused on casualty reduction.
- 2.5 To ensure that delivery of these schemes does not impact the current work undertaken by the Road Safety Team, the initial proposed allocation of £0.750m would fund a three-year programme with approximately 7 to 10 schemes implemented each year. Any future in-year underspends from the Community Match Budget would be added to this programme which would enable it to be extended beyond the initial period.
- 2.6 An indication of the type of Local Safety Infrastructure improvements that could be implemented include centre islands, village gateways, school safety schemes and extensions/new speed limits/zones. Costs for these types of schemes are site dependent but can typically range between:
  - Centre island £10,000 to £30,000
  - Village gateways £2,000 to £5,000 per site
  - School safety schemes £10,000 to £50,000, which could include enhanced signing/road markings, a 20 mph speed limit, an advisory 20mph speed limit (when lights are flashing) or traffic calming
  - New speed limit £10,000 to £30,000
  - Extension to an existing speed limit £5,000 to £10,000

#### 3 Conclusion and Reasons for Recommendations

- 3.1. Fewer Community Match schemes than anticipated being taken forward to construction has led to an underspend accruing. With the level of supressed demand relating to road safety interventions this funding could be re-allocated to address a range of road safety and community concerns. It is therefore recommended that £0.750m of the historic Community Match underspend be reallocated to enable the County Council to deliver a range of community focused road safety interventions.
- 3.2. To ensure a clear and efficient allocation of the available funding it is also recommended that the proposed two stage appraisal process and criteria be approved, and that authority is

delegated to the Director Communities, Economy and Transport to approve any future amendments to the appraisal process.

- 3.3. Existing Community Match schemes that are currently going through the design and ultimately delivery process would still be funded from the annual Community Match allocation and the remaining underspend of £0.240m.
- 3.4 To ensure an efficient use of any future Community Match allocation, it is recommended that any in-year underspend is also allocated, on an annual basis, to deliver further road safety interventions that would provide benefit to local communities.

#### RUPERT CLUBB

Director of Communities, Economy and Transport

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#### LOCAL MEMBERS

All Members.

#### **BACKGROUND DOCUMENTS**

None.



# Reallocation of Community Match underspend to Road Safety Schemes.

#### **Initial Assessment Process**

Any request to the Road Safety Team for improvements, regardless of how they are raised (general enquiry, site meeting, SLR meeting etc.), will be considered by a road safety officer, who, guided by the criteria below, will use their experience to judge whether the request is feasible, appropriate and will be of benefit to the wider community.

Schemes will be considered for a more detailed appraisal if they meet the following criteria:

- Are not considered to be part of the Road Safety Team's normal priority/reactive work.
- A member of the team has assessed that there would be a road safety benefit.
- Comply with current national legislation, regulation, guidance, and best practice. Including, but not limited to:
  - o Highways Act 1980
  - o Road Traffic Regulation Act 1984
  - o Road Traffic Act 1988
  - o Traffic Management Act 2004
  - o The Highways (Road Humps) Regulations 1999
  - o The Local Authorities' Traffic Orders (Procedure)(England and Wales) Regulations 1996
  - o Traffic Signs Regulations and General Directions 2016
  - o The Traffic Signs Manuals (Chapters 1 8)
  - Department for Transport Traffic Advisory Leaflets, Circulars and Local Transport Notes.
- Comply with any relevant approved policies and working practices and are consistent with the Road Safety Team's normal procedures and practices.
- Would not require a significant level of design input or project management.
- Initial cost estimates do not exceed £40,000.

Suitable schemes to be included within this project should not be those that would be undertaken as part of the normal work undertaken by any ESCC Team/Department or maintenance work undertaken in line with the County's responsibilities as the Local Highway Authority. This extends to responsibilities usually undertaken by another authority, including district, borough, town, or parish council.

The project is not a substitute for schemes that would normally be introduced via the approved High Level Sift process for the potential inclusion within a future Capital Programme.

To help us manage requests, qualifying schemes will be subject to our approved prioritisation process.

# **Road Safety Prioritisation**

Community Focussed Interventions Prior	ritisation			Sort by roadn	name		Sort	by Rank															
Ranking sheet		_								Scoring sh	eet												
·											·	Loca	al Condit	ons	Local Impact	t	Feasibil	ty					
Road name	Town	Recomme	endation and other comm	nents	Request Type	Requestor	Score		Date added	nistory	Road class		Shops « Schools / elderty / disabled	spital / clinic	Ading/ Walking Improvements	uired?	st £40K or le	Aprilianted within financial year	Deliverability?	Total	Link to County Schemes	Community Value	Total Score
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# **Scoring Criteria**

Crash history (see note 2)						
KSI	6					
Slight	2					
None	0					
Road Class						
A-class urban / rural	4					
A-class inter-urban	6					
B – class	8					
Other	10					
Local conditions						
Residential area	4					
Shops	4					
Schools / elderly / disabled	6					
Hospital / clinic	6					
Local Impact						
Cycling/ Walking Improvements	6					
Improve compliance of existing measures	8					
Feasibility						
TRO Required?	-5					
Cost £40K or less	8					
Low maintenance	4					
Deliverable within financial year	10					
Deliverability (see note 3)						
Very deliverable	10					
Some difficulties	-5					
Very difficult	-10					
Link to County Schemes						
Current / future scheme	-10					
Proposed scheme	-5					
No proposals	10					
Community Value						
High	10					
Medium	8					
Low	2					

Note 1 Refer to initial Assessment Process prior to completing prioritisation

Note 2 for routes only crashes relative to the request (i.e. involving HGVs for a prohibition of HGV request) will be counted

Note 3 'deliverability' is based on the responses under the feasibility columns and officer judgement in regard to the likely level of local support

Note 4 Community Value is based on the location and type of potential scheme and officer judgement on the potential benefits to the local/wider community



# Agenda Item 5

Report to: Lead Member for Transport and Environment

Date of meeting: 21 February 2022

By: Director of Communities, Economy and Transport

Title: Notice of Motion for 20mph zones

Purpose: To consider the Notice of Motion by Councillor Holt to increase the

number of 20mph zones in roads surrounding schools and playgrounds,

to further reduce incidents, anti-social driving and near misses

RECOMMENDATION: The Lead Member is recommended to recommend that the Council approve an amended motion as set out below:

- (1) The County Council is committed to working with all stakeholders to tackle road safety and recognises the work already carried out by the East Sussex Road Safety Programme which resulted in a reduction in speeding reoffences, crashes and casualties;
- (2) That this Council recognises the range of road safety improvements that are introduced each year, which can include 20mph schemes, traffic calming and pedestrian crossings, and endorses the current multi-faceted approach as set out in this report;
- (3) The County Council endorses the simple process that is in place for residents to request road safety measures, including 20mph schemes; and
- (4) The County Council recognises that the review of the East Sussex County Council Local Transport Plan will commence from Spring 2022 and requests that Road Safety interventions are part of that review.

# 1 Background Information

- 1.1 Councillor Holt has presented a Notice of Motion to the Chairman which states:
  - a) That the council recognises the work already carried out by East Sussex Road Safety Programme to reduce speeding in our county.
  - b) That this Council requests that the Cabinet considers increasing the number of 20mph zones in roads surrounding schools and playgrounds, to further reduce incidents, antisocial driving and near misses.
  - c) The Council requests that a report on plans to increase the ease for residents to apply for 20mph zones be submitted to a future Cabinet meeting.
- 1.2 The Chairman has agreed that this Notice of Motion should be considered by the Lead Member for Transport and Environment prior to it being reported to the full Council at its meeting on 22 March 2022.

#### 2 Supporting Information

#### 2.1 East Sussex Road Safety Programme

2.1.1 The East Sussex County Council (ESCC) Road Safety programme tested the effectiveness of a variety of behavioural interventions to reduce the number of people Killed or Seriously Injured (KSIs) within identified priority groups. The programme of behaviour change work was supported

by the Behavioural Insights Team (BIT). As the evidence indicated that the vast majority of KSIs and over 90% of collisions result from driver carelessness or error, there was the need for specific measures to address these issues. Behaviour change initiatives were developed and implemented alongside a trial to improve road safety through targeted infrastructure and speed management schemes at high-risk sites.

- 2.1.2 The positive outcomes of the ESCC Road Safety Programme, included:
  - Notice of Intended Prosecution (NiP) Trial receiving the redesigned NIP and leaflet significantly reduced speeding reoffending by 23% within 6 months. Over the 6-month trial this meant 170 fewer reoffences than business-as-usual, or 6 per week. This would translate to 560 fewer reoffences over the 6 months if everyone in the trial had received the new leaflet and new NIP
  - The Anniversary Trial Drivers who received the Anniversary letter were 8% less likely to speed between 7 and 12 months later than those who did not. Over the 6-month trial this meant 80 fewer reoffences than business-as-usual, or 3 per week
  - High Risk Sites Trial results from 15 schemes have indicated a 49% reduction in the average number of crashes per annum and a 61% reduction in the average number of casualties
- 2.1.3 Key elements of this programme were detailed data analysis, the robust evidence base and where possible the use of Randomised Controlled Trials (RCTs). Further information on the programme can be found in the report that was presented to the Places Scrutiny Committee in November 2021 (Agenda for Place Scrutiny Committee on Friday, 26th November, 2021, 10.30 am | East Sussex County Council).

#### 2.2 <u>20 mph speed zones/limits</u>

- 2.2.1 Central government supports 20mph speed limits where appropriate. National legislation imposes an automatic 30 mph speed limit on roads provided with a system of street lighting (defined as 'a system of street lighting furnished by means of lamps placed not more than 200 yards [183 metres] apart). This covers most residential and urban roads. These roads are given 'restricted road' status and no speed limit reminder signs are required to give effect to the speed limit.
- 2.2.2 To introduce a speed limit other than that imposed by restricted road status would require the making of a Traffic Regulation Order and the provision of traffic signs to give continual reminder of that speed limit.
- 2.2.3 Adopted Policy PS05/02 (which reflects national guidance and best practice) allows for 20mph zones/speed limits to be considered where they are likely to be self-enforcing. A 20-mph speed limit can be achieved with signs alone on roads where the mean (average) speed of traffic is below 24mph. On roads where mean speeds are higher, appropriate traffic management/calming measures would need to be introduced. PS05/02 is attached as Appendix 1. Sussex Police would not support any proposed 20 mph speed limits unless they were likely to be self-enforcing.
- 2.2.4 There are 191 schools in East Sussex, not including independent schools. The number of playgrounds is unknown. Information held by the Road Safety Team indicates that roads around 28 (15%) schools in East Sussex are already subject to a 20mph speed limit. These 20mph speed limits will have been introduced for a variety of reasons including traffic management, pedestrian improvements, and improvements to the built environment, and will have been funded from a range of sources including from our capital programme, developer contributions and funding provided by Town or Parish Councils
- 2.2.5 To introduce a 20mph speed limit on roads around the remaining 163 schools would require detailed investigation, design, and consultation, and it is estimated that it would cost several million pounds. Although some roads would only require a Traffic Regulation Order and speed limit signs to introduce a 20mph speed limit, many roads would require additional engineering measures so that average speeds were appropriate for a 20mph speed limit.
- 2.2.6 As part of the investigation undertaken for this report, schools in the county were plotted on our crash mapping system. Crashes involving child pedestrians (0-15 years old) were then identified from the latest three years of available data provided by Sussex Police (01/12/2018 to 30/11/2021). This analysis found that of the 191 schools listed 11 demonstrated at least one personal injury crash occurring within a 125-metageathus of the school relating to a child pedestrian

(Appendix 2). A total of 13 child pedestrians were injured in the crashes identified. This compares to a total of 4,507 personal injury crashes occurring across the road network in the same period.

- 2.2.7 Although it is recognised that 20 mph speed limits are often well supported by local communities, a signed only 20mph speed limit will only produce a negligible change in driver behaviour with average speeds reducing by around 1 mph. In addition, we are not aware of any peer reviewed research that evidences that signed only 20mph speed limits reduce 'incidents, antisocial driving or near misses'.
- 2.2.8 The Community Match Initiative already provides residents with the opportunity to take forward 20mph zones/speed limits where appropriate when these are funded locally. Where possible, we will support and assist local communities and town/parish councils to implement such schemes, if they are funded externally, or through Community Match.

## 2.3 <u>Annual Road Safety Programme</u>

2.3.1 All road safety concerns that are raised by members and residents are assessed by a member of the Road Safety Team and where appropriate improvements introduced. In addition, annually the Road Safety Team identifies sites that have the most personal injury crashes (PIC's) and put in place a programme of works to help reduce the number of casualties on these roads. As part of this year's Road Safety Programme, we have identified 59 locations where four or more PIC's have occurred in the three-year assessment period of 01/01/2018 to 31/12/2020. This year's Road Safety programme, with the number of PICs at each location, is included in Appendix 3.

#### 2.4 Capital Programme for Local Transport Improvements

- 2.4.1 Each year the County Council develops and implements numerous local transport improvements funded through the capital programme. In 2021/22 total funding of £8.426m was allocated (a combination of County Council, Local Enterprise Partnership and developer funding) which will deliver over 50 schemes and studies across the county which include a number of road safety and active travel improvements.
- 2.4.2 All requested road safety and transport improvements, including 20mph speed limits are assessed against the established Local Transport Plan (LTP) priorities 2011 2026. The content of the capital programme is considered by the Lead Member for Transport and Environment on an annual basis. Key objectives against which requests are assessed include the extent to which it will:
  - · Improve quality of life
  - Improve public safety and health
  - Improve the economy
  - Tackle climate change
  - improve accessibility to employment, education, health facilities and other services
- 2.4.3 A review of ESCC's Local Transport Plan will commence from Spring 2022, when the Department for Transport are proposing to issue new local authority guidance for the development of 'Local Transport Plans'. It has been indicated that LTP's will need to focus on the need to decarbonise transport and integrate the governments levelling up, bus back better and gear change strategies. It is expected that the development of the plan will take approximately 18 months. Therefore, we are proposing to have an agreed plan in place by autumn 2023. A key element of the development of the plan will be to engage with members, local communities and businesses early in the development of the LTP to actively seek their views and comments. To provide member input and challenge an LTP Scrutiny Reference Group has recently been established.

#### 2.5 'School Streets' trials

- 2.5.1 As part of the Department for Transport's response to Covid-19 lockdown measures, the County Council secured Emergency Active Travel Tranche 2 funding, to run a six-week 'School Streets' trial. The aim of the trial was to improve safety on the journey to school, reduce congestion on the road outside of the school and to contribute to improving health and wellbeing. This project ran between 15 March 2021 and 7 May 2021 with access being restricted to roads surrounding the following six schools: -
  - Ark Blacklands Primary Academy, Hastings.
  - All Saints CofE Junior Academy, Hastings.
  - All Saints CofE Primary School, BEAGE, 17

- Southover CofE Primary, Lewes.
- Harbour Primary and Nursery School, Newhaven
- Langney Primary Academy, Eastbourne.

Several specific project outcomes were achieved, these included: -

- The perception of safety outside of the school significant number of responses from all the schools reported the benefits to safety
- Reduced congestion outside of the school decrease in average daily vehicle counts outside of the school and vehicles parking in the roads adjacent to the school
- Increase in active travel (walking & cycling) Overall there was a 2.1% increase in active modes of travel - Park & stride increased significantly
- Contributed to health & wellbeing Schools and parents welcomed the space provided providing 'people friendly spaces', reducing safety related anxiety and noise and providing space for pupils to play

#### Details of the trial can be found at: -

https://www.eastsussex.gov.uk/roadsandtransport/planning/emergency-active-travel-fund/tranche-2-school-streets-trial-project/

2.5.2 Three schools included in the trial have been prioritised to assess the potential for permanent school street measures, these are All Saints CofE Primary School, Bexhill, Southover CofE Primary, Lewes and Langney Primary Academy, Eastbourne. Collaborative design workshops will be held during February and March 2022 with the school and local community to consider the potential issues and opportunities of a permanent scheme and to develop a concept design. LTP4 will include the development of an approach to potentially deliver schemes which reallocate road space, with consideration towards the inclusion of such schemes on an annual programme of schemes within the ESCC Local Transport Capital Programme.

#### 3.0 Conclusion and Reason for Recommendation

- 3.1 Following the positive outcomes from the evidence based East Sussex Road Safety programme, which included a reduction in speeding reoffences, positive attitudinal and behavioural changes of young drivers and a reduction in crashes and casualties, a further comprehensive programme is currently being developed.
- 3.2 In terms of casualty reduction, the current approach adopted by the Road Safety Team in identifying sites or routes that display a disproportionate number of crashes has been shown to produce the best results. Roads surrounding schools and playgrounds that demonstrate a history of personal injury crashes will continue to be identified for appropriate action, which may include 20mph zones/speed limits or other interventions.
- 3.3 Each year the County Council develops and implements numerous local transport improvements funded through the capital programme, which can include 20mph schemes, traffic calming and pedestrian crossings. There is a simple process which residents can use to request improvements which are then assessed against clear prioritisation criteria.
- 3.4 The review of ESCC Local Transport Plan from 2022, will include the development of an approach to potentially deliver schemes which re-allocate road space (including School Streets).

#### **RUPERT CLUBB**

Director, Communities, Economy and Transport

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#### **LOCAL MEMBERS:**

All

#### **BACKGROUND DOCUMENTS:**

None

#### **EAST SUSSEX COUNTY COUNCIL**

# <u>LEAD MEMBER – COMMUNITIES AND SAFETY</u> <u>POLICY SUMMARY</u>

LOCAL SPEED LIMITS	PS05/02
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#### **PURPOSE OF POLICY**

To achieve a safe distribution of speeds consistent with the speed limit that reflects the function of the road and the road environment

#### **SPECIFIC POLICIES**

- 1. On trunk roads, speed limits (in common with other orders regulating traffic) are the responsibility of the Department for Transport (DfT), through its executive agency, Highways England. The County Council has no jurisdiction over this class of road.
- 2. On all other roads Orders are made by the County Council subject to the statutory requirements for the advertisement of the proposals and considerations of any objections.
- 3. The principle determinant of a proposed speed limit should be the appearance and character of the road as described in Appendix A.

#### SUPPORTING STATEMENT

Adherence to the criteria ensures consistency in the introduction of Local Speed Limits on a countywide basis and supports the work that has been undertaken with neighbouring authorities. It is recognised that, where appropriate, a lower speed limit can assist in the reduction of the number and severity of casualties and help to improve environmental aspects and quality of life for local residents. Reference should always be made to the latest national guidance available.

References – Further Information	<u>Date of</u> Approval
Road Traffic Regulation Act 1984	
Department for Transport – Circular Roads 01/2006	
Department for Transport – Circular Roads 02/2006	
Department for Transport – Traffic Advisor Leaflet 1/04	
Department for Transport – Traffic Advisory Leaflet 2/06	
Department for Transport- Circular Roads 01/2013	
H & T Committee – Agenda Item 10	17.03.1993
H & T Committee – Agenda Item 18	19.10.1994
Cabinet Committee – Agenda Item 5	15.11.2000
Lead Member for Transport and Environment – Agenda Item 11	25.06.2007
Lead Member for Communities & Safetaged Anda Item 31	16/03/2018

#### SPECIFIC POLICIES (CONTINUED)

- 4. Subject to paragraphs 5 and 6 below, villages may be considered for the introduction of a 30 mph speed limit in accordance with recommendations of DfT guidance for setting local speed limits providing that there are 20 or more properties served by private accesses which adjoin the main road (on one or both sides of the road), located over a length of not less than 600 metres, and clearly visible to drivers.
- 5. Speed limits should be set in accordance with the table below :-

Speed Limit	Average Speed Below
20	24
30	33
40	42
50	52
60	62

- 6. Where the average speed is above the figures quoted in paragraph 5 for a particular speed limit being investigated then, subject to available resources, either:-
- a) Where the history of injury crashes at the site justifies the necessary expenditure, engineering measures appropriate to the function of the road should be investigated to reduce vehicle speeds below the figures quoted in paragraph 5 for a particular speed limit. If this can be achieved a Traffic Regulation Order (TRO) for the proposed speed limit may then be made in conjunction with the introduction of engineered measures.
- b) Where engineering measures are not appropriate due to the function of the road or cannot be justified by the history of crashes a TRO may be considered for a higher limit than that originally proposed which reflects the speed quoted in paragraph 5.

#### 7. 20mph Speed Limits and Zones

20mph speed limits or zones can positively contribute to quality of life and encourage healthier modes of transport such as walking or cycling. They can also help in creating a sense a place, better serving the local communities' needs. However, to ensure that they are effective, they will only be pursued if the following general criteria are met: -

- a) It can be demonstrated that there are clear benefits to be gained in terms of casualty reduction, particularly involving vulnerable road users;
- b) The lower limit is an integral part of either an area wide traffic calming scheme, a School/ Community Safety Zone or a Town Centre Management Scheme; and
- c) The lower limit is effectively self-enforcing

## **Proposed Speed Limit Criteria – Route Assessment**

Below gives an indication of appropriate speed limits, reference should be made to the latest Department for Transport guidance for more detailed information.

SPEED LIMIT/ CHARACTER OF ENVIRONMENT	CHARACTER OF ROAD	TRAFFIC COMPOSITION
20 mph Speed Limit		
Town centres, residential areas, in the vicinity of schools	Constrained in terms of vehicle movement with existing conditions or engineered features influencing vehicle speed with available alternative routes for through traffic	Mean vehicle speed below 24 mph  High proportion of vulnerable road users in direct conflict with traffic
30 mph Speed Limits		
Built up areas, visible properties with frontage access, the road giving a clear indication to drivers of the need to reduce speed	Urban streets  Roads through villages and identified rural settlements with 20+ visible properties within a 600m length	Mean vehicle speed below 33mph  Significant number of vulnerable road users in conflict with vehicular traffic
40 mph Speed Limits		
Less built up areas, set back properties with frontage access indicating to drivers the need to reduce speed	Urban Suburban distributor roads buildings set back from the road  Rural Roads through villages and identified rural settlements over a minimum length of 600m	Mean vehicle speed below 42mph  Urban Vulnerable road users segregated from road space  Rural A noticeable presence of vulnerable road users
50 mph Speed Limits		
Limited frontage development	Higher quality urban distributors with few points of access  Low standard classified roads	Mean vehicle speed below 52mph
60 mph Speed Limits (Dual C	Carrianeways)	
Limited frontage development	High standard rural classified roads	Mean vehicle speed below 62mph

Note: Vulnerable road users include pedestrians (particularly children, the elderly and disabled) and cyclists.



## School Crash Data 01/12/2018 to 30/11/2021 (speed limit)

Schools where a child pedestrian (0-15 years old) was reported as being involved in a personal injury crash within a 125-metre radius of the school. Injury crashes as defined by the Department for Transport and reported to Sussex Police.

School name(s) and speed limit	Child	pedestria	Speed-related causation		
	Fatal	Serious	Slight	Total	factors?
ARK Castledown Primary Academy (20)	0	0	1	1	No
Bourne Primary School (30)	0	0	1	1	No
Catsfield C of E Primary School (30)	0	0	1	1	No
Cuckmere House School (30)	0	0	2	2	No
Ore Village Primary Academy (30)	0	0	1	1	No
Peacehaven Heights Primary School (20)	0	1	0	1	No
Sandown Primary School and Nursery (30)	0	0	2	2	No
Seaford Head School (Arundel Road) (20)	0	0	1	1	No
St Catherine's College (30)	0	0	1	1	No
Telscombe Cliffs Primary School and Nursery (20)	0	0	1	1	No
West Rise Community Infant School/West Rise Junior School (30)	0	1	0	1	Yes, however please see note below
Total	0	2	11	13	1

### **Notes**

Please note that speed was not a causation factor in the personal injury crash that occurred within a 125-metre radius of West Rise Community Infant School/West Rise Junior School (30). Although the causation factor was 'Careless/Reckless/In a hurry', the vehicle was stationary at the time of the crash.

Crash data relates to a full 24-hour period and does not indicate that the pedestrian injured was related to the school.

Speed related causation factors, as defined to the Department for Transport's Stats 19 crash reporting guidance, are where at least one of the following contributory factors has been assigned to the collision:

306: Exceeding speed limit

307: Travelling too fast for conditions

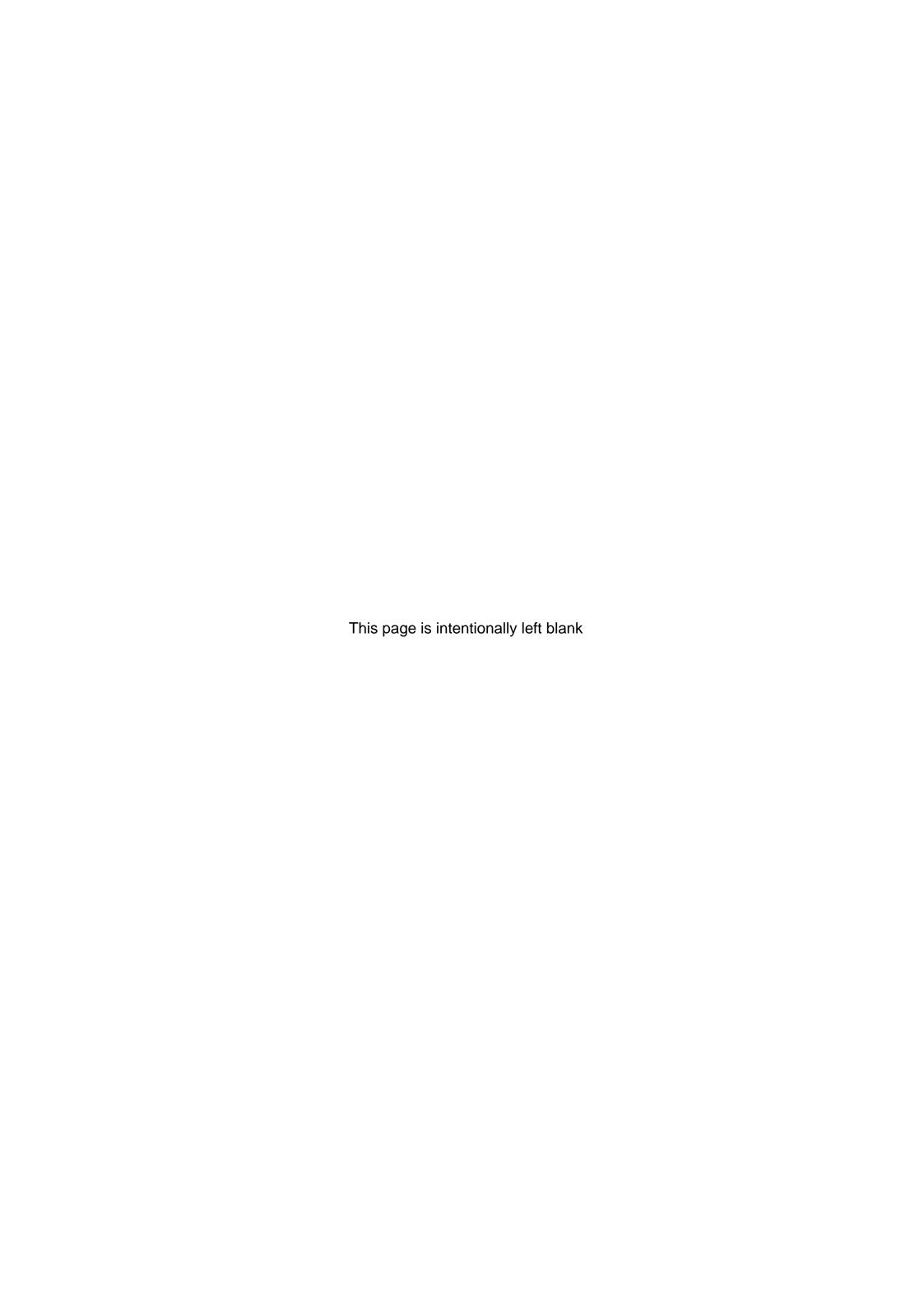
308: Following too close 601: Aggressive driving

602: Careless/Reckless/In a hurry



2021 Identified crash sites in East Sussex for period 01/01/2018 - 31/12/2020

Rank	0'4-		shes			
2021	Site	Fatal	Serious	Slight	Total	
1	A267 jw A272 Five Ashes	0	3	8	11	
2	A259 Langney Roundabout, Eastbourne	0	1	9	10	
3	A21 Silverhill, Hastings	0	2	7	9	
4	A22 Golden Jubilee Way/B2247 Dittons Road, Polegate	0	1	8	9	
5	A22 Shinewater Roundabout, Eastbourne	0	3	5	8	
6	A21 Sedlescombe Road North/Old Harrow Road, Hastings	0	2	6	8	
7	A22/B2124 Golden Cross	0	3	4	7	
8	Marline Road / Quebec Road, Hastings	0	3	4	7	
9	Churchdale Road/Southbourne Road, Eastbourne	0	2	5	7	
10	A259 Grand Parade/ A2102 London Road, Hastings	0	1	6	7	
11	B2182 Cooden Drive/Westcourt Drive, Bexhill	0	1	5	6	
12	A259 Seaside Roundabout, Eastbourne	1	0	5	6	
13	A268 Cinque Ports Street / Station Approach, Rye	0	1	5	6	
14	A267 Mayfield Road - bends north of Danegate	0	1	5	6	
15	A259 Susans Road, Eastbourne at jw Langney Road	1	0	5	6	
16	A2270 Polegate Crossroads	0	1	5	6	
17	A22 Cross Levels Way/Lottbridge Drove, Eastbourne	0	0	6	6	
18	C39 Station Road near Crossways, Berwick Station	0	3	2	5	
19	A22 Hailsham Bypass / A295 South Road, Hailsham	1	3	1	5	
20	A275 Nevill Road Lewes at jw Offham Road	0	0	5	5	
21	A259 Bexhill Road/Filsham Road, Hastings	0	2	3	5	
22	B2026 Duddleswell Road o/s Ashdown Forest Gardens, Duddleswell	0	2	3	5	
23	A259 Rye Road/ A259 Old London Road, Hastings	0	0	5	5	
24	B2112/Folders Lane roundabout	0	1	4	5	
25	A21 Sedlescombe Road North/Upper Church Road, Hastings	0	0	5	5	
26	B2093 The Ridge/Winchelsea Road, Hastings	0	0	5	5	
27	A22 Hailsham Bypass/Diplocks Way, Hailsham	0	1	3	4	
28	A271/New Road/Featherbed Lane, Magham Down	0	1	3	4	
	C11 Whitehill Road/Croft Road jw C252 South View Road/Myrtle Road,	0	1	3	4	
29	Crowborough			_		
30	A259 Seaside Road/A2021 Whitley Road, Eastbourne	0	1	3	4	
31	Lottbridge Drove/The Range carpark, Eastbourne	0	0	4	4	
32	Cavendish Place/Pevensey Road, Eastbourne	0	2	2	4	
33	A272 Goldbridge Road/C10 Shortbridge Road, Piltdown	0	1	3	4	
34	A2021 Kings Drive/Decoy Drive, Eastbourne	0	0	4	4	
35	A264 Colestock Road / B2026 Harttfield Road, Colestock Crossroads	0	0	4	4	
36	A269 Ninfield Road/ St Marys Lane, Bexhill	0	3	1	4	
37	A259 Eversfield Place/Warrior Square (E), St Leonards	0	2	2	4	
38 39	A259 Old London Road / Mount Road, Hastings	1	1	2	4	
40	A2402 Landon Bood/Norman Bood, St Language on Soc	0	1	3	4	
40	A2102 London Road, Norman Road, St Leonards on Sea	0	1	3	4	
41	A259 Old London Road o/s Tesco Express, Hastings	0	1	3	4	
43	A259 Seaside - Channel View Road to puffin crossing, Eastbourne	0	1	3	4	
43	A267 Cross in Hand/ B2102 High Street, Heathfield	0	1	3	4	
44 45	A28 Brede Road - bend near Little Knights Oast, Brede A271 The Strait/C17 Wartling Road, Windmill Hill	0	0	4	4	
45 46	B2093 The Ridge/Hillside Road, Hastings	0	0	4	4	
47	C551 Priory Road/ Frederick Road, Hastings	0	0	4	4	
47	A259 Brighton Road/South Way, Newhaven	0	3	1	4	
70	A259 East Dean Road/ Seven Sisters Car Park (east of Litlington Road),			1	7	
49	Exceat	0	3	1	4	
50	C263 Gillsmans Hill/ Fern Road St Leonards on Sea	0	2	2	4	
51	A2102 London Road o/s Heron House, St Leonards on Sea	0	1	3	4	
52	A259 Buckle Bypass/ Bishopstone Road, Seaford	0	1	3	4	
53	A259 Buckle Bypass/Hill Rise, Seaford	0	1	3	4	
54	A259 Seaside / St Aubyns Road, Eastbourne	0	1	3	4	
55	A21 Cambridge Road/ Cornwallis Gardens, Hastings	0	0	4	4	
56	A26 Eridge Road/Bunny Lane/Broadwater Forest Lane, Eridge	0	0	4	4	
57	A2690 Combe Valley Way/B2092 Queensway	0	0	4	4	
58	A277 School Hill / A2029 Market Street / A2029 High Street, Lewes	0	0	4	4	
				_	_	
59	B2089 Udimore Road west of Dumbwomans Lane, Udimore	0	0	4	4	



# Agenda Item 6

Report to: Lead Member for Transport & Environment

Date of meeting: 21 February 2022

By: Director of Communities, Economy and Transport

Title: Eastbourne Cycle Routes consultation outcomes

Purpose: To consider the results of the stakeholder and public consultation

about the five proposed cycle routes in Eastbourne and agree on the

approach to how the cycle routes will be taken forward.

#### RECOMMENDATIONS: The Lead Member is recommended to:

(1) Note the results of the stakeholder and public consultation on the five proposed cycle routes in Eastbourne;

- (2) Agree that four cycle routes Horsey Way Phase 1b, Eastbourne Town Centre to seafront, Willingdon Drove and Langney Rise are taken forward to detailed design and construction as part of the Capital Programme for Local Transport Improvements; and
- (3) Agree that one cycle route Stone Cross to Royal Parade will not be progressed to detailed design and construction as part of the 2022/23 Capital Programme for Local Transport Improvements, but the County Council will look to identify future funding opportunities as part of our pipeline of schemes.

#### 1 Background Information

- 1.1. The Eastbourne Cycling Strategy, jointly developed by East Sussex County Council and Eastbourne Borough Council (EBC) in 2012, alongside the more recent County Council's Local Cycling and Walking Infrastructure Plan (LCWIP) and its evidence base, identifies a borough-wide network of cycle routes.
- 1.2. A number of these identified routes have been developed and delivered using funding from various sources including Local Growth Fund (LGF) monies secured through the South East Local Enterprise Partnership (SELEP) as well as the County Council's capital programme for local transport improvements and development contributions.
- 1.3. Preliminary designs have been developed for five further routes, which seek to link up residential areas with existing trip attractors such as employment, schools, community facilities, retail and recreation in the Eastbourne area. These are:
- Horsey Way Phase 1b the final phase of the Horsey Cycle Way (Town Centre Langney Rise roundabout) from Eastbourne Railway Station and Ringwood Road
- Eastbourne Town Centre to seafront an on-road route to allow cyclists to travel in either direction from Eastbourne railway station, via the Devonshire Quarter to the seafront
- Willingdon Drove a shared footway along Sevenoaks Road between Willingdon Drove and Kingfisher Drive. Once at Kingfisher Drive the proposed route transfers to on-road towards Sandpiper Walk and Langney Shopping Centre
- Langney Rise an off-road shared cycle route which runs along the western side of Langney Rise from Langney Shopping Centre to the Langney Roundabout, where it connects with the

- existing Horsey Way cycle route. An additional short section of route runs along the eastern side of Langney Road from the Langney roundabout up to Priory Road in order to pick up cyclists from Langney Primary School and St Catherine's College
- Stone Cross to Royal Parade a largely off-road shared route for cyclists travelling in either direction from Stone Cross via Shinewater to Langney, linking to the Langney Rise and Willingdon Drove routes, and then south from Langney Rise roundabout via Princes Road to Eastbourne seafront
- 1.4. A plan showing the proposed alignments of each of the five routes referred to in paragraph 1.3 alongside a more detailed description is at **Appendix 1**.
- 1.5. The five proposed cycle routes will significantly contribute to supporting the County Council priorities relating to climate change, economic growth and recovery and health and wellbeing.

#### 2 Supporting Information

## Local Transport Note 1/20

- 2.1 The Department for Transport (DfT) published its revised guidance on cycle infrastructure design (LTN 1/20) in July 2020, towards the end of the preliminary design process of the five cycle routes. LTN 1/20 proposes a step-change in the approach to the planning and development of cycle infrastructure and this will be a tool that will be used for developing future cycle infrastructure projects.
- 2.2 Whilst the proposals do not fully achieve all of the core design principles set out in LTN1/20, following publication of the guidance the preliminary designs were reviewed to ensure that cyclists have the highest level of provision possible, whilst also considering other road users. This has included undertaking a retrospective Cycling Level of Service (CLoS) audit, as advised through the LTN1/20 guidance, to assess the coherence, directness, safety, comfort and attractiveness of the design of each route.

#### **Equalities Impact Assessment**

- 2.3 An Equality Impact Assessment (EqIA) was undertaken for each route as part of the design process and prior to stakeholder and public consultation. By carrying out the EqIA's and seeking feedback from stakeholder groups, potential impacts have been identified and all potential actions to advance equality of opportunity, eliminate discrimination and foster good relationships have been documented. These impacts include:
- that people who are less mobile, have balance problems or have hearing or visual impairments may feel more vulnerable/less safe sharing the footway and pathways with cyclists
- concerns for the safety of young children who will be less aware of approaching cyclists and may stop visiting the footways/footpaths that the shared facility follows
- that some older people are potentially more sensitive to the changes proposed as part of these
  five cycle routes because of the impacts on parking, pedestrian safety and the changes within
  the footway space
- 2.4 Addressing and actioning these impacts with the five routes have been considered in the design process. These will remain living documents and will be updated at key stages throughout the life of each of the schemes.

#### Stakeholder and Public Consultation

2.5 Consultation was undertaken with key stakeholders between 16 June and 6 July 2021 including the emergency services, local cycle groups, disability groups, walking groups, Local Bus

Company (Stagecoach), County Councillors, the respective Borough/District Councillors, Westham Parish Council and the local MPs.

2.6 Public consultation on the five proposed routes was undertaken between 16 August and 24 September 2021. Due to Covid-19 restrictions, the consultation process was undertaken online via the County Council's consultation hub. The design proposals themselves were accompanied by a questionnaire which included open questions, in order to encourage qualitative feedback. Leaflets about the consultation were distributed to over 4,500 properties in the vicinity of the proposed routes. The consultation was also promoted through the local media, posters, letters/emails to local councillors.

#### Consultation responses

2.7 A copy of the public consultation summary report is provided in **Appendix 2**. A total of 188 responses were received equating to a 4% response rate which is low for a public consultation. A breakdown of the number of responses and the level of support to each of the five routes is shown below:

Scheme Name	Responses received	Support	Oppose	Don't Know
Eastbourne Town Centre	58	62%	31%	7%
Stone Cross to Royal Parade	25	68%	28%	4%
Horsey Way Phase 1b	60	77%	23%	0%
Langney Rise	26	62%	34%	4%
Willingdon Drove	19	69%	26%	5%

- 2.8 Respondents were generally positive in their feedback on the five schemes, with the majority supporting the proposals. As identified from the survey results above, the proposed Horsey Way Phase 1b cycle route received the highest level of support, with 77% of respondents in favour of the proposed scheme. However, the cycle schemes that received the lowest level of support were the Town Centre and Langney Rise routes, with 62% of respondents in agreement for both of them.
- 2.9 In the comments provided alongside their consultation responses, some respondents felt that the plans would improve the town for residents, visitors and businesses, and believed that the infrastructure improvements would help the County Council achieve their stated objectives. However, the stakeholder and public consultation also raised a number of issues about some or all of the proposed routes. These include:
  - Concerns about the cycling facilities not being designed in accordance with LTN 1/20
  - The proposals were too small and do not include several major routes proposed in the LCWIP
  - Concerns about pedestrian safety
  - Concerns that the schemes are not warranted because of the lack of cyclists within the area
  - Concerns were also raised about the cost of the scheme and how it could be better spent repairing the existing infrastructure
  - Concern about the road layout and design due to reduced capacity for motorists, which could lead to increased traffic
  - Concerns regarding the removal of a number of parking bays
- 2.10 A response to each of these key concerns raised by the consultation is at **Appendix 3**.

2.11 Through the consultation exercise, several alternative route proposals were put forward by respondents for each of the cycle schemes. A detailed review of all the route options had already been undertaken when each scheme was at feasibility design stage. Following assessment of these alternative proposed routes, none of these alternatives would be either viable or preferable given they would also result in the removal of existing parking, provide increasingly indirect routes and insufficient width to accommodate cycle lanes. A copy of the stakeholder and public consultation report is at **Appendix 2**.

## Prioritisation of funding towards schemes

- 2.12 From the £4.6m LGF secured towards walking and cycling improvements in the Eastbourne and South Wealden area, £2.231m is currently available towards the delivery of these cycle routes.
- 2.13 The funding available is not currently sufficient to develop all of the five proposed routes and therefore an initial deliverability and affordability assessment based on the current estimated costs has been undertaken of each scheme. This has identified that four of the routes Horsey Way Phase 1b, Town Centre, Willingdon Drove and Langney Rise could be delivered from within the available funding and are recommended to be taken forward to detailed design and construction. The cost of the Stone Cross to Royal Parade scheme is outside the envelope of available LGF funding, and it is therefore recommended that the County Council will look at alternative funding sources to develop this project further in the future as part of our pipeline of schemes.
- 2.14 The outcome of the decision by the Lead Member will be reported through a Project Change Request to the SELEP Accountability Board in April 2022 to explain the prioritisation of the schemes taken forward and benefits to be realised with the remaining LGF funding available.

#### 3 Conclusion and Reasons for Recommendations

- 3.1 The results of the public consultation for the five proposed cycle routes in Eastbourne show that there is overall support for the implementation of all of the routes. Whilst there is concern that the proposed schemes submitted may not fully achieve all of the core design principles set out in LTN1/20, the designs have been reviewed through a Cycle Level of Service assessment, and amended accordingly, to ensure that cyclists have the highest level of provision possible, whilst also considering other road users and their safety. The Lead Member is recommended to note the outcomes of the stakeholder and public consultation on the proposed cycle routes in Eastbourne.
- 3.2 At present there is £2.231m of LGF available to deliver further improvements for walking and cycling in the Eastbourne and South Wealden area which is not sufficient to deliver all five schemes. Therefore, it is recommended that four of the five routes Horsey Cycle Way Phase 1b, Town Centre to seafront, Willingdon Drove and Langney Rise are taken forward to detailed design as part of the 2022/23 Capital Programme for Local Transport Improvements for delivery across 2022/23 and 2023/24.
- 3.3 In addition, it is recommended that the County Council explores future funding opportunities to progress the detailed design and construction of the Stone Cross to Royal Parade cycle route, in the future as part of our pipeline of schemes.

RUPERT CLUBB

Director of Communities, Economy and Transport

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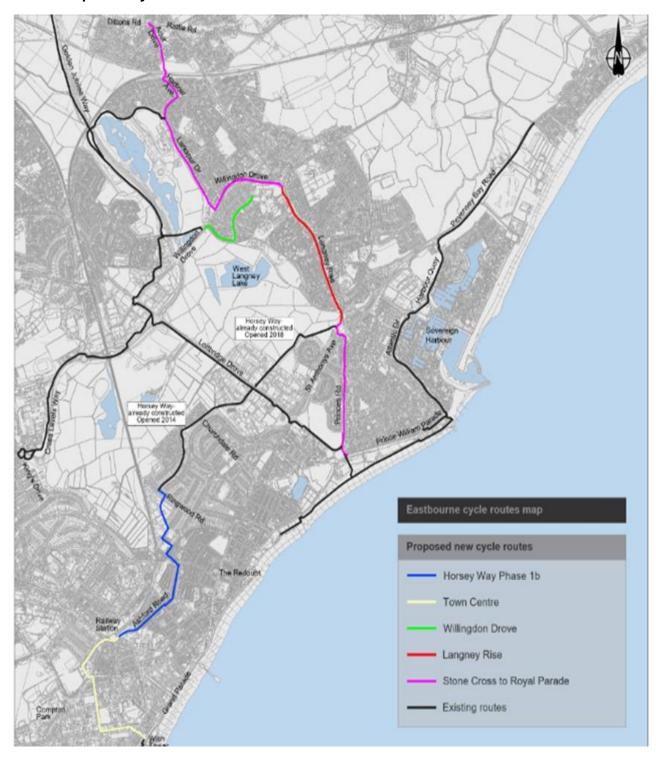
# **LOCAL MEMBERS**

Councillors Di Cara; Holt; Liddiard; Rodohan; Daniel Shing; Shuttleworth; Tutt; Taylor <a href="mailto:BACKGROUND DOCUMENTS">BACKGROUND DOCUMENTS</a>

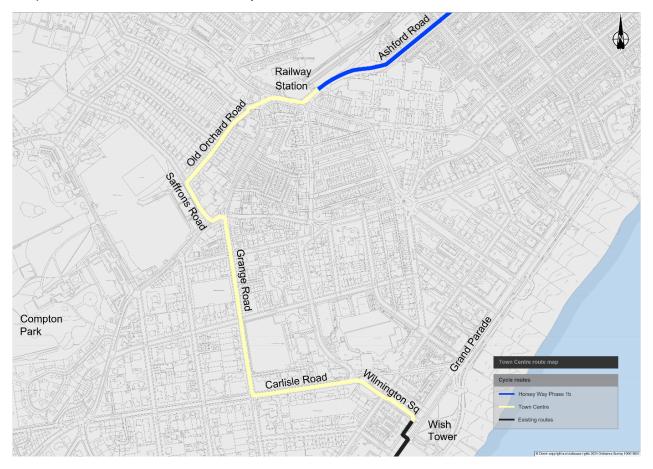
None



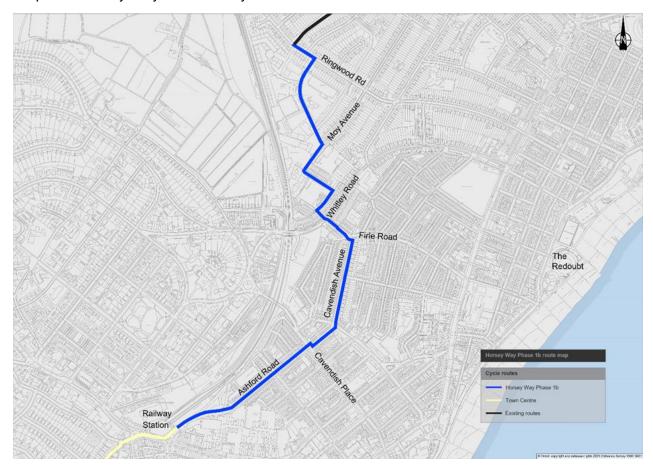
Appendix 1 - Proposed Cycle Routes - Network



# Proposed Town Centre – Seafront Cycle Route



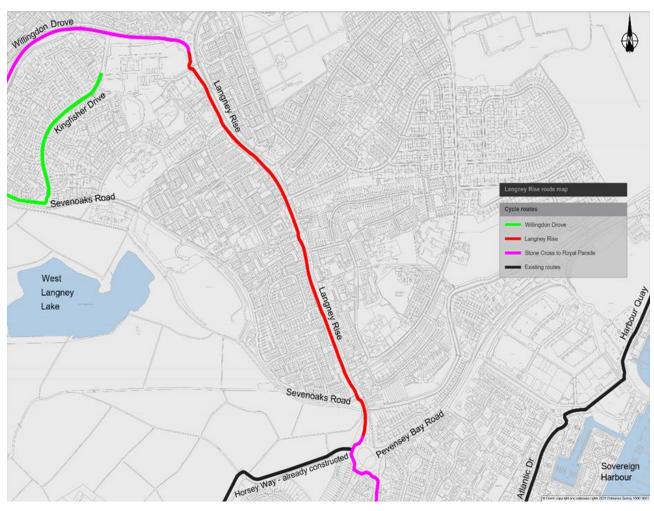
# Proposed Horsey Way Phase 1b Cycle Route



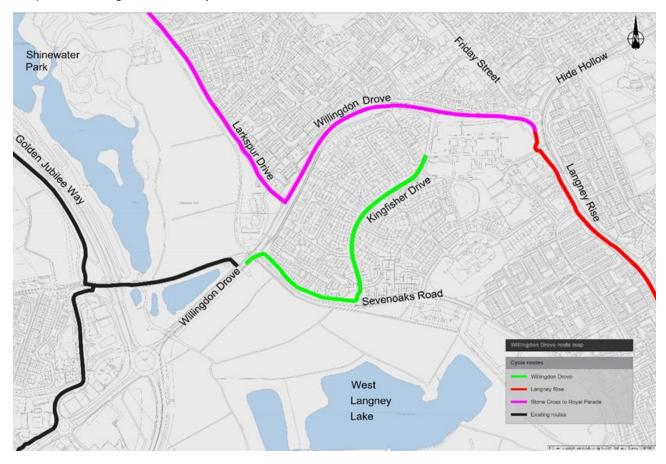
# Proposed Stone Cross to Royal Parade Cycle Route



#### Proposed Langney Rise Cycle Route



#### Proposed Willingdon Drove Cycle Route







# Key Stakeholder Engagement – Eastbourne Cycle Routes

PREPARED FOR: Andrew Keer (ESCC) & Chris Tree (ESCC)

Charles Emeanuwa (ESH) & Mohammed Khan (ESH)

PREPARED BY: Andy Mileham (ESH)

DATE: 3<sup>rd</sup> December 2021

PROJECT NUMBER: SCH-150 & SCH-151

TECHNICAL NOTE: 1

APPROVED BY: James Glover (ESH)

#### 1 Introduction

#### 1.1 Purpose of this Note

This Technical Note (TN01) sets out a comprehensive record, along with the approach and assumptions, of East Sussex Highways (ESH) combined key stakeholder engagement for five proposed cycle routes in Eastbourne:

- Horsey Way Phase 1b cycle route
- Eastbourne Town Centre cycle route
- Stone Cross to Royal Parade cycle route
- Willingdon Drove cycle route
- Langney Rise cycle route

It should be noted that these design proposals were subsequently subject to a combined public consultation for all five schemes in August/September 2021 and are anticipated to be implemented over the next two to three years.

#### 1.2 Report Structure

This technical note is based upon the following sections.

- Section 1 Introduces the project and its current stage of development.
- Section 2 Describes the key stakeholder engagement approach for the proposed schemes. This engagement process identifies the different groups engaged as well as requesting technical input and suggestions.
- Section 3 Outlines the engagement to date to detail who we have engaged so far on the project and how we have considered their feedback, analysed it and responded to them.



#### **Supporting Information:**

- Appendix A Preliminary Cycle Route Design Plans
- Appendix B Stakeholder Consultation List
- Appendix C Engagement Communications 'ESH Email Template'
- Appendix D Engagement Communications 'Stakeholder Responses'

#### 1.3 Project Summary

ESH were commissioned by East Sussex County Council (ESCC) to develop five new cycle routes in Eastbourne, which looked at extending and improving the current cycle network within the town.

These proposed routes were identified either through the Eastbourne Cycling Strategy jointly developed by the County Council and Eastbourne Borough Council in 2012, or more recently through the County Council's Local Cycling and Walking Infrastructure Plan (LCWIP).

The preliminary designs for the following five cycle routes consist of:

- Horsey Way Phase 1b this phase of the cycle route extends from Eastbourne Railway Station towards Ringwood Road and then connects with the existing Horsey Cycle Way (Phase 2)
- Eastbourne Town Centre the proposed route largely consists of on-road facilities to allow cyclists to travel in either direction from Eastbourne railway station, via the Devonshire Quarter to the seafront.
- Stone Cross to Royal Parade the proposed route consists of largely off-road shared facilities to allow cyclists to travel in either direction from Stone Cross, via Langney (adopting the Langney Rise cycle route) to the seafront. Access is provided to an offroad route on Dittons Road to Polegate, as well as the Horsey Way Cycle Route and the National Cycle Route 21.
- Willingdon Drove the proposed route consist of largely being located on a shared footway, thus allowing cyclists to travel in either direction from Willingdon Drove, via the junction of Sevenoaks Road towards that of the junction of Kingfisher Road.
  - Once past Kingfisher Drive the proposed route then transfers to the existing carriageway and then travels towards then terminates at Sandpapers Walk, which is located close to the Langney Shopping Centre.
- Langney Rise the proposed route will consist of a shared cycle route which runs along the western side of Langney Rise, from the Langney Shopping Centre down to the Langney Roundabout, where it connects with the existing Horsey Sewer cycle route. An additional short section of route runs along the east side footway from the Langney roundabout up to Priory Road in order to pick up cyclists from Langney Primary School and St Catherine's College.

**Figure 1.1** overleaf illustrates the proposed five routes, with **Appendix A** providing each of the individual preliminary cycle design options in more detail.

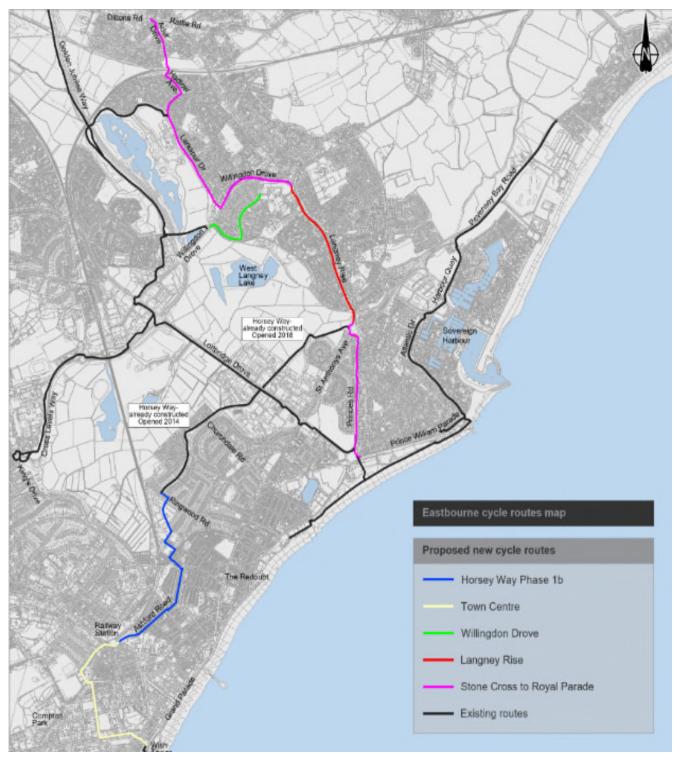


Figure 1.1
Study Area – Proposed & Existing Cycle Routes, Eastbourne



#### 2 Stakeholder Engagement Process

#### 2.0 Objectives

The aim of the stakeholder engagement was to:

- give stakeholders an understanding of how all the proposed routes were identified and developed. A Stakeholder Contact List was developed by ESCC and ESH, which included local councillors, the emergency services and specific members of both Eastbourne Borough Council (EBC) and ESCC. The distribution list is included in Appendix B;
- give stakeholders the opportunity to provide feedback on the design options; and
- review all feedback received and explain how this was taken into consideration when formulating the final design options.

#### 2.1 Feedback Analysis

On Wednesday 16 June 2021, an invitation was issued to key stakeholders via East Sussex Highways Contact Centre, asking them to provide feedback in the form of written representations on the five new cycle route design options. Organisations were asked to respond to an identified project mailbox by Tuesday 13 July 2021.

A copy of this written communication is included for reference in **Appendix C** with the responses received also being provided in **Appendix D**. All of the responses were documented and allocated a reference number.

The project team sorted through the representations to highlight the key themes and provided these to the project managers who would be responsible for analysing the issues in more detail. It should be noted that due to a lack of responses from the initial email correspondence a reminder email was issued to all outstanding recipients on Tuesday 6<sup>th</sup> July 2021.

In addition to the above, prior to the main stakeholder engagement process, ESH also discussed the proposed cycle routes with local environmental officers who raised the following points;

Figure 2.1
Stakeholder Response - Environmental Officers

Stakeholder	Response	
ESCC Senior Asset Engineer for Soft Estate	No landscape issues for the Town Centre.	
Lewes Eastbourne Conservation Lead	<ul> <li>Significant heritage sensitivity in this area of the Town Centre. Road markings will need to be considered with sensitivity and there should be as few as possible.</li> <li>Historic kerbings need to be maintained.</li> <li>Stressed for maximum public input at consultation stage.</li> </ul>	

#### 2 Stakeholder Feedback Responses

#### 3.1 Feedback Received

The project team sent requests for comments to 27 organisations as well as 18 councillors that operate within the Borough of Eastbourne and the Member of Parliament (Caroline Ansell),

As mentioned previously, a copy of the written responses has also been included for further reference and is attached in **Appendix D** of this Technical Note. The subsections below summarise the level of support, and comments received from the key stakeholders.

#### 3.2 Horsey Way Cycle Route

This phase of the cycle route extends from Eastbourne Railway Station to Ringwood Road and will run mostly along existing footways which have been widened into a shared cycleway/footway. The route taken by Phase 1 has evolved through historic consultation with a number of key stakeholders and the analysis of several design options all of which formed part of this stakeholder engagement.

A number of stakeholders responded to the consultation that the key issues were;

- "The section around Ashford Road remains poor and the section from Whitley Road to Horsey Sewer is already the route taken by most cyclists currently and adds little benefit".
- "The route is not compliant to that of LTN 1/20. It does not reflect recent guidance, from DfT 16/6/2021 to Local Authorities".

It should be noted however that during the preliminary design process of all the above proposed cycle schemes that the Department for Transport (DfT) published its revised guidance on cycle infrastructure design (LTN 1/20) which was published in July 2020. It is recognised that this local transport note has proposed a step-change in the approach to the planning and development of cycle infrastructure and this will be a tool that will be used for developing future cycle infrastructure projects.

Therefore, both East Sussex Highways (ESH) and ESCC understand that the proposals submitted as part of this consultation may not fully achieve all of the core design principles set out in LTN1/20. However, the design process has been subject to rigorous assessments that seek to ensure that cyclists have the highest level of provision possible, whilst also considering other road users.

In addition to the above, only two respondents opposed the route These responses were from the local cycling group 'Bespoke' and Eastbourne Eco-Action Network organisation, a group that aims to turn Eastbourne carbon neutral by 2030. The reason for their objection was based on the following points/issues below;

#### Bespoke - Comments Received

- "Bespoke remains committed to LTN 1/20 and this route is not compliant. It does not reflect recent guidance, from DfT 16/6/2021 to Local Authorities, "stressing that prospective cycling schemes will need to include segregation and that cycle lanes marked only with white paint will not be funded."
- "Bespoke had commented in 2017, that to lose priority at so many junctions and lights would make this an unpopular route. For example, at Cavendish Place cyclists will be instructed to dismount once again. Then at Bourne Street cyclist's loose priority, compared to staying on Ashford Road. There are a large number of properties on the route with cars parked in the front gardens that could reverse across this route. Some vehicles are currently jutting out into this space. Unclear why



this side of the road is any better than the other and hence why the route keeps switching back and forth"

- "Bespoke notice that on the far side of Whitley Road, the whole route, currently used by cyclists, is as you propose. However, with the new developments at BT, ESK and the Diary, all within 400m of each other, traffic congestion will increase. Along with HGVs and LGVs parked up on the route this is not particularity safe. Apart from a few modifications there is little of significance added and it is unclear what additional benefit is being delivered."
- "Bespoke prefer the alternative, that has some support from Eastbourne Councillors, of using Horsey Sewer along the side of ESK and then follow the water course until it meets the existing Horsey Sewer path. Currently waste ground and traffic free and ideal for a cycle route".

#### Eastbourne Eco Action Network – Comments Received

- "Comments from cycle, pedestrian and disability groups have historically not been in support of the Ashford Road route. Criticism is around contention within the shared space with pedestrians and the disabled especially around the multiple crossing points, where the route changes sides of the road on multiple occasions or when cyclists have to dismount.
- This appears to be a particular problem on bin days and near the nursery and Age Concern buildings. Furthermore, having parked cars, in front gardens, partly overhanging the route, adds to the potential danger"
- On the far side of Whitley Road, the plan shows few changes, even though with the new developments at BT, ESK and the Diary there will be more traffic congestion. EEAN supports instead the notion of extending the current Horsey Sewer route along the watercourse until it traverses alongside ESK.

In addition to these comments above, the ESH project also received a number of detailed comments within the feedback, which has been helpful in identifying the overall view of stakeholders as well as issues of importance. Therefore, the more detailed suggestions regarding the scheme have been provided below in **Section 4** of this Technical Note.

#### 3.3 Stone Cross Cycle Route

The proposed route consists of largely off-road shared facilities to allow cyclists to travel in either direction from Stone Cross, via Langney (adopting the Langney Rise cycle route) to the seafront. Access is provided to an off-road route on Dittons Road to Polegate, as well as the Horsey Way Cycle Route and the National Cycle Route 21.

Nine stakeholders responded to the consultation in total, the results of which identified that three respondents neither supported nor opposed the scheme, whilst four out of the nine respondents were in support of the scheme.

The comments from the respondents that supported the scheme identified that

• "The route proposed is well connected to other cycle routes and existing employment areas. In addition, it will also be well connected with several new housing development that are underway or in planning".

As like before, the two respondents that opposed the proposed route were received from the local cycling group 'Bespoke' and Eastbourne Eco-Action Network. The reason for their objection was based upon that "the proposals were too small and do not include several major routes proposed in the LCWIP".

Additionally, it was also suggested that a preference would be to take the proposed cycle route along Kingfisher Drive and then onto Sevenoaks Road, as it would be considered within their opinion to be a "safer and more pleasant route, which could encourage more people to cycle".

In addition to this statement, a series of further suggestions were also received regarding this particular cycle route, all of which are provided in **Section 4** of this technical note.

#### 3.4 Eastbourne Town Centre Cycle Route

The proposals put forward as part of this proposed route will allow and support cyclists to be able to access some of the key destinations within the town centre, particularly between the rail station, the seafront, the Devonshire Quarter and other cycle routes in Eastbourne. The proposed new routes will also link with existing cycle routes in the town, such as phases 2 & 3 of Horsey Way, the seafront cycle route and the cycle route along Lottbridge Drove.

Specifically, the route is planned to start at Railway station, crossing Old Orchard, Saffrons, Grange, Carlisle and Wilmington Road to end up at existing seafront cycle route.

Five stakeholders responded to the consultation in total. One respondent neither support nor oppose the scheme, while two out of the five respondents supported the scheme, and two opposed the scheme.

In addition to the above, the two objections were received from the local cycling group 'Bespoke' and Eastbourne Eco-Action Network organisation. The reason for their objection was based upon the following points/issues as identified below;

#### Bespoke - Comments Received

- "Perhaps the least usable of all the proposals. A meandering route that starts by heading away from the seafront and then follows a series of complex junctions until eventually arriving at the seafront. Perhaps 3 times longer than the direct Terminus Road route that ESCC have rejected. It has a busy roundabout outside the station, Old Orchard Road which is a taxi rank and often has taxis turning round in the road, and then the Town Hall junction. The reality is that there is still no safe East West nor North-South route across the town centre".
- "If such a scheme is to progress the safety of cyclists would be increased much more by having a '20 's plenty' and possibly some modal filters (or LTN) on some of the roads along the route."
- "Cycling on the carriageway with a few new short ACLs is not really safer. Small changes such as junction narrowing, with the exception of a useful short cycle lane in Wilmington Square (but with no clear width stated) are in no way sufficient. Perhaps you might run it away from the edge or through the park".

#### Eastbourne Eco Action Network - Comments Received

"This route is disappointing and meanders to the seafront and does not meet the new standards in LTN 1/20 or in fact the earlier LTN 1/12. It would be puzzling to visitors to be directed to the seafront by a route that is many time longer than for pedestrians. It is conceded that there has been a welcome attempt, in the design, to reduce angles on some junctions and add some short stretches of Advisory Cycle Lane.

However overall, it delivers very little. More might be achieved by a 20's plenty zone or limit".

It was also stated that whilst the scheme provides improvement for cyclist safety through some short stretches of advisory cycle lanes, these stretches "are too short and will not make much of an overall difference to the route".



As highlighted previously in July 2020 the Department for Transport (DfT) issued a new, updated, design guidance to be used from that date for the design of cycle facilities. This new design guidance LTN 1/20, Cycle Infrastructure Design, replaces LTN 2/08 and LTN 1/12. As also discussed within responses to these local stakeholders, ESCC has a significant programme of schemes in which to provide new and improved cycle facilities throughout the County. These schemes are in various stages of development, from feasibility through to detailed design and then construction.

The design of the majority of these schemes including this route through the Town Centre was based on the previously available design standards. However, ESCC & ESH have resolved to review designed routes against the 22 summary principles of LTN 1/20, to determine whether or not they meet the new guidance requirements. The 22 summary principles are provided to encourage designers to deliver high quality cycling infrastructure, enabling designers to evaluate their design against these principles.

These key principles, along with further comments and views from local stakeholders have also been provided for further reference in **Section 4** below.

#### 3.5 Langney Rise

The scheme itself consists of a three-metre-wide shared cycle route which runs along the western side of Langney Rise, from the Langney Shopping Centre down to the Langney Roundabout, where it connects with the existing Horsey Sewer cycle route. An additional short section of shared cycle route runs along the eastern side from the Langney roundabout up to Priory Road for cyclists from Langney Primary School and St Catherine's College.

Five stakeholders responded to the consultation. County Councillor Alan Shuttleworth who is the Liberal Democrats representative for the ward of Langney was in support of the scheme but referenced the following observations;

"Note proposals to provide improved bus stop and shelter opposite The Rising. Not clear about the "shared cycle/bus "provision.

Langney Rise. Not clear about proposals at Pembury Road junction, which is currently a high kerb and difficult for pedestrians. How will you improve cycle and pedestrian crossing at this point?

Did you consider using Sevenoaks Road as the route from the top of Larkspur Drive as this would have been more scenic and could link to Sevenoaks Road Park and Recreation Ground as well as the nature area around West Langney Lake. A missed opportunity? It would also have offered a scenic route linking to the next section of the cycle route into town"

In response to the above, as is standard practise all new bus infrastructure works require an independent Road Safety Audit (RSA) Stage 1, this is undertaken at completion of preliminary design to ensure that the submitted design proposals do not increase risk of conflict between bus users and cyclists. It should be noted that these new footway build-out and adjusted footway levels will ensure that the pedestrian crossing point at Pembury Road will have an acceptable gradient from footway to carriageway.

In addition to the above, one respondent neither supports nor opposes the scheme, while three out of the five respondents opposed the scheme.

Feedback received stated that the proposed cycle route could conflict with pedestrians, potentially resulting in accidents. This view was shared by both the local cycle group 'Bespoke' and Eastbourne Eco-Action Network. Comments and views regarding the objection have been summarised overleaf;

#### **Bespoke - Comments Received**

- "This is a 3-metre-wide shared cycle route which runs along the western side of Langney Rise, from the Langney Shopping Centre down to the Langney Roundabout, where it connects with the existing Horsey Sewer cycle route" There were, when this scheme was first proposed, a number of pinch points and access issues. It is unclear and indeed unlikely if it would be 3m for the whole length.
- Bespoke generally remains committed to an alternative route along the verge on Sevenoaks Road, if the issue is providing a strategic route.
- The section at the southern end near Horsey Sewer however should be useful though not ideal as the footbridge is narrow and generally Bespoke will not support options where cyclists are told to dismount".

#### <u>Eastbourne Eco Action Network – Comments Received</u>

- "EEAN have taken advice on this scheme, which appears to provide a 3m shared path but is not sufficiently segregated from pedestrians, houses and road junctions. Shared paths in housing estates, can and often do, cause contention with other users. On this route there will be parts where space will be constrained. Cycle commuters would find the route slow and would lose priority, in a number of places, especially around junctions or bus stops. However, children living in Langney and going to school locally especially primary school children, due to their lower speed, could use this route".
- "The electoral wards in Langney, are shown as high deprivation, and hence the need for good bus and cycle routes. Overall, this scheme is not part of a joined up wider network, that for example, a path on the verge of Sevenoaks Road, shown in LCWIP, would deliver. Furthermore, the lack of a link to a route into town still remains a concern".

A more detailed description has been provided with regard to all comments received from local stakeholders within **Section 4** of this technical note. However, it should be noted that the proposed width of the cycleway for the majority of its length is 3-metre-wide, which meets current design guidance. There are however 4 pinch points where unfortunately a 3.0 metre width cannot be achieved, but these are of a minimal length and have not been highlighted as a concern by independent safety auditors.

In addition to the above, the proposed cycle facility is being introduced into existing infrastructure with associated constraints e.g., corridor width. Given these restrictions ESCC/ESH believe that the proposed route will provide a valuable facility as part of Eastbourne's growing cycle route network. The proposed route along Langney Rise is seen as a key part of Eastbourne's growing cycle route network. The route links directly with Horsey Cycle Route and the proposed Stone Cross to Town Centre route, which in turn link to other cycle routes.

#### 3.6 Willingdon Drove

The Willingdon Drove proposals are to provide a cycling facility to connect Sevenoaks Road and Kingfisher Drive that is situated mostly on the shared footway. This is then proceeded by a route that is located mostly upon the carriageway that travels from Kingfisher Drive and endings at Sandpiper Walk, which is located within close proximity to Langney Shopping Centre.

In total only four stakeholders responded to the consultation for this particular route. Three, out of the four respondents supported the scheme, with only the local cycle group 'Bespoke' opposing the scheme. This was due to the specific remarks highlighted overleaf;



#### Bespoke - Comments Received

• "This section would be useful. Especially from Hampden Park to Langney due to the uphill nature of route. However Bespoke cannot see why you do not link it to Pigs Lane bridleway, which is lit and popular. There is, with some cutting back, sufficient space for a 3m path alongside the Travelodge and then this would be a continuous route.

However Bespoke are unsure why, when there is a popular 3m path, tucked in the trees, running parallel and 20m from Willingdon Drove, starting at Sevenoaks Road you do not use this. Perhaps needs a little clearance then a short new stretch to the Shopping Centre but much cheaper than your current plan, on the verge on the other side of the road

The Willingdon Drove section that has a small part of Sevenoaks Road and onto Kingfisher Drive provides access to the Shopping Centre in much the same way as does the Willingdon Drove (B2191) proposal. Unsure why you have this as well. Bespoke had always preferred a route from Sevenoaks Road through Lapwing Close, Plover Close then use a 3m path to the back of the Shopping Centre as an alternative".

In addition to the above statement, though County Councillor Alan Shuttleworth was in 'broad support' of the Willingdon Drove proposed route. He did provide the following remarks:

"I suggest consideration is given to extending the proposed cycle route down Kingfisher Drive to just beyond the entrance to the Langney Shopping Centre, and that a toucan crossing for pedestrians and cyclists be provided opposite St Barnabas Church. The cycle route would then offer a route into the Shopping Centre (in consultation with the Centre) but could also continue to link to the Langney Pond pathway and through the proposed new development at Woods Cottages, emerging to join Langney Rise at Faversham Road junction".

A more detailed description has been provided with regard to all comments received from local stakeholders within **Section 4** of this technical note. However, it should be noted that the suggested section highlighted above was beyond the scope of the proposed cycle route which links the NCR21 from Willingdon Drove to the Langney Shopping Centre. This proposed route was developed because Langney Shopping Centre was considered an important local destination and popular trip attractor.

However, should a potential demand increase for a link via Pigs Lane bridleway in the future then these comments provided will be noted and considered for future scheme development.

#### 4 Stakeholder Feedback – Detailed Responses

As mentioned previously, numerous detailed responses were received from local stakeholders regarding the proposed cycle routes. A brief outline of all the received feedback involving issues/concerns have been provided for each of the five proposed cycle schemes below, with an ESH design response underneath in blue.

#### 4.1 Horsey Way Cycle Route

#### Issues/Concerns

- The section around Ashford Road remains poor and the section from Whitley Road to Horsey Sewer is already the route taken by most cyclists currently and adds little benefit. This route is not compliant with LTN 1/20. It does not reflect recent guidance, from DfT 16/6/2021 to Local Authorities, "stressing that prospective cycling schemes will need to include segregation and that cycle lanes marked only with white paint will not be funded.
- ESH Response In July 2020 the Department for Transport issued new, updated, design guidance to be used from that date for the design of cycle facilities. East Sussex County Council currently has a significant programme of schemes to provide new and improved cycle facilities throughout the County. A lot of these are already at an advanced design stage and ready for construction. The design of the majority of these schemes including the Horsey Way Route have been designed based on the previously available design standards.
- ESCC will be aware of the Stage 1 complaint by Afoot of this route in 2017. Mainly around residents walking out their property into cycles and failing to implement an inclusive design around the Equalities Act. With the narrow shared path, it would be difficult to pass on 'bin day' and the requirement to stop at lights to cross and recross Ashford Road will deter its use and cause interaction with pedestrians and the disabled. Furthermore, the requirement for cyclists to dismount near the station and walk, added to dismounting now for Terminus Road and in the future around Bolton Rd and Langney Road make the town centre increasingly marginal for cycles.
- **ESH Response** Reviewing the comments you have kindly provided I understand your primary concerns to be the lack of a physical/vertical segregation feature on parts of the route, a preferred alternative route, the width of shared route, the requirement to stop at lights and to cross junctions and the requirement to dismount near the station.

For the majority of the route the cycleway is physically segregated from the carriageway by the kerb upstand, where a shared route of between 3-4m wide is provided and has been approved by an independent Safety Auditor, on the approach to Whitley Road this is reduced, but is within historic design guidelines.

It is felt that residents whose properties about the proposed shared route will adapt their behaviour accordingly when exiting their property. The route is designed in this manner due to the limited space available on the existing highway network. The provision of a segregated cycle route on the carriageway would require the removal of on street parking which many residents would object to as there are in many cases is no alternative parking options. From the Whitley Road junction onwards to Ringwood Road cyclists are directed along the existing road, keeping cyclists and pedestrians separated.

Priority is lost at so many junctions and lights would make this an unpopular route.
 For example, at Cavendish Place cyclists will be instructed to dismount once again.
 Then at Bourne Street cyclist's loose priority, compared to staying on Ashford Road.
 There are a large number of properties on the route with cars parked in the front



gardens that could reverse across this route. Some vehicles are currently jutting out into this space and hence the route keeps switching back and forth.

- **ESH Response** ESCC & ESH acknowledge that cyclists having to give way at the junction of Cavendish Place does impact the directness and attractiveness of the route. However, the current traffic flows and the function of the roads in this location restrict the option to provide cyclist priority at this junction.
- Bespoke prefers the alternative, that has some support from Eastbourne Councillors, of using Horsey Sewer along the side of ESK and then follow the water course until it meets the existing Horsey Sewer path. Currently waste ground and traffic free and ideal for a cycle route.
- **ESH Response** The course of the route has been developed over 9 years and a number of consultations have been carried out. During this process alternative routes including Station Road and Horsey Sewer were reviewed and discounted.
- Comments from cycle, pedestrian and disability groups have historically not been in support of the Ashford Road route. Criticism is around contention within the shared space with pedestrians and the disabled especially around the multiple crossing points, where the route changes sides of the road on multiple occasions or when cyclists have to dismount. This appears to be a particular problem on bin days and near the nursery and Age Concern buildings. Furthermore, having parked cars, in front gardens, partly overhanging the route, adds to the potential danger.
- **ESH Response** For the majority of the route the cycleway is physically segregated from the carriageway by the kerb upstand, where a shared route of between 3-4m wide is provided and has been approved by an independent Safety Auditor, on the approach to Whitley Road this is reduced, but is within historic design guidelines. It is felt that residents whose properties about the proposed shared route will adapt their behaviour accordingly when exiting their property.

The route is designed in this manner due to the limited space available on the existing highway network. The provision of a segregated cycle route on the carriageway would require the removal of on street parking which many residents would object to as there are in many cases is no alternative parking options. From the Whitley Road junction onwards to Ringwood Road cyclists are directed along the existing road, keeping cyclists and pedestrians separated.

- General ambience of the road vicinity in Ashford Road would be greatly improved if from the station to Whitley Road there was a 20mph limit. Bad driver behaviour through aggressive, noisy and threatening driving styles is common towards the zebra from the station to Sainsbury's rear entrance.
- **ESH Response** The proposed route from Ashford Road to Whitley Road is segregated from the carriageway, providing adequate protection from vehicles.

#### Support/Agreement

- The scheme will not impact on Community Bus services
- Welcome improvement to local infrastructure with minimal impact on any kind of emergency response or operations.

#### **4.2 Stone Cross Cycle Route**

#### Issues/Concerns

- The section around and through Adur Park is welcome. It is shown as having 4m width. This would be good and nearly enough to have a segregated 2.5m cycle path and 2m footpath. It will be tight for space after the rail bridge but perhaps a little signage such as 'share with care' would be useful. Note should be taken that the Sustrans gate is being phased out, as it is discriminatory against non- standard cycles and disability scooters. Then Hadlow Avenue is a reasonably low traffic street.
- ESH Response In relation to the Sustrans Gate at Adur Drive and the width of the shared space through Adur Park these are open for review and enhancement and your comments will be taken on board and considered as part of any further detailed design process. A gate of some form is required at the entry at the park in attempt to prevent anti-social scooter / moped use through the Park which has been raised as a concern.
- Larkspur Drive requires crossing over three times from Hadlow Avenue to Willingdon Drove (B2191). These crossovers should wherever possible be discouraged. We would recommend a cycle route from the play park, through Shinewater Park and then cut back to the west side of Larkspur Drive before Busy Bees. There is a network of routes already through the park. From then, once the B2191 is crossed, an off-road route, on the partly overgrown verge along the whole south side of Sevenoaks Road. A 3m route should be possible for most of the route until it reaches Horsey Sewer (Phase 3).
- ESH Response Whilst the route does involve several crossings over Larkspur Drive, this was for specific reasons. In the first instance the existing provision of a separated path outside the Causeway School which needed to remain provide vehicle separated entry to the school grounds for school children. To the north of Causeway School is The Meadows Nursery School and at an early stage this was identified as potential point of conflict with nursery age children, with limited options to widen the footway around the school entrance it was not considered appropriate to run a shared footway along this section of Larkspur Drive. To the south of the Shinewater Park entrance there is no current footway with the highway boundary close to the current edge of carriageway, this would result in providing an extended sub-standard width shared footway (with insufficient space to provide segregated paths), or potential lengthy and costly process of obtaining non-highway land. There would also be a need to consider the environmental impact if continued on the western side of Larkspur Road as this would result in significant loss of vegetation / hedgerow.

Whilst it is acknowledged that there are existing paths through Shinewater Park, the diversion of the route through this section was not considered suitable for all users on the basis of personal security. This would require users to travel through an isolated section of park without direct observation from adjacent properties, or no closely associated indirect properties. On this basis the use of this section was not considered viable at this time for a continuous route that would be attractive for all users throughout all time periods.

The use of Sevenoaks Road was also investigated as part of the route development, in particular to making use of the verge on the southern side of the road. As part of these investigations, it was identified that non-highway land would be necessary to implement a separated path within the verge, this would likely require extensive negotiations with multiple landowners due to its length and result in further cost implications and complexity and significantly increase the timescales for on-site deployment.



- The Copenhagen Crossing near the play park entrance is good for cyclists but most residents will not have seen one and may not understand the change in priority.
- **ESH Response** Copenhagen style crossings are proposed at various locations within the design. Whilst it is acknowledged that this type of infrastructure has not been implemented to date within Eastbourne these have been successfully deployed in other parts of the UK. However, we are aware that as part of future consultation that education will be required.
- Desire lines for residents who might cycle include locations in the town centre. This
  does not provide an end solution that would meet this requirement. It is a misnomer
  to call this a town centre route as there is no reasonable route, currently or planned,
  into town.
- **ESH Response** The proposed route is seen as a key part of Eastbourne's growing cycle route network. The route links directly with Horsey Cycle Route and the proposed Langney Rise route, which in turn link to other cycle routes that would provide access to the Town Centre.
- To provide a safe network another alternative to your scheme would be through Shinewater Park and then down Sevenoaks Road. The latter identified as a route in LCWIP. EEAN want solutions for the less confident, younger and older cyclist and ideally this suggestion reduces interactions with motor vehicles whilst increasing the use of cycles.
- **ESH Response** Whilst it is acknowledged that there are existing paths through Shinewater Park, the diversion of the route through this section was not considered suitable for all users on the basis of personal security. This would require users to travel through an isolated section of park without direct observation from adjacent properties, or no closely associated indirect properties. On this basis the use of this section was not considered viable at this time for a continuous route that would be attractive for all users throughout all time periods.

The use of Sevenoaks Road was also investigated as part of the route development, in particular to making use of the verge on the southern side of the road. As part of these investigations, it was identified that non-highway land would be necessary to implement a separated path within the verge, this would likely require extensive negotiations with multiple landowners due to its length and result in further cost implications and complexity and significantly increase the timescales for on-site deployment. The Sevenoaks Road alignment does however remain within the LCWIP as a potential future route should future funding and resources be available.

- We would be concerned that the flow of traffic down the busy Langney Rise, through Langney roundabout and along Princes Road is not affected so as to disrupt our services (Community Bus).
- **ESH Response** There should be no significant impact on traffic flow along Princes Road. Cyclists will make use of the existing signalised crossings at the Langney Roundabout and then join shared path which is separated from traffic. Whilst increase in use of the signalised crossings may increase the chance of vehicles stopping at red light, this would only be for a short period of time.

- The section which passes under the railway bridge within Adur Park has flooding problems. Parrish Council investigations indicate that a drainage pipe on the south side is blocked.
- ESH Response Your comment regarding the flooding issues has been noted.
   Drainage investigations would be included as part of the detailed design process and if identified remedial action would be form part of the design to minimise the risk of flooding.
- The cycle route goes round a busy double roundabout. It is a constantly used road with buses and articulated lorries that use it during the day. Surely it would be better to take it down Kingfisher Drive and on to Sevenoaks Road, to then join up with the other cycle ways via the traffic crossings all around the roundabout.
- **ESH Response** The provision around the double roundabout the Willingdon Drove / Friday Street / Hide Hollow / Langney Rise is a shared footway adjacent to the carriageway. There would be no interaction with traffic through the junction when travelling along the route, which would link directly to the off-carriageway Langney Rise scheme.

The use of Sevenoaks Road was also investigated as part of the route development, in particular to making use of the verge on the southern side of the road. As part of these investigations, it was identified that non-highway land would be necessary to implement a separated path within the verge, this would likely require extensive negotiations with multiple landowners due to its length and result in further cost implications and complexity and significantly increase the timescales for on-site deployment. The Sevenoaks Road alignment does however remain within the LCWIP as a potential future route should future funding and resources be available

- Other than the removal of parking bays my main question/comment would be if these proposals to introduce advisory cycle lanes or enforceable cycle lanes?
- **ESH Response** All of the points raised in the response regarding the Stone Cross proposals relate the changes to existing TRO's, new TRO's or the public consultation / advertising. All of these elements will be taken into account as part of further design stage if and when the scheme progresses beyond the initial feasibility stage.

#### Support/Agreement

- In itself this route has some good features, that provide safe off-road routes especially around Adur Park.
- Welcome improvement to local infrastructure with minimal impact on any kind of emergency response or operations.
- The new cycle links will connect well with existing routes along the main employment corridors in Eastbourne that includes Lottbridge Drove, Hampden Park and the Town Centre. This will allow new residents within Stone Cross to reach employment areas in Eastbourne via cycling. This is seen as positive and sustainable link between Stone Cross and Eastbourne and could assist with modal shift away from the motor vehicle particularly for commuters.
- The route is an alternative cycle route linking the Cuckoo Trail at Polegate/Shinewater Park to Eastbourne seafront. Being mainly off-road, many families use the Cuckoo Trail to teach cycling to young children, so hopefully the



proposed routes will encourage more people, especially families, to cycle to Eastbourne seafront as the new routes provide an alternative to the existing route which appears to be along the busy and often congested Lottbridge Drove. It will also provide active travel links for those working in the Eastbourne area from a number of South Wealden locations.

#### 4.3 Town Centre Cycle Route

#### Issues/Concerns

- This route is the least compliant with LTN 1/20. In respect of this standard, we will support proposed routes, that meet or are close to it. However, this route does not reflect recent guidance, from DfT 16/6/2021 to Local Authorities, "stressing that prospective cycling schemes will need to include segregation and that cycle lanes marked only with white paint will not be funded."
- ESH Response In July 2020 the Department for Transport issued new, updated, design guidance to be used from that date for the design of cycle facilities. The new design guidance LTN 1/20, Cycle Infrastructure Design replaces LTN 2/08 and LTN 1/12. East Sussex County Council has a significant programme of schemes to provide new and improved cycle facilities throughout the County which are in various stages of development from feasibility design through to detailed design and ready for construction. The design of the majority of these schemes including this route through the Town Centre was based on the previously available design standards. However, ESCC & ESH have resolved to review designed routes against the 22 summary principles of LTN 1/20, to determine whether or not they meet the new guidance requirements. The 22 summary principles are provided to encourage designers to deliver high quality cycling infrastructure, enabling designers to evaluate their design against these principles.
- A meandering route that starts by heading away from the seafront and then follows a
  series of complex junctions until eventually arriving at the seafront. Perhaps 3 times
  longer than the direct Terminus Road route that ESCC have rejected. It has a busy
  roundabout outside the station, Old Orchard Road which is a taxi rank and often has
  taxis turning round in the road, and then the Town Hall junction. The reality is that
  there is still no safe East West nor North-South route across the town centre.
- ESH Response Terminus Road has been recently redeveloped to between A259 Gildredge Road and Cornfield Road. The new layout consists of a bus only lane in an eastbound direction with wide 'pedestrian routes' either side of the bus lane with large areas of planting, provision for cyclists has not been included in the new arrangement. As part of Town Centre Cycle route scheme development, a review of Terminus Road was performed with several potential options being identified to either incorporate or provide alternatives to allow cyclists to make use of Terminus Road. The outcome of this review was that none of the solutions identified provide a realistic option based on this initial investigation with disadvantages that would need further significant consideration. The situation will be kept under review regarding routes in the town centre and its surrounds as part of the delivery of the East Sussex LCWIP.

In terms of distance in comparison between a potential Terminus Road route the proposed route is 1.5 times longer in terms of accessing the sea front, where each scheme would intersect with King Edwards Parade / Grand Parade.

• Cycling on the carriageway with a few new short ACLs is not really safer. Small changes such as junction narrowing, with the exception of a useful short cycle lane in

Wilmington Square (but with no clear width stated) are in no way sufficient. Perhaps you might run it away from the edge or through the park.

• **ESH Response** – Reviewing your comments, I understand your primary concerns to be the fact that the route in not segregated. The route does have sections where it will link to the existing shared provision on King Edward's Parade by the seafront. It is also proposed to have a 'shared' area by station next to the cycle parking. These form a very short section of the overall route. The rest of which cyclists are separated from pedestrians.

Potential segregated protected routes were considered as part of the design process but were not considered to be practical for the route in question. There is insufficient road space to maintain current vehicles lanes, maintain pedestrian levels of comfort, maintain on-street parking (where there are no or limited off-street alternatives) and provide separated cycle provision. The route chosen was partially done so on the historic vehicle data to ensure the route was not on high volume roads.

Regarding making use of the edge of the park representation was made to Eastbourne Borough Council to use more of the green space and their conservation team requested that the green space be maintained as much as possible, to minimise the impact on the garden area as much as possible, to which we were required to consider and implement within the design.

- Ensure phasing of traffic lights outside station does not adversely affect bus services heading south into Terminus Road or Eastbound heading out of Gildredge Road.
- ESH Response The traffic signals at the junction of Terminus Road and Gildridge Road were introduced as part of the Eastbourne Town Centre Movement & Access Package. As part of Eastbourne Town Centre Cycle Scheme there is no intention to alter the current traffic signal stages / phases with Northbound cyclists making use of the Advanced Stop Line to perform the left-turn manoeuvre and Southbound cyclists will dismount and walk to the proposed new parallel crossing.
- Other than the removal of parking bays my main question/comment would be if these proposals to introduce advisory cycle lanes or enforceable cycle lanes
- **ESH Response** In relation to the Town Centre route the proposed cycle lanes are advisory and not enforceable.
- Will the signage/cycle lane interfere with the existing bus lane?
- **ESH Response** The proposed cycle symbol road markings and wayfinding signs will have no impact on the existing bus lane.
- Are the proposals looking to remove the 7m of taxi bays on Old Orchard Road?
- **ESH Response** The scheme itself will remove the 7m of taxi bays and extend the no waiting at time restriction to aid in allowing the final approach to the junction to be clear and aid in sightlines for pedestrians crossing in this area.
- Don't parking bays with TRO already exist? (see Drawing 4).
- **ESH Response** The existing limited parking bays towards the northern end of Old Orchard Road have been noted and will be provided. Further parking bays will be added to allow the permanent positioning of cycle symbols (so these do not become covered by parked vehicles).



- Didn't New parking bays go in as part of the last review (see Drawing 5).
- ESH Responses As per the provided plan (see Drawing 4), recent parking bays implemented since the design will be taken into account as part of further design stages
- If change was to take place TRO would need to be amended due to road layout change Existing loading ban on all four corners (see Drawing 6).
- **ESH Response** Yes, changes would be required for existing TRO's if the design were implemented as shown. This is acknowledged and will be built upon as part of further design stages.
- If bays were installed TRO would be required and would DYL be installed between the bays? (see Drawing 7 & 8).
- **ESH Response** Correct, new bays are to be provided. No waiting at any time restrictions are already in place between the proposed bays so no new additional lengths would be required
- Wasn't there huge objections from Eastbourne College previously to this scheme? (See Drawing 9).
- **ESH Response** It is unclear as the reason for the objection. The length of the parking bays matches the current length of available parking so there would be loss in terms of kerb length to allow parking.
- Is there going to be a contra flow lane south of Old Wish Road, shown by the cycle symbol? (See Drawing 10).
- **ESH Response** No, the carriageway would be maintained as two-way flow.
- Wouldn't the removal of parking bays in Wilmington Square, effectively introduce a
  one-way system but would still be a two- way road? Loss of more than 7 spaces
  (including the relocation of P&D machine) We have just amended parking on the
  other side of Wilmington Square to give some bays back to permit holders. There
  also seems to be a couple of spaces being removed at the southern end, north side.
  (See Drawing 12).
- **ESH Response** Wilmington Square would become a one-way road with parking bays either side, there would not be two-way working. However, some bays will need to be removed to allow the introduction of the separated cycle path.

#### Support/Agreement

 Welcome improvement to local infrastructure with minimal impact on any kind of emergency response or operations.

#### 4.4 Langney Rise Cycle Route

#### Issues/Concerns

- This route is not compliant with LTN 1/20. Ideally something more segregated would be preferred by pedestrians. This does not reflect recent guidance, from DfT 16/6/2021 to Local Authorities, "stressing that prospective cycling schemes will need to include segregation and that cycle lanes marked only with white paint will not be funded." We would support shared paths in rural, semi rural areas or where there are no nearby streets, but in many built up areas they can cause contention with other users.
- ESH Response In July 2020 the Department for Transport issued new, updated, design guidance to be used from that date for the design of cycle facilities.
   The new design guidance LTN 1/20, Cycle Infrastructure Design replaces LTN 2/08 and LTN 1/12. East Sussex County Council has a significant programme of schemes to provide new and improved cycle facilities throughout the County which are in various stages of development from feasibility design through to detailed design and ready for construction.

The design of the majority of these schemes including this route along Langney Rise was based on the previously available design standards. However, ESCC & ESH have resolved to review designed routes against the 22 summary principles of LTN 1/20, to determine whether or not they meet the new guidance requirements. The 22 summary principles are provided to encourage designers to deliver high quality cycling infrastructure, enabling designers to evaluate their design against these principles.

- The overview states "This is a 3-metre width shared cycle route which runs along the western side of Langney Rise, from the Langney Shopping Centre down to the Langney Roundabout, where it connects with the existing Horsey Sewer cycle route". There were, when this scheme was first proposed, a number of pinch points and access issues. It is unclear and indeed unlikely if it would be 3m for the whole length.
- **ESH Response** Reviewing the comments you have kindly provided I understand your primary concerns to be the fact that the route in not segregated and the proposed width of the cycle route. Unfortunately, limited carriageway widths make it unsuitable for introducing cycle lanes on the carriageway and similarly restrictive footway and verge widths for most of the route, means there is insufficient width to provide a segregated cycle route next to the footway.

The width of the cycleway for the majority of its length is 3 metres meeting design guidelines. There are 4 pinch points where unfortunately a 3-metre width cannot be achieved, but these are of a minimal length and have not been highlighted as a concern in the road safety audit.

- The electoral wards in Langney, are shown as high deprivation, and hence the need for good bus and cycle routes. Overall, this scheme is not part of a joined up wider network, that for example, a path on the verge of Sevenoaks Road, shown in LCWIP, would deliver. Furthermore, the lack of a link to a route into town still remains a concern.
- ESH Response The proposed route along Langney Rise is seen as a key part of Eastbourne's growing cycle route network. The route links directly with Horsey Cycle Route and the proposed Stone Cross to Town Centre route, which in turn link to other cycle routes.
- Note proposals to provide improved bus stop and shelter opposite The Rising. Not clear about proposals at Pembury Road junction, which is currently a high kerb and



difficult for pedestrians. How will you improve cycle and pedestrian crossing at this point?

Did you consider using Sevenoaks Road as the route from the top of Larkspur Drive as this would have been more scenic and could link to Sevenoaks Road Park and Recreation Ground as well as the nature area around West Langney Lake. A missed opportunity? It would also have offered a scenic route linking to the next section of the cycle route into town.

• **ESH Response** – All the new bus stop changes have been independently safety audited to ensure that the proposals do not increase risk of conflict between bus users and cyclists. A new footway build-out and adjusted footway levels will ensure that the pedestrian crossing point at Pembury Road will have an acceptable gradient from footway to carriageway.

#### Support/Agreement

 Welcome improvement to local infrastructure with minimal impact on any kind of emergency response or operations.

#### 4.5 Willingdon Drove Cycle Route

#### Issues/Concerns

Section 1 would be useful. Especially from Hampden Park to Langney due to the
uphill nature of route. However, we cannot see why you do not link it to Pigs Lane
bridleway, which is lit and popular. There is, with some cutting back, sufficient space
for a 3m path alongside the Travelodge and then this would be a continuous route.

However, we are unsure why, when there is a popular 3m path, tucked in the trees, running parallel and 20m from Willingdon Drove, starting at Sevenoaks Road you do not use this. Perhaps needs a little clearance then a short new stretch to the Shopping Centre but much cheaper than your current plan, on the verge on the other side of the road.

The Willingdon Drove section that has a small part of Sevenoaks Road and onto Kingfisher Drive provides access to the Shopping Centre in much the same way as does the Willingdon Drove (B2191) proposal. Unsure why you have this as well. We had always preferred a route from Sevenoaks Road through Lapwing Close, Plover Close then use a 3m path to the back of the Shopping Centre as an alternative.

ESH Response – The suggested section is beyond the scope of the proposed cycle
route which links the NCR21 from Willingdon Drove to the Langney Shopping Centre.
This proposed route was developed because Langney Shopping Centre was
considered an important local destination and popular trip attractor. However, should
demand increase for a link via Pigs Lane bridleway in the future your comments will be
noted and considered for future scheme development.

In regard to your comments concerning the 3m path. ESH can confirm this alignment was previously considered as an option. However, due to lack of street lighting and the requirement to maintain vehicles access to properties, as well as the path not being wide enough to provide a shared cycle route it was therefore not taken forward as part of this proposal.

A route through Lapwing Close and Chaffinch Road requires widening the footway to provide a 3.5m two-way shared footway facility with a 0.5m buffer. This could be

achieved by realignment of the kerbing which reduces the carriageway width to approximately 5.4m (Lapwing Close) & 5.7m (Chaffinch Rd) and would not be wide enough to accommodate all on-street parking. There would be loss of on-street parking which would prove unpopular to residents when the footway is wide enough to cater for a shared facility.

- Section 2 The route, further south and not is not connected to Section 1, from Langney Roundabout along Princes Road seems to provide a safe route across the roundabout from Horsey Phase 3 and down to the Sovereign Centre.
- ESH Response The suggested section is beyond the scope of the proposed cycle route which links the NCR21 from Willingdon Drove to the Langney Shopping Centre. Both ends of the route were considered as important local destinations and trip attractors. However, should demand increase for such a route from Langney Roundabout along Princes Road in the future your comments will be noted and considered for future scheme development.
- Suggested consideration is given to extending the proposed cycle route down Kingfisher Drive to just beyond the entrance to the Langney Shopping Centre, and that a toucan crossing for pedestrians and cyclists be provided opposite St Barnabas Church. The cycle route would then offer a route into the Shopping Centre (in consultation with the Centre) but could also continue to link to the Langney Pond pathway and through the proposed new development at Woods Cottages, emerging to join Langney Rise at Faversham Road junction.
- ESH Response The suggestion for consideration is outside the scope of the proposed cycle route. In regard to your request for a Toucan Crossing to be provided for pedestrians and cyclists opposite St Barnabas Church, it must meet the following criteria:
  - 1. Numbers of pedestrians crossing
  - 2. Traffic flow
  - 3. Traffic composition
  - 4. Road use, site characteristics
  - 5. Surrounding environment
  - 6. Accident history
  - 7. Traffic speeds

The above must be taken into account when considering the introduction of a Toucan Crossing or (controlled crossing point), as the traffic flows and pedestrian volumes are low, with traffic speeds recorded at 31mph (85<sup>th</sup> percentile). Coupled with no accidents recorded in the last 3 years. The data and location do not support a recommendation for a toucan crossing or controlled crossing point in this location. However, should this change in the coming years the location could be considered by ESCC for a safety improvement review.

The suggestion to continue the proposed Willingdon Drove cycle route to the Langney Pond pathway and through the proposed new development at Woods Cottages, emerging to join Langney Rise at Faversham Road junction, has not been considered as it is beyond the scope of this proposed cycle route. However, should demand increase for such a route in the future your comments will be noted and considered for future scheme development.



#### Support/Agreement

- Welcome improvement to local infrastructure with minimal impact on any kind of emergency response or operations.
- The route shows evidence that tried to deliver some safe routes for the less confident, elderly, disabled and children.

### 5 Next Steps

This report provides a detailed analysis of the feedback received during the stakeholder engagement. The next step will be sharing the design proposal to the general public via consultation. This report however will be circulated to the project and design teams in order to inform the detailed design and further planning stages of the scheme.

# Appendices



# Appendix A

Proposed Cycle Routes

# Eastbourne Cycle Routes

Prepared for

East Sussex County Council (ESCC)

January 2022

East Sussex Highways
The Broyle
Ringmer
East Sussex
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# **Contents**

Section		Page
Acronyms	and Abbreviations	vi
Executive	Summary	1-1
Back	kground	1-1
	sultation Process	
Cons	sultation Findings	1-2
Introduction	on	1-1
1.1	Purpose of this Note	1-1
1.2	Report Structure	1-1
	1.2.1 Supporting Information	1-1
1.3	Project Summary	1-2
2. Al	bout the Public Consultation	
2.1	Purpose	
2.2	Potential outcomes	
2.3	Who we consulted and when	
2.4	What we asked	
2.5	Methods of responding	2-2
2.6	Consultation materials and publicity	
	2.6.1 Website	2-2
	2.6.2 Letters	
	2.6.3 Emails to stakeholders	2-3
	2.6.4 Press and media activity	
	2.6.5 Public meetings and events	2-3
2.7	Equalities Assessment	2-3
2.8	Analysis of consultation responses	2-4
3. AI	bout the respondents	3-5
3.1	Introduction	
3.2	Number of respondents	3-5
3.3	Respondent gender	3-5
3.4	Respondent age	3-5
3.5	Accessibility and disabilities	3-6
3.6	Respondent postcodes	
3.7	Relationship between respondent and scheme area	
3.8	Average commute without use of private vehicles	3-8
3.9	Summary of consultation responses	3-8
4. Sc	cheme specific consultation responses	4-1
4.1	About this chapter	4-1
4.2	Eastbourne Town Centre	4-1
	4.2.1 Respondent gender	4-2
	4.2.2 Respondent age	4-2
	4.2.3 Respondent postcode	4-2
	4.2.4 Accessibility and disabilities	
	4.2.5 Scheme specific questions	
	4.2.6 Specific Themes and Trends in the Qualitative Responses.	
4.3	Horsey Way Cycle Route	
	4.3.1 Respondent gender	. 4-16

	4.3.2	Respondent age	4-17
	4.3.3	Respondent postcode	4-17
		Accessibility and disabilities	
		Scheme specific questions	
	4.3.6	Specific Themes and Trends in the Qualitative Responses.	
4.4		Cross Cycle Route	
	4.4.1	Respondent gender	
		Respondent age	
		Respondent postcode	
		Accessibility and disabilities	
		Scheme specific questions	
<i>1</i> E	4.4.6	Specific Themes and Trends in the Qualitative Responses	
4.5	4.5.1	ney Rise Cycle Route	
	4.5.1	Respondent genderRespondent age	
	_	Respondent postcode	
		Accessibility and disabilities	
		Scheme specific questions	
		Specific Themes and Trends in the Qualitative Responses	
4.6		gdon Drove Cycle Route	
	4.6.1	Respondent gender	
	4.6.2		
	4.6.3	Respondent postcode	4-37
		Accessibility and disabilities	
	4.6.5	Scheme specific questions	4-38
	4.6.6	Specific Themes and Trends in the Qualitative Responses	4-39
Annondices			
Appendices	•		
Appendix A		Preliminary cycle route design plans	
Appendix B		Catchment areas for consultation	
Appendix C		Consultation communication ESH Leaflet and Questionnaire	
Appendix D		Consultation communication 'General Public Responses'	
Appendix E		Press and media adverts	
Table(s)			
Table 3.1		Survey Gender Responses	
Table 3.2		Accessibility and disabilities – Responses	
Table 3.3		Respondent postcodes	
Table 3.4		Relationship between respondent and scheme	
Table 3.5		Average commute without use of private vehicles	
Figure(s)			
Figure 1.1		Study Area – Proposed & Existing Cycle Routes, Eastbourne	
Figure 3.1		Survey Responses – Age Range	
Figure 3.2		Consultation Responses by Postcode	
_		•	

## **Document Issue**

### **Revision History**

Issue	Author	Date	Description
1	A. Mileham	03/12/21	Client Draft
2	A. Mileham	14/01/22	Client Amendments

### **Technical Check**

Role	Name	Signature	Date
Scheme Promoter	J. Glover	J. Glover	05/12/21
Scheme Promoter	J. Glover	J. Glover	18/01/22

## **Approval**

Role	Name	Signature	Date

## **ESH** Approval

Role	Name	Signature	Date

# **Acronyms and Abbreviations**

**DfT** Department for Transport

**DIG** Eastbourne Disability Involvement Group

ESCC East Sussex County Council
ESH East Sussex Highways

LCWIP Local Cycling and Walking Infrastructure Plan



## **Executive Summary**

### **Background**

East Sussex County Council (ESCC) is developing a range of transport schemes across the county that both reflect its Local Transport Plan objectives of creating safer, more sustainable communities and which align with the Government's commitment to encouraging more active travel. These will be delivered through the County Council's capital programme for local transport improvements.

This Technical Note (TN02) records the results of the public consultation for the five proposed cycle schemes in Eastbourne which will look to extend and improve the current cycle network in the town. These proposed routes were identified either through the Eastbourne Cycling Strategy jointly developed by the County Council and Eastbourne Borough Council in 2012, or more recently through the ESCC draft Local Cycling and Walking Infrastructure Plan (LCWIP).

The preliminary designs for the following five cycle routes consist of

- Horsey Way Phase 1b this phase of the cycle route extends from Eastbourne Railway Station towards Ringwood Road and connects with the existing Horsey Cycle Way (Phase 2)
- Eastbourne Town Centre the proposed route largely consists of on-road facilities to allow cyclists to travel in either direction from Eastbourne railway station, via the Devonshire Quarter to the seafront.
- Stone Cross to Royal Parade the proposed route consists of largely off-road shared facilities to allow cyclists to travel in either direction from Stone Cross, via Langney (adopting the Langney Rise cycle route) to the seafront. Access is provided to an offroad route on Dittons Road to Polegate, as well as the Horsey Way Cycle Route and the National Cycle Route 21.
- Willingdon Drove this scheme will consist of a shared cycle route within the Willingdon Drove area. This route will connect Sevenoaks Road and Kingfisher Drive to the Langney Shopping Centre and
- Langney Rise the proposed route will consist of a strategic cycle route from Lottbridge Drove to Sovereign Harbour.

The purpose of this Technical Note (TN02) is to set out the ways in which the public consultation was undertaken and to summarise the responses received. The findings from this note will be used to inform the next stages of the design process.

It should be noted however that during the preliminary design process of these proposed cycle schemes that the Department for Transport (DfT) published its revised guidance on cycle infrastructure design (LTN 1/20) which was published in July 2020. It is recognised that this local transport note has proposed a step-change in the approach to the planning and development of cycle infrastructure and this will be a tool that will be used for developing future cycle infrastructure projects.

Therefore, both East Sussex Highways (ESH) and ESCC understand that the proposals submitted as part of this consultation may not fully achieve all of the core design principles set out in LTN 1/20. However, the design process has been subject to rigorous assessments that seek to ensure that cyclists have the highest level of provision possible, whilst also considering other road users



In addition to the above, it should also be noted that ESH and ESCC have previously engaged in discussions with local communities, business, voluntary groups and public organisations as part of the Stakeholder Engagement process. The results of which are set out within Technical Note (TN01).

## **Consultation Process**

From Monday 16 August to Friday 24th September 2021, ESH undertook a public consultation on the above five cycle route proposals, this consultation process was undertaken virtually (due to Covid-19 restrictions).

All information about the proposals was made available online via the ESCC Citizen Space webpage, which is a digital platform used by the majority of UK councils to host online consultations and record responses received from the general public. The design proposals themselves were accompanied by a questionnaire which included open questions in order to encourage qualitative feedback. Members of the public were invited to give their views by filling in a questionnaire online or via post or email. The consultation material and questionnaire were available on request in alternative formats such as large print, audio or languages other than English. Paper copies of the consultation material and questionnaire were also available upon request.

Leaflets were distributed to over 4,500 properties along or in close proximity to the proposed routes and were also promoted through the local media, posters, letters/emails to ward councillors, disability and access groups, resident groups and to the owners/occupiers of properties that were located within close proximately of one of the designated routes.

## **Consultation Findings**

There were a total 188 respondents to the public consultation which equates to a 4% response rate. This was a relatively low response rate. A breakdown of the number of respondents to each of the five schemes is shown below;

- Horsey Way Phase 1b cycle route 60 responses received
- Eastbourne Town Centre cycle route 58 responses received
- Stone Cross to Royal Parade cycle route 25 responses received
- Willingdon Drove cycle route 19 responses received
- Langney Rise cycle route 26 responses received

The majority of respondents across all five schemes either supported or strongly supported the proposals. According to comments received, respondents felt, when delivered, the plans would improve the town for residents, visitors and businesses and believed that the infrastructure improvements would help East Sussex County Council achieve their stated objectives.

A breakdown of responses received is provided below for each of the proposed cycle routes;

#### **Eastbourne Town Centre cycle route**

- Support 62%
- Opposed 31%
- Neutral/Unknown 7%



#### Stone Cross to Royal Parade cycle route

- Support 68%
- Opposed 28%
- Neutral/Unknown 4%

#### Horsey Way Phase 1b cycle route

- Support 77%
- Opposed 23%
- Neutral/Unknown 0%

#### Langney Rise cycle route

- Support 62%
- Opposed 34%
- Neutral/Unknown 4%

#### Willingdon Drove cycle route

- Support 69%
- Opposed 26%
- Neutral/Unknown 5%

As identified from the survey results above, the proposed Horsey Way Phase 1b cycle route received the highest level of support, with 77% of respondents in favour of the proposed scheme. However, the cycle routes that received the lowest level of support were the Town Centre and Langney Rise, both with 62% support. Below is a summary of some of the key comments raised during the consultation. A detailed analysis of responses is included within this TN02.

- Concerns about the cycling facilities not being adequately designed.
- Scheme seeks to improve safety for cyclists and pedestrians instead of currently dangerous roads.
- Concerns regarding pedestrian safety.
- Concerns regarding lack of on-going maintenance of footway carriageway of vegetation once the route is in operation. Requests made for rolling maintenance programme to be put in place.
- Scheme well supported due increased benefits to health and welfare cycle route would offer the local community.
- Concerns that the schemes are not warranted because of the lack of cyclists within the area and perceived danger regarding pedestrian safety.
- Concern raised that scheme does not extend far enough at both ends of the route.
- Strong support raised for the introduction of the route
- Concerns regarding the removal of a number of parking spaces.





## 1. Introduction

# Purpose of this Note

This Technical Note (TN02) sets out a comprehensive record, along with the approach and process, of the East Sussex Highways (ESH) combined general public consultation for five proposed cycle schemes in Eastbourne:

- Horsey Way Phase 1b cycle route
- Eastbourne Town Centre cycle route
- · Stone Cross to Royal Parade cycle route
- Willingdon Drove cycle route and
- Langney Rise cycle route

The main purpose of TN02 is to set out the approach and methodology of the public consultation and to summarise the responses received. The findings from this note will be used to inform the next stages of the design process.

# Report Structure

TN02 is based upon the following sections;

- Section 1 Introduces the project and its current stage of development;
- Section 2 Describes the public consultation approach for the proposed schemes and the methodology used for analysing feedback. This consultation process identifies who was engaged as well as obtaining their input and suggestions.
- Section 3 Outlines the information regarding respondents to this consultation, based on the information they provided in the questionnaire.
- Section 4 Presents the scheme specific responses received from the respondents.
- Section 5 Draws conclusions from the public consultation and discusses the next steps

## 1.2.1 Supporting Information

- Appendix A Preliminary cycle route design plans
- Appendix B Catchment areas for consultation.
- Appendix C Consultation communication ESH Leaflet and Questionnaire
- Appendix D Consultation communication 'General Public Responses'.
- Appendix E Press and media adverts.





ESH were commissioned by East Sussex County Council (ESCC) to develop five new cycle routes in Eastbourne which looked at extending and improving the current cycle network within the town.

These proposed routes were identified either through the Eastbourne Cycling Strategy jointly developed by the County Council and Eastbourne Borough Council in 2012, or more recently through the draft Local Cycling and Walking Infrastructure Plan (LCWIP).

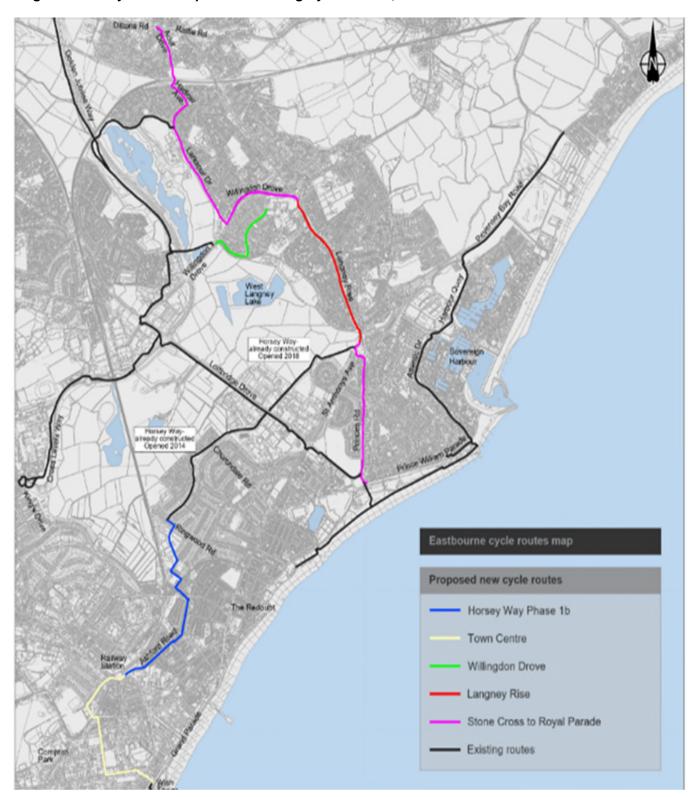
The preliminary designs for the following five cycle routes consist of;

- Horsey Way Phase 1b this phase of the cycle route extends from Eastbourne Railway Station towards Ringwood Road and connects with the existing Horsey Cycle Way (Phase 2)
- Eastbourne Town Centre the proposed route largely consists of on-road facilities to allow cyclists to travel in either direction from Eastbourne railway station, via the Devonshire Quarter to the seafront.
- Stone Cross to Royal Parade the proposed route consists of largely off-road shared facilities to allow cyclists to travel in either direction from Stone Cross, via Langney (adopting the Langney Rise cycle route) to the seafront. Access is provided to an offroad route on Dittons Road to Polegate, as well as the Horsey Way Cycle Route and the National Cycle Route 21.
  - Willingdon Drove the proposed route would principally be located on a shared footway, thus allowing cyclists to travel in either direction from Willingdon Drove, via the junction of Sevenoaks Road towards that of the junction of Kingfisher Road. Along Kingfisher Drive the proposed route then transfers to the on-road and then terminates at Sandpiper Walk, which is located close to the Langney Shopping Centre.
- Langney Rise the proposed route will consist of a shared cycle route which runs along the western side of Langney Rise, from the Langney Shopping Centre down to the Langney Roundabout, where it connects with the existing Horsey Way cycle route. An additional short section of route runs along the east side footway from the Langney roundabout up to Priory Road in order to pick up cyclists from Langney Primary School and St Catherine's College.

**Figure 1.1** overleaf illustrates the proposed five routes, with **Appendix A** providing each of the individual preliminary cycle design options in more detail.



Figure 1.1 Study Area – Proposed & Existing Cycle Routes, Eastbourne





## 2. About the Public Consultation



The objectives of the consultation were as follows:

- To give local residents information about the proposals and provide an opportunity to comment
- To understand the level of support or opposition to the proposals
- To understand any issues that might affect the proposal which we were not previously aware of
- To allow respondents to make suggestions

# Potential outcomes

The potential outcomes of this consultation are:

- Following careful consideration of the consultation responses, ESCC decided to proceed with the schemes as set out in the consultation
- Following careful consideration of the consultation responses, we modify the scheme in response to issues raised during the consultation and proceed with a revised scheme
- Following careful consideration of the consultation responses, we decide not to proceed with the scheme

## Who we consulted and when

The consultation adopted a "digital first" approach to reach as wide an audience as possible in a sustainable way, whereby the details of the scheme were made available online via the East Sussex Citizen Space consultation hub. The consultation period ran from Monday 16 August to Friday 24 September 2021 and was undertaken virtually (due to Covid-19 restrictions).

However, as is standard practice, ESH also ensured that people living and working in areas affected by each proposed cycle route were directly made aware of the proposals. Leaflets were distributed to over 4,500 properties within approximately 400 metres of each of the cycle route proposals.

A Quick Response (QR) code and link to an online survey was included in the leaflet (the QR code allowed smart phone users to be routed to the online survey website).

As mentioned previously in TN01, ESH sent emails to stakeholders who had been identified having an interest in these proposals. The contact list included disability and access groups, transport user groups, cycle and walking groups, businesses and major employers, trade organisations, statutory organisations, charities and local government members.

In addition to the above, ESH and ESCC provided information and issued a press release about the proposals and consultation to local media.

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The study area covered by the proposals was relatively large and therefore was divided by each route i.e., five sections or specific key areas such as Willingdon Drove, thus, making it easier for the public to focus on areas of particular interest to them.

The questionnaire comprised several closed questions asking for some specific details about the respondents, such as age, gender, mobility and location, as well as questions about their current frequency and purpose of cycle trips and their level of support for each of the proposed routes.

The complete list of questions that were asked regarding the proposals have been analysed within **Section 4** of this technical note with a PDF copy of the original questioning format provided within **Appendix B.** 

# Methods of responding

People were able to respond to the consultation through the following channels:

- By answering the questions in the questionnaire on our consultation website a <a href="https://consultation.eastsussex.gov.uk/economy-transport-environment/eastbourne-cycling-routes-2021/">https://consultation.eastsussex.gov.uk/economy-transport-environment/eastbourne-cycling-routes-2021/</a>
- By emailing <a href="mailto:customer@eastsussexhighways.com">customer@eastsussexhighways.com</a>. The Consultation Team also answered questions from members of the public and stakeholders via email.
- By phoning our Customer Services Team (0345 60 80 193) which had been briefed on the scheme and were available to answer questions and take responses from members of the public. When our telephone operatives were unable to answer questions immediately, these were forwarded to the Consultation Team, and were answered subsequently by email or telephone.
- By requesting a hard copy of the questionnaire was sent to them, which they could complete and return to County Hall in Lewes.

Via our Customer Services Team, it was possible to request foreign language translations, large print, Braille or audio versions of our consultation materials.

# Consultation materials and publicity

ESH and ESCC used a range of channels to raise awareness of the proposed cycle scheme consultation and to ensure that members of the public and stakeholders were aware of the consultation and its purposes.

Below and overleaf, identifies the different channels and materials used to encourage interested parties to visit the specific webpage or contact ESCC to find out more about the scheme and how to respond.

#### 2.6.1 Website

The County Council's consultation website "Citizen Space" was used to host a set of webpages for the purpose of presenting the Eastbourne cycle routes proposals. These webpages provided detailed information about the consultation, including, maps, drawings and descriptions.

A "landing page" summarised the overview of all the proposals, as well as providing a strategic map showing the five proposed routes and the existing routes, to demonstrate how coherent the cycle network would appear following delivery of all the schemes. Crucially, the



landing page also included links to the individual webpages for each scheme, which all followed a common layout as detailed below:

- Overview of the scheme.
- Section-by-section description of the proposals, including links to the drawing for the
  relevant section. It should be noted that the technical drawings produced during the
  design stage were tailored to be more appropriate for the public, which involved the
  use of colour and additional labels to set out the proposals as clearly as possible.
- Link to the questionnaire for that specific scheme.

Furthermore, links were provided to the other schemes in the consultation that were of relevance, for example the Stone Cross to Royal Parade cycle route referenced the Langney Rise cycle route.

The location of the online consultation can be found here: <a href="https://consultation.eastsussex.gov.uk/economy-transport-environment/eastbourne-cycling-routes-2021/">https://consultation.eastsussex.gov.uk/economy-transport-environment/eastbourne-cycling-routes-2021/</a>.

#### 2.6.2 Letters

ESCC and ESH jointly sent a leaflet to over 4,500 addresses within approximately 400 metres of each of the individual cycle route proposals. The letter contained a summary of the proposals along with an overview map identifying the proposed cycle routes.

The letter directed people to the consultation website and invited them to respond. The consultation letter, overview map and map of the distribution area are included within **Appendix C and D** of this technical note.

### 2.6.3 Emails to stakeholders

In addition to the above, ESH and ESCC reissued an email outlining the scheme and explaining where to find more information and respond, to around 27 organisations and 18 Councillors that operate within the Brough of Eastbourne. Further information regarding the Stakeholder Engagement process is located within TN01.

## 2.6.4 Press and media activity

ESCC and ESH issued a press release and publicised the consultation on social media platforms such, as Twitter and ESSC press office 'Newsroom', as well as a further acknowledgement being published in the Eastbourne Herald newspaper. A copy of all the press release and advert can be seen in **Appendix E** of this technical note.

## 2.6.5 Public meetings and events

COVID-19 and certain 'lockdown' restrictions meant that formal face-to-face consultations were not possible. Hence, this consultation process has been undertaken exclusively virtually.

It should be noted however that a virtual meeting took place on Monday 20 September 2021 between a member of the ESH team and a number of equality groups such as the Eastbourne Disability Involvement Group (DIG) and the Eastbourne Blind Society in order to explain the design proposals and answer any specific questions or concerns.

# **Equalities Assessment**

ESCC and ESH took steps to ensure that all groups in the community, such as the elderly and disabled organisations were made aware of the proposals, their potential impacts and how to respond to the consultation. Measures taken included:



- Identifying and emailing relevant stakeholders, including but not limited to the Eastbourne Disability Involvement Group (DIG) and Eastbourne Blind Society, inviting them to respond to the consultation.
- Ensuring that the materials were written in plain English and available on request in different formats (for example Braille, large print, other languages).
- Considering how best to reach our target audiences and tailoring the way of communicating with them. For example, by preparing hard copies of our online material for those not able to access our website, which could be requested via the ESH Customer Contact Centre or picked up from County Hall in Lewes.

## Analysis of consultation responses

All responses to the consultation have been analysed by ESH. All closed questions were reviewed, and the results tabulated and reported. All open questions, where respondents provided comments on the overall scheme or parts of it, were read and analysed in detail.

All results are reported in **Section 3** and **Section 4** of this technical note. Throughout this process we made sure to adhere to our responsibilities under the Data Protection Act.



# 3. About the respondents

# Introduction

This section on TN02 provides more information on respondents to this consultation, based on the information they provided to us in the questionnaire. For a full list of the consultation questions, see **Appendix F**.

# Number of respondents

ESH and ESCC received 188 direct responses, which equates to a 4% response rate. As is standard practise, a typical survey response rate can lie anywhere in the region between the 5% to 30% range. Whilst this response rate is therefore classed as low, given the nature of this type of scheme, it is not unexpected.

A breakdown of individuals who responded to each of the five schemes is shown below;

- Eastbourne Town Centre cycle route 58 responses
- Stone Cross to Royal Parade cycle route 25 responses
- Horsey Way Phase 1b cycle route 60 responses
- Langney Rise cycle route 26 responses
- Willingdon Drove cycle route 19 responses

**Section 4** reports the results from the 188 direct responses received through the consultation website, paper questionnaire or by unique email address.

# Respondent gender

The majority of individuals who responded was split between 47% male with that of 40% female (with 13% preferring not to say). According to the 2019 figures, the area of Eastbourne is 48.5% male and 51.5% female (*Equality and Diversity Profile for Eastbourne, Hailsham and Seaford Clinical Commissioning Group, East Sussex Public Health Intelligence January 2018*), indicating a slight under-representation of women participating in the consultation. A breakdown of the survey gender responses is illustrated within Table 3.1 below.

**Table 3.1 Survey Gender Responses** 

What gender do you identify as?	Number	Percentage (%)
Male	91	48
Female	73	39
Prefer not to say / Not answer	24	13
Total	188	100

# Respondent age

The ages of the respondents are shown in Figure 3.1 below. The age distribution of the sample roughly reflects the age distribution of Eastbourne Borough (*Equality and Diversity Profile for Eastbourne, Hailsham and Seaford Clinical Commissioning Group, East Sussex* 



Public Health Intelligence January 2018), with a high proportion of Eastbourne's population being between the ages of 55 and 70 years old.

16-24 5% 7% 25-34 12% 35-44 17% 45-54 26% 55-64 20%  $65 \pm$ Not Answered 4% 9% Prefer not to say

Figure 3.1 Survey Responses - Age Range

# Accessibility and disabilities

The numbers of respondents who recorded that they either had reduced mobility or that they considered themselves to be disabled under the Equality Act 2010 are recorded within Table 3.2 below. The majority (79%) said that they did not have reduced mobility and similarly did not consider themselves to be disabled (78%).

Table 3.2 Accessibility and disabilities - Responses

	Reduced Mobility Frequency	Reduced Mobility % of total respondents	Disabled Frequency	Disabled % of total respondents
Yes	15	8	12	6
No	149	79	147	78
Prefer not to say/No answer	24	13	29	16
Total	188	100	188	100

# Respondent postcodes

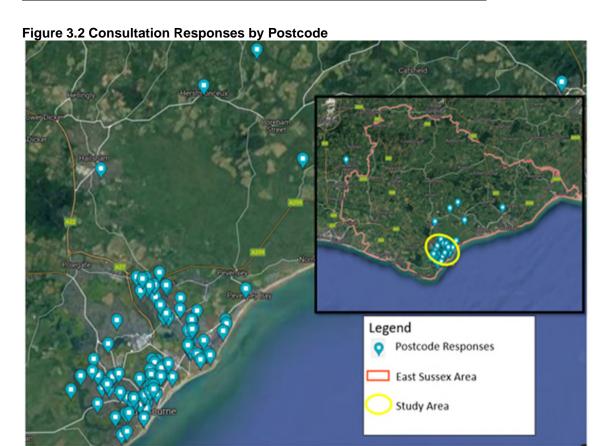
Of the 188 respondents to the consultation, 184 (98%) submitted their postcode. Table 3.3 presents the full list of postcodes of all the respondents. As detailed below within Table 3.3 and Figure 3.2 the majority of respondents lived within the Borough of Eastbourne (Postcodes BN20, BN21, BN22 and BN23).

A number of smaller clusters of respondents can be seen around Hailsham, Battle and Saint Leonards-on-sea. It should be noted that three respondents (1%) submitted a questionnaire that was situated outside of the East Sussex boundary map, Haywards Heath (West Sussex).



**Table 3.3 Respondent postcodes** 

Postcode	Total	Percentage (%)
BN7	1	1
BN20	15	8
BN21	54	29
BN22	45	24
BN23	48	26
BN24	8	4
BN26	1	1
BN27	3	2
TN33	1	1
TN37	5	3
RH16	3	2
Prefer not to say/No answer	4	2
Total	188	100



# Relationship between respondent and scheme area

In addition to the above, respondents were also asked to describe their relationship to the scheme area i.e., if they were an individual or business. The results of which are detailed overleaf within Table 3.4. The majority of respondents are categorized as 'Individuals'.



Table 3.4 Relationship between respondent and scheme

Category of respondent	Total	Percentage (%)
Individual	183	97
Business	3	2
Prefer not to say/No answer	2	1
Total	188	100

# Average commute without use of private vehicles

The respondents were asked on average how often they commute without the use of private vehicles or public transport (e.g., using a bike or on foot). 41% of respondents commute most (3 or more) days without the use of private vehicles. Whereas 19% of respondents never use an alternative to private car or public transport.

Table 3.5 Average commute without use of private vehicles

Frequency	Number	Percentage (%)
5 or more days a week	31	16
3-4 days a week	47	25
2 days a week	21	11
Once a week	11	6
Once a fortnight	4	2
Less than once a month	10	5
Never	35	19
Prefer not to say	21	11
Not answered	8	4
Total	188	100

# Summary of consultation responses

The following summarises the overview responses:

- Overall, there was a balanced gender response.
- The respondents were of a wide spread of age ranges.
- Based on postcode data, the majority of respondents reside within the Borough of Eastbourne.
- The majority of respondents are categorised as 'individuals.
- 41% of respondents said they do not rely on a private vehicle or public transport for 3 or more days of their commute, but 19% never use an alternative to a private vehicle or public transport.



# 4. Scheme specific consultation responses

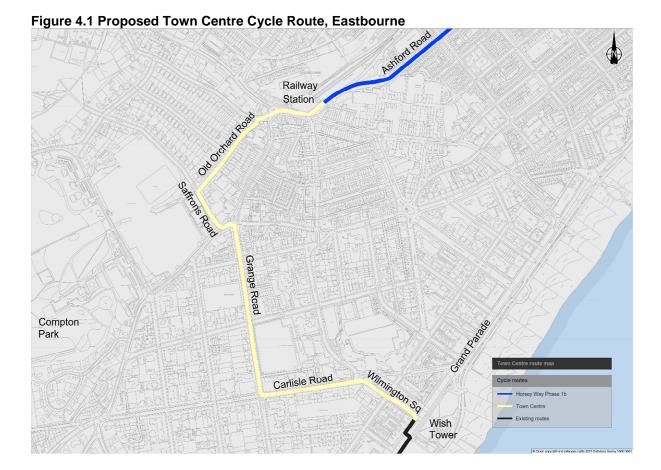
# About this chapter

To gain feedback on the scheme, ESH asked respondents answering the online questionnaire three closed questions, allowing them to show their level of support for each of the proposed five cycle routes. The results of which are presented within this chapter.

## **Eastbourne Town Centre**

The proposals are to support cyclist access to some of the key destinations within the town, particularly between the rail station, the seafront, the Devonshire Quarter and other cycle routes in Eastbourne. The proposed new routes will also link with existing cycle routes in the town, such as phases 2 & 3 of Horsey Way, the seafront cycle route and the cycle route along Lottbridge Drove.

Specifically, the route is planned to start at rail station, crossing Old Orchard, Saffrons, Grange, Carlisle and Wilmington Roads and linking to the existing seafront cycle route. Figure 4.1 below shows the proposed Eastbourne Town Centre cycle route.





## 4.2.1 Respondent gender

The gender of the respondents for the Town Centre cycle route is shown in Table 4.1. The gender profile of respondents is similar to that of the Eastbourne, Hailsham and Seaford CGG¹ where 51.6% are female and 48.4% are male in this geographic area. Note, that the survey however did include a 'prefer not to say' option and also could be skipped as a question, so the male and female percentages are slightly lower than the ESH average.

Table 4.1 Survey Gender Respondent - Town Centre

What gender do you identify as?	Number	Percentage (%)
Male	26	45
Female	27	47
Prefer not to say / Not answer	5	9
Total	58	100

## 4.2.2 Respondent age

There was a good range of ages in the respondents to the survey. There were responses from ages 16 up to 65+, with the largest number of responses coming from the 55-64 age group (14 respondents) and 65+ age group (14 respondents). Conversely, the younger age groups yielded the fewest number of responses with the 16-24 category having 2 respondents and 25-34 category having 3 respondents.

Table 4.2 Survey Age Respondent - Town Centre

Age	Number	Percentage (%)
16-24	2	3
25-34	3	5
35-44	7	12
45-54	11	19
55-64	14	24
65+	14	24
Not Answered/Prefer not to say	7	12
Total	58	100

## 4.2.3 Respondent postcode

The respondents of the Town Centre survey reside across 8 postcodes (collated at outward code level for reporting). The largest number of respondents live in BN21 (21 respondents), followed by BN23 (13 respondents) and BN22 (12 respondents).

http://www.eastsussexjsna.org.uk/JsnaSiteAspx/media/jsna-media/documents/localbriefings/E%20%26%20D%20profiles/Jan%202018/Equality-Profile-EHS-CCG-Jan-2018.pdf



Table 4.3 Respondent postcodes - Town Centre

Postcode	Total	Percentage (%)
BN20	6	10
BN21	21	36
BN22	12	21
BN23	13	22
BN7	1	2
RH16	1	2
TN33	1	2
TN37	1	2
Not Answered/Prefer not to say	2	3
Total	58	100

## 4.2.4 Accessibility and disabilities

The majority of the survey respondents said that they do not have reduced mobility (74%) or consider themselves to be disabled (76%). Table 4.4 presents the responses.

Table 4.4 Accessibility and disabilities responses - Town Centre

	Reduced Mobility? Frequency	Reduced Mobility? % of total respondents	Disabled? Frequency	Disabled? % of total respondents
Yes	7	12	5	9
No	43	74	44	76
Prefer not to say/No answer	8	14	9	16
Total	58	100	58	100

## 4.2.5 Scheme specific questions

The following summarises the responses to the remainder of the questions contained in the public consultation questionnaire.

# Responses to Q2: 'To what extent do you support the above proposed cycle route?'

Respondent support to the proposed cycle route is noted in Table 4.5.

Table 4.5 Survey Respondent view - Town Centre

View	Number	Percentage (%)
Strongly support	24	41
Support	11	19
Not Answered	1	2
Oppose	10	17
Strongly Oppose	8	14
No opinion/ don't know	4	5
Total	58	100



The majority of respondents were in favour of the proposed cycle route with 60% either strongly supporting (41%) or supporting (19%) it. Conversely, 31% were against the proposed cycle route, with 17% opposing and 14% strongly opposing the route.

For those who said they would use the new route, the majority would use it for leisure or social purposes (35%). Only 5% said that they would use it to commute. Table 4.7 provides more detail on the purpose of travel.

Table 4.7 Purpose of travel - Town Centre

Purpose of travel	Number	Percentage (%)
Leisure/social	13	35
Commute to or from work	2	5
Not answered	19	51
Other	3	8
Total	37	100

## 4.2.6 Specific Themes and Trends in the Qualitative Responses

#### 4.2.6.1 Issues & concerns

As mentioned previously, numerous detailed responses were received from the general public regarding the proposed cycle routes. The feedback received involving issues/concerns is set out below, with an ESH design response underneath in **blue**.

- "I totally support cycle routes but these need to be on roads that we want to use, not
  on back streets that have no use whatsoever. This route doesn't go anywhere of any
  use! Surely, the cycle route should pass the shops and theatres, i.e., go up Grove
  Road and down South Street and maybe down Hardwick Road for the theatres and
  straight into Lascelles for the seafront."
- ESH Response As part of the route design process (which would need to link Eastbourne railway station to the seafront and ideally incorporate access to other key cultural, sport and leisure destinations such as the Devonshire Quarter) a detailed route identification and multi-criteria assessment was performed to ensure that the design met the study objectives whilst considering the likely end users, impact on other users and the surrounding environment. This identified a number of routes which included the potential use of Grove Road, South Street and Hardwick Road. The final route choice was one of the highest ranked (for on-road routes) of which directness was one of the many assessment criteria.

The route will pass through the Devonshire Quarter along College Road directly adjacent to the recently refurbished Congress Theatre and The Contemporary Museum.

- "I don't think it's a good idea to have cycling from the railway station to the seafront".
- **ESH Response** The route between the railway station and the seafront was identified in the Eastbourne & South Wealden Cycling & Walking Package Phase 2 as a priority route to provide greater provision for cyclists and to improve connectivity to key destinations within Eastbourne.

The route will support connectivity to some of the key destinations within the town, particularly access between the rail station, the seafront, the Devonshire Quarter and



onto other key cycling routes in Eastbourne, specifically the route along the seafront including the Wish Tower and onto Bede's School and then the South Downs.

It is envisioned that the route will aid in promoting multi-modal sustainable trips in the Eastbourne wider area, whilst at the same time providing a facility that can be utilised by local residents to aid their own trips and encourage sustainable travel choice, thereby reducing reliance on motor vehicles with the resultant health and environmental benefits.

"The main concern is regarding the route along Waterworks Road, Moy Ave, Courtlands to Ringwood. There are traffic lights at the junction of Whitley road into Waterworks Road that do not have pedestrian crossing lights. The lights further up Whitely Road towards the bridge does have pedestrian lights. Perhaps this is another area that needs looking at if this route is chosen.

These roads are very busy and are constantly used by large vehicles travelling through or parking. It is also an area due to have three large housing developments on both sides of the roadway.

In Waterworks Road there are houses on one side and parking on the road. To follow the pathway round into Moy Ave is met with another redevelopment area and is often used by queuing or waiting lorries. If this route is used the cyclists would then have to cross the road by another busy junction.

On the other side of the road is a proposed development and a pathway that does not follow the road all the way round. There are several businesses and parking on a dangerous bend.

Courtlands Road is another area used by large vehicles crossing the pathways to enter various sites regularly throughout the day. On the other side of the road is another redevelopment area and once again cyclists would have to cross the busy junction to continue the route. Perhaps using St Philips Ave into Ringwood Road would be a safer option."

- ESH Response This does not relate to the Eastbourne Town Centre Route.
- "Although I support cycle routes in general, I have a concern. I am a carer by
  profession and one of my clients has learning difficulties and also visually impaired
  and hearing issues. So, for her a shared cycle / pedestrian route would be difficult
  and dangerous. While she is with someone else, I do think anyone who is
  blind and perhaps on their own with guide dog would find it impossible to stay safe".
- **ESH Response** There is only a short section of shared footway at each end of the route with the remainder consisting of on-road or separated facilities. The first shared section is between the cycle parking outside the railway station to the proposed new parallel crossing, a distance of approximately 40 metres. Considering the location and environment it is considered that any cyclists who choose to cycle through this area will be at very low speeds and therefore reduce the potential for conflict.

The only other shared section is close to the seafront, the final route section making use of the northern footway on King Edwards Parade for a distance of approximately 40 metres. This is a relatively wide footway at 3.5 metres and is already a signed shared footway. The new route is making use of the existing facility and upgrading the current zebra crossing to a parallel crossing to link the route to the seafront.



- "I am concerned about the proposed cycle path on Grange Rd as it goes past Eastbourne College. The traffic is mayhem in the morning and evening as parents drop their children off. They often stop in the middle of the road temporarily and let their kids hop out. You also have minibuses coming along here at these times to drop pupils from further away off. Having designated parking bays won't stop them temporarily parking on double yellows or in the road and this will be dangerous for cyclists on the proposed cycle lanes. I think you should consider moving the cycle path away from this stretch of road."
- ESH Response A detailed route identification and multi-criteria assessment was performed to ensure that the design met the study objectives whilst considering the likely end users, impact on other users and the surrounding environment. This identified a number of routes within the immediate surrounding area. The final route choice was one of the highest ranked (for on-road routes) of which the reduction of risk of collisions involving cyclists along the route relative to existing levels of incidents was a key component and the route scored positively.

A detailed review of recent collision history and experienced professional review was used to form the basis of the scoring. The measures proposed for Grange Road (the rationalisation of parking bays, advisory cycle lanes and cycles symbols) all aid in highlighting the route as used by cyclists and their likely presence in the environment.

• "This scheme will mean more congestion in the town centre, holding up traffic and buses, and will be detrimental to pedestrians - that forgotten majority. I would question why all this money should be spent on appearing a small, but vociferous, group of people.

There are far more pedestrians than cyclists in this town and I think it's about time they were given more consideration. There are already far too many reckless cyclists who put pedestrians at risk, either through ignorance or arrogance.

I would like more consideration to be given to the adverse impact of cyclists on other road and pavement users. The local councils should also decide exactly what they want to achieve. There is a lot of rhetoric about attracting people into the town centres to spend money and ensure their continued viability, yet you make it harder and harder to drive in there, and in these times, not everyone is happy to travel on a crowded bus, if indeed, a bus happens to come along at all.

My main message is please, for once, prioritise the huge majority, pedestrians."

 ESH Response – One of the main aims of any cycle route provision is to enhance facilities for cyclists and to encourage modal shift for shorter distance local trips and reducing reliance on motor vehicles, and thereby reduce congestion and supporting wider economic regeneration. The reduction in congestion will also provide health benefits and to the local environment.

For the majority of the route cyclists will share the carriageway with motor vehicles with no loss of vehicle lanes, where the carriageway is being reduced in width through junction's capacity assessments have shown the introduction of the route will have negligible impact on capacity and subsequent queues and delays.

In terms of impact on pedestrians, there is only a short section of shared footway at each end of the route where there is the potential for conflict with pedestrians, with the remainder of the route consisting of on-road or separated facilities. The first shared section is between the cycle parking outside the Rail Station to the proposed



new parallel crossing, distance of approximately 40 metres. Considering the location and environment it is considered that any cyclists who choose to cycle through this area will be at very low speeds and therefore reduce the potential for conflict.

The only other shared section as close to the seafront, the final section making use of the northern footway on King Edwards Parade for a distance of approximately 40 metres. This is a relatively wide footway at 3.5 metres and is already a signed shared footway. The new route is making use of the existing facility and upgrading the current zebra crossing to a parallel crossing to link the route to the seafront.

There are also added benefits with the introduction of the controlled parallel crossing outside the Rail Station, providing priority to pedestrians over vehicle traffic. The parallel crossing on King Edwards Parade will also aid in separating pedestrian and cyclist movements, reducing the potential for conflict.

There will also be wider footways to aid pedestrian movements at the junctions of Grove Road / Southfields Road, Grange Road / Grove Road / Meads Road / Saffrons Road and Wilmington Gardens / Compton Street / Wilmington Square. At Wilmington Gardens / Compton Street / Wilmington Square a road narrowing is proposed to reduce crossing distance for pedestrians with the provision of dropped kerbs and tactile paving, of which there are no current facilities

Terminus Road has recently been upgraded to provide pedestrian priority through the main shopping area of the Town Centre. There are further planned phases for the pedestrianisation Terminus Road heading towards the seafront that will provide further enhanced pedestrian priority in the most heavily pedestrian trafficked areas of the Town Centre.

- "The proposed plans have created a complex meandering route that is indirect and features numerous busy junctions and crossings. There is some attempt to mitigate the risk, but these are wholly inadequate. There would be an ideal opportunity to slow down traffic and reduce danger, by providing a 20mph limit or zone, in the area around Old Orchard Rd, part of Saffrons Rd, in front of the Town Hall and South Street. The best solution would have been a traffic free route from the station to the seafront ideally along Terminus Road."
- **ESH Response** The introduction of area wide 20 mph zone was discussed as part of the investigatory process of the route identification. At the time it was not considered appropriate to promote this in tandem with an individual cycle route. A larger area wide 20 mph zone or setting of 20mph 'default' speed limit in urban and village roads is being considered as a separate issue.

With regard to Terminus Road, this has been recently redeveloped to between A259 Gildredge Road and Cornfield Road. The new layout consists of bus only lane in an eastbound direction with wide 'pedestrian routes' either side of the bus lane with large areas of planting, provision for cyclists has not been included in the new arrangement.

As part of Town Centre Cycle route scheme development, a review of Terminus Road was performed with several potential options being identified to either incorporate or provide alternatives to allow cyclists to make use of Terminus Road. The outcome of this review was that none of the solutions identified provide a realistic option based on this initial investigation with disadvantages that would need further significant consideration. The situation will be kept under review regarding routes in the town centre and its surrounds as part of the delivery of the East Sussex LCWIP.



"Where proposed cycle routes interact with pedestrian areas this creates danger for all pedestrians but especially those with sight problems and physical disabilities. How is it safe for pedestrians to route cyclists across a pedestrian crossing. Cyclists are usually gong much faster than a pedestrian - accidents could easily happen. It would seem those that have thought this idea up - do not walk around the town centre very much.

It must be made absolutely clear not only with signage but maybe bright coloured road surfaces where the road ends and the cycle lane begins. Also, how do you intend to ensure that cyclists stop at traffic lights and other crossings."

ESH Response – There is only a short section of shared footway at each end of the
route where there is the potential for conflict with pedestrians, with the remainder of
the route consisting of on-road or separated facilities. The first shared section is
between the cycle parking outside the Rail Station to the proposed new parallel
crossing, distance of approximately 40 metres. Considering the location and
environment it is considered that any cyclists who choose to cycle through this area
will be at very low speeds and therefore reduce the potential for conflict.

The only other shared section as close to the seafront, the final section making use of the northern footway on King Edwards Parade for a distance of approximately 40 metres. This is a relatively wide footway at 3.5 metres and is already a signed shared footway. The new route is making use of the existing facility and upgrading the current zebra crossing to a parallel crossing to link the route to the seafront.

With regard to the crossings, those proposed are a new type of crossing designated as parallel crossings with distinct and marked crossing areas for pedestrian and cyclists. These have been installed and are in use throughout the United Kingdom and it should be clear and evident to all users which element of the crossing to utilise.

Lastly, cyclists, like all road users, are subject to rules and laws of the Highway and are subject to enforcement for infringement if those laws are disobeyed.

- "Eastbourne desperately needs many more cycle routes, but this proposal is a total
  waste of time and money. The proposed route is on very quiet practically car-free
  roads where I regularly cycle. These roads are not dangerous for cyclists. However,
  there are roads in Eastbourne that are extremely dangerous for cyclists and these
  would benefit from cycle lanes asap.
  - 1) The busy seafront road: there is ample room for an on-road cycle path here.

    The existing one is not fit for purpose and is dangerous, as pedestrians do not realise it is a shared space
  - 2) The A2270 Upperton Road is very dangerous for cyclists so a path here is very much needed, as is the other route into Old Town, the A259 which is a no-go area for cyclists.

I am very pleased that Eastbourne Borough Council is committed to encouraging cycling, but this is a wasted opportunity. The proposed route will hardly be used, and there are many existing ways to cycle to the seafront on already quiet roads. It's just not needed, whereas there is a HUGE need in the areas I have detailed above."

• **ESH Response** – The route under consideration is between the Railway Station and the seafront was identified in the Eastbourne & South Wealden Cycling & Walking Package Phase 2 as a priority route to provide greater provision for cyclists to



improve connectivity to key destinations within Eastbourne. The route will support connectivity to some of the key destinations within the town, particularly access between the rail station, the seafront, the Devonshire Quarter and onto other key cycling routes in Eastbourne, specifically the route along the seafront including the Wish Tower and onto Bede's School and then the South Downs.

It is envisioned that the route will aid in promoting multi-modal sustainable trips in the Eastbourne wider area, whilst at the same time providing a facility that can be utilised by local residents to aid their own trips and encourage sustainable travel choice, thereby reducing reliance on motor vehicles with the resultant health and environmental benefits.

The provision of the route along with the infrastructure improvements at some of the busier, key, junctions where conflict is most likely will hopefully encourage those who are not currently comfortable with cycling.

There are proposed walking and cycling infrastructure schemes as part of the East Sussex LCWIP for the Eastbourne and South Wealden area that would look to provide improvements for the wider area, including King Edwards Parade / Grand Parade / Marine Parade from the junction from South Downs Way to Sovereign Harbour. There is also a proposed route on A259 at The Goffs, Compton Road adjacent to Gildredge Park.

- "The town centre is dangerous enough with buses, allowing cyclists to hurtle through pedestrian areas will only increase the risk of injury and death".
- **ESH Response** There is only a short section of shared footway at each end of the route where there is the potential for conflict with pedestrians, with the remainder of the route consisting of on-road or separated facilities. The first shared section is between the cycle parking outside the railway station to the proposed new parallel crossing, distance of approximately 40 metres.

Considering the location and environment it is considered that any cyclists who choose to cycle through this area will be at very low speeds and therefore reduce the potential for conflict.

The only other shared section as close to the seafront, the final section making use of the northern footway on King Edwards Parade for a distance of approximately 40 metres. This is a relatively wide footway at 3.5 metres and is already a signed shared footway. The new route is making use of the existing facility and upgrading the current zebra crossing to a parallel crossing to link the route to the seafront.

• "Eastbourne main roads are already congested e.g., due to ill-considered pavements jutting out for bus access. Thus, causing more pollution while traffic is stationary behind a bus unable to pass e.g. Seaside.

#### I suggest

- 1) stop any proposed dual access cycle / pedestrian path as Guess what Eastbourne has a high elderly population and if given the go ahead will cause an increase in accidents between pedestrians and cyclists
- 2) give pedestrians NOT cyclists Priority. Keep pavements for people, including ALL the Promenade.
- 3) Stop increasing cycle lanes, and
- 4) Stop increasing paid for parking where it used to be 2 hours free".



#### • ESH Response:

- There is only a short section of shared footway at each end of the route where there is the potential for conflict with pedestrians, with the remainder of the route consisting of on-road or separated facilities. The first shared section is between the cycle parking outside the Rail Station to the proposed new parallel crossing, distance of approximately 40 metres. Considering the location and environment it is considered that any cyclists who choose to cycle through this area will be at very low speeds and therefore reduce the potential for conflict.
  - The only other shared section as close to the seafront, the final section making use of the northern footway on King Edwards Parade for a distance of approximately 40 metres. This is a relatively wide footway at 3.5 metres and is already a signed shared footway. The new route is making use of the existing facility and upgrading the current zebra crossing to a parallel crossing to link the route to the seafront.
- 2) Terminus Road has recently been upgraded to provide pedestrian priority through the main shopping area of the Town Centre. There are further planned phases for the pedestrianisation Terminus Road heading towards the seafront that will provide further enhanced pedestrian priority in the most heavily pedestrian trafficked areas of the Town Centre.
- 3) The provision and enhancement of facilities for pedestrian and cyclists, and thereby increasing numbers and modal shift have clear benefits to the individual and society. It is known that sustainable travel choices can improve physical and mental health and wellbeing, and that it can help to reduce the number of people using vehicles, thereby reducing emissions from exhaust fumes and benefiting the environment. As such East Sussex Council is committed to improving active travel options for a wider societal benefit.
- 4) There is no increase in paid parking as part of the scheme. Where currently unrestricted the parking is being rationalised via the marking of bays for benefit of highlighting recommended cyclist position.
- "There are enough arrogant, aggressive cyclists clogging up the roads and delaying traffic already without encouraging more. Together with the increased parking charges (which, judging by the increased number of parking spaces available around the town, seem to have resulted in many fewer cars entering the town, and may actually result in reduced income!), these proposed cycle lanes will further encourage people not to drive into Eastbourne, but go elsewhere to shop, resulting in more small businesses in the town failing, and less revenue to the Council".
- ESH Response The proposed route is seen as a key part of Eastbourne's growing
  cycle route network, linking directly key trip attractors and to the wider cycling
  network. The route will support connectivity to some of the key destinations within the
  town, particularly access between the rail station, the seafront, the Devonshire
  Quarter and onto other key cycling routes in Eastbourne, specifically the route along
  the seafront including the Wish Tower and onto Bede's School and then the South
  Downs.

It is envisioned that the route will aid in promoting multi-modal sustainable trips in the Eastbourne area wider area, whilst at the same time providing a facility that can be utilised by local residents to aid their own trips and encourage sustainable travel choice, thereby reducing reliance on motor vehicles with the resultant health and environmental benefits. Enabling a modal shift towards cycling will support a reduction in town centre congestion and support wider economic regeneration.



The provision of the route along with the infrastructure improvements at some of the busier, key, junctions where conflict is most likely will hopefully encourage those who are not comfortable from currently cycling in this area to do so and effect that change.

This will include cycling to the station area with the potential for cycle trips to terminate and make use of the cycle parking provided along the recently refurbished section of Terminus Road, thereby used to access the shopping area.

As part of this proposals no changes have been proposed in terms of parking charges.

• "I wholeheartedly agree to the need to add cycle routes through the town centre, but there is a better way of achieving it than is suggested in these proposals. Firstly, the need to dismount outside the train station needs to be reconsidered, it stops this route being efficient and will be under-utilised. Also, will everyone actually dismount, or just carry on cycling straight to the new zebra crossing?

The remainder of the route up to Wilmington Gardens is just some additional cycle symbols painted on the road, these will not improve cycle safety and won't encourage more people to cycle.

If the painted symbols are going to be used and cyclist safety ignored, then the route should use Grove Road instead with a contraflow cycle lane installed. This is a more direct route that reduces the number of right turns, making it safer.

The route turning right out of Southfields Road onto the Station Roundabout is very unsafe. Nothing has been done to improve that roundabout for the safety of cyclists. It's a busy roundabout. The route going in the opposite direction crosses over the entrance of Grove Road, I can see cyclists just using Grove Road instead of the marked route via Old Orchard Road laid out in these proposals.

The only sensible part of these proposals that I agree with is the Wllmington Gardens section, it is a proper segregated 2-way cycle lane. These should be used throughout all of these proposals. It is infrastructure like this that will make people choose to cycle over driving as it makes them feel safer.

I personally would not use this route to get from the station to the seafront, I would likely use Terminus Road (the bus only section recently redeveloped), Cornfield Road, then cycle around the War Memorial Roundabout which is much less busy, and I believe safer than the Station Roundabout, then either Devonshire Place or Chiswick Place to the seafront. This route is much more direct and safer as there are no right turns and uses wider roads.

Therefore I oppose these plans as they do not increase cyclist safety, the route is not direct or efficient, and there is a much better solution to build a safe segregated cycle route from the station to the seafront"

• ESH Response – As part of the route design process (which would need to link with Eastbourne railway station to the seafront and ideally incorporate access to other key cultural, sport and leisure destinations such as the Devonshire Quarter) a detailed route identification and multi-criteria assessment was performed to ensure that the design met the study objectives whilst considering the likely end users, impact on other users and the surrounding environment. This identified a number of routes and the final route choice was one the highest ranked (for on-road routes) of which directness was one of the many assessment criteria.



In terms of providing fully segregated facilities at junctions and on the stretches of road between them, potential segregated protected routes were considered as part of the design process. However, these were not considered to be practical for the route in question.

There is insufficient road space to maintain current vehicles lanes, maintain pedestrian levels of comfort, maintain on-street parking (where there are no or limited off-street alternatives) and provide separated cycle provision. The route chosen was partially done so on the historic vehicle data to ensure the route was not on high volume and speed roads to minimise the potential interaction between cyclists and other road users.

With regard to the use of Terminus Road, as detailed this has been recently redeveloped between A259 Gildredge Road and Cornfield Road. The new layout consists of a bus only lane in an eastbound direction with wide 'pedestrian routes' either side of the bus lane with large areas of planting, provision for cyclists has not been included in the new arrangement.

As part of Town Centre Cycle route scheme development, a review of Terminus Road was performed with several potential options being identified to either incorporate or provide alternatives to allow cyclists to make use of Terminus Road. The outcome of this review was that none of the solutions identified provide a realistic option based on this initial investigation with disadvantages that would need further significant consideration. The situation will be kept under review regarding routes in the town centre and its surrounds as part of the delivery of the East Sussex LCWIP.

- "My husband and I are almost daily cyclists and use our bikes for utilitarian reasons
  more than for leisure. However, we do regularly enjoy leisure time cycling along from
  Wilmington Square along King Edwards Parade to the Fisherman's Club and onto
  the pleasurable cycle track from there along the cycle route to the harbour.
  - the inevitable increased build-up of traffic with very frustrated drivers because of the narrowing of roads and there being less space for drivers
  - the small number of cyclists using the new lanes, especially initially (as happened in Brighton where there was a huge outcry from drivers who were aware, they were being very disadvantaged with very few new cyclists using the new lanes)
  - we wonder if the East Sussex Highways/East Sussex County Council has carried out surveys amongst cyclists in Eastbourne enquiring whether they would use the cycle lanes more in the future and whether experiments in other towns/cities have shown a substantial growth in the number of cyclists coming into these towns
  - losing any car parking spaces on each of these roads is regrettable with further frustration and chaos with many drivers unable to find parking spaces
  - we are convinced that one answer to our parking shortages is to create a Park and Ride on the A27/A22 /A259 or wherever and so avoid congestion in town
  - we think it is vital that you find out whether or not these huge changes to our town's roads will be worth doing or is it the local Council who is



pushing it perhaps because there are orders from higher authority to get on with it. We are interested in knowing the answer!"

#### • ESH Response:

 In terms of road narrowing, the only physical narrowing will be at the key junctions for which capacity assessment have shown the loss of road space and potential increase in cyclists' numbers will have negligible impact on operational capacity.

For the remainder of the route cyclists will generally make use of the same road space as other vehicles or advisory lanes which would allow the passage of vehicles past cyclists. Whilst some delay for motor vehicles may be an outcome for increased cycle usage this is considered to be an overall betterment with an increase in sustainable travel.

- 2) The promotion of any new cycle route is key to its use and acceptance. Further consultation and promotion of the route will be included as and when the scheme progress through the design process.
- 3) Key stakeholders, including local cycle and pedestrian groups have been consulted as part of an earlier consultation process whose comments will be considered as and when the scheme moves forward in the design process.
- 4) While it is regrettable that some parking will be lost around Wilmington Square to allow the separated cycle path to be provided it is considered the added benefit of the separated path through this section outweighs the loss of around 6 parking spaces lost at Wilmington Square. A balance between users' needs to be met and for the remainder of the route on-street parking has been retained but formalised by the provision of bay markings.
- 5) This is a wider area issue and falls outside the bounds of the development of a single cycle route.
- 6) The route between the Railway Station and the seafront was identified in the Eastbourne & South Wealden Cycling & Walking Package Phase 2 as a priority route to provide greater provision for cyclists to improve connectivity to key destinations within Eastbourne.

The route will support connectivity to some of the key destinations within the town, particularly access between the rail station, the seafront, the Devonshire Quarter and onto other key cycling routes in Eastbourne, specifically the route along the seafront including the Wish Tower and onto Bede's School and then the South Downs.

It is envisioned that the route will aid in promoting multi-modal sustainable trips in the Eastbourne area wider area, whilst at the same time providing a facility that can be utilised by local residents to aid their own trips and encourage sustainable travel choice, thereby reducing reliance on motor vehicles with the resultant health and environmental benefits.

 "Due to the volume of traffic in Ashford Road and the number of heavy vehicles and buses that use it, narrowing the road will seriously affect the traffic flow. Vehicles turning right from Cavendish Place will have hardly any room to manoeuvre and our house is directly in the firing line.

We have witnessed altercations with one large vehicle stopped at the lights and another wishing to turn, and that is at the present road width. It will be a frequent nightmare when the road is narrowed.



If you must continue with this plan our suggestion is to stagger the pavement so it widens further back from the lights allowing more room for vehicles to turn.

Alternatively stopping the traffic further back from the lights."

- **ESH Response** This does not relate to the Eastbourne Town Centre Route.
- "Living in upper Old Town and using my bike for access to town centre shops and seafront/Seaside, this is the only proposal that is relevant to me. Of the other five I have limited knowledge of area so will not be commenting on them. This route could be of marginal benefit to me along Saffron Road and Grange Road. Greater benefit would come from a safe route along the 259 especially The Goffs and through Gildredge Park. To be able to cycle along Terminus Road (be it with a speed limit) would be great".
- **ESH Response** The route under consideration is in relation to the connecting the Rail Station to the Seafront. The A259 at The Goffs and through Gildredge Park would require a significant diversion between the two terminus points and was therefore not considered a suitable alternative for this specific route.

There are proposed walking and cycling infrastructure schemes as part of the East Sussex LCWIP for the Eastbourne and South Wealden area that would look to provide improvements along the A259 at The Goffs, Compton Road adjacent to Gildredge Park and another potential route through the park itself. These additional routes will be investigated over the forthcoming years.

"Overall disappointed that retention of parking was chosen over installing a proper segregated cycle track. The marked advisory cycle lanes shouldn't be 1.5m wide, where possible they should be 2m.

The Turning pockets that are usable for all vehicles show the cycle symbol which may cause confusion. Also, around Meads Road it is only 1m wide which is not sufficient at all and could be wider since it is proposed to narrow the carriageway here.

Having to dismount to use the route outside the station isn't great. Surely it is possible to remove one of the lanes on Terminus road and provide a bi-directional 3m lane instead? This would allow cyclists in both direction to avoid mixing with both motor traffic and pedestrians.

The bi-directional cycle track at Wilmington Square removing about 1m of the square could be avoided by either removing the parking, or by making the track one-way as a contraflow with cycles using the main carriageway in the other direction, since cycling on the main carriageway apparently isn't an issue anywhere else on this route.

The parallel crossing on King Edward's Parade has a narrow cycle crossing part which could cause issues for cyclists travelling in opposite directions. Could be widened to be sufficient width. Also zig zag markings overlap marked parking bays."

• **ESH Response** – In terms of providing fully segregated facilities at junctions and on the stretches of road between them, potential segregated protected routes were considered as part of the design process. However, these were not considered to be practical for the route in question.



There is insufficient road space to maintain current vehicles lanes (without converting roads to one-way working), maintain pedestrian levels of comfort, maintain on-street parking (where there are no or limited off-street alternatives for residents) and provide separated cycle provision. The route chosen was partially done so on the historic vehicle data to ensure the route was not on high volume and speed roads to minimise the potential interaction between cyclists and other road users.

The turning pockets have been provided recommended positions for cyclists whilst performing or waiting to perform manoeuvres. These place cyclists in a prominent position where they are visible to other roads users. With regard to width at Meads Road this can be further investigated as part of the next design phase.

Whilst the requirement to dismount and walk the short section of route outside the rail station is not ideal, this is for a short length only. Possible amendments to the recent improvements at the junction of Terminus Road / Ashford Road and Gildredge Road were considered as part of the design process.

However, it was considered that at the time none of the solutions identified provides a realistic option based on this initial investigation and that further significant consideration would be needed. The situation will be kept under review regarding routes in the town centre and its surrounds as part of the delivery of the East Sussex LCWIP.

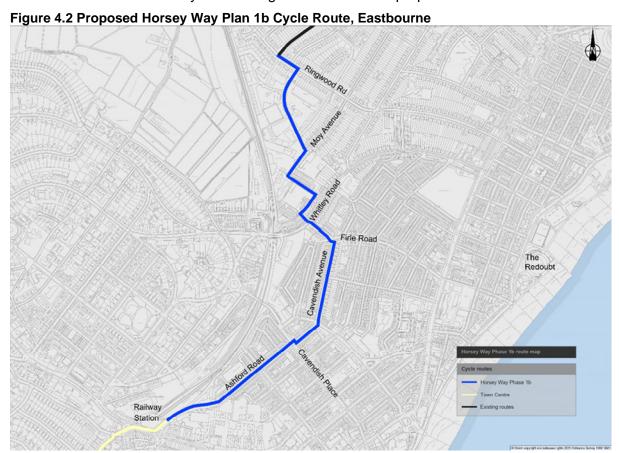
The two-way segregated cycle track is considered the most appropriate option for Wilmington Square. Alternative design options were considered but the final design was determined to have the greatest benefit to cyclist.

The design of parallel crossings will be investigated in the next stage of design and amended as necessary.



# Horsey Way Cycle Route

The proposals for the Horsey Way cycle route are to extend the existing route provided from the Langney Roundabout to Eastbourne Railway Station. Specifically, the route is planned to start from Ringwood Road, crossing Moy Avenue, Cavendish Avenue and Ashford Road and then connects to the Railway Station. Figure 4.2 shows the proposed route.



## 4.3.1 Respondent gender

The gender of the respondents for the Horsey Way cycle route is shown in Table 4.8. The gender profile does not follow the same pattern as the Eastbourne, Hailsham and Seaford CGG<sup>2</sup> where 51.6% are female and 48.4% are male in this geographic area. In this survey there were more male respondents than female.

Table 4.8 Survey Gender Respondent – Horsey Way Cycle Route

What gender do you identify as?	Number	Percentage (%)
Male	28	47
Female	26	43
Prefer not to say / Not answer	6	10
Total	60	100

<sup>&</sup>lt;sup>2</sup> http://www.eastsussexjsna.org.uk/JsnaSiteAspx/media/jsna-media/documents/localbriefings/E%20%26%20D%20profiles/Jan%202018/Equality-Profile-EHS-CCG-Jan-2018.pdf



## 4.3.2 Respondent age

The survey was completed by a wide span of ages, with responses from aged 16-25 through to 65+. The largest number of responses were from the older age categories with 55-64 olds making up 23% of respondents and 65+ making up 22% of respondents.

Table 4.9 Survey Age Respondent - Horsey Way Cycle Route

Age	Number	Percentage (%)
16-24	3	5
25-34	6	10
35-44	8	13
45-54	11	18
55-64	14	23
65+	13	22
Not Answered/Prefer not to say	5	8
Total	60	100

## 4.3.3 Respondent postcode

The respondents of the Horsey Way survey reside across 7 postcodes. The largest number of respondents live in BN22 (19 respondents), followed by BN23 (14 respondents) and BN21 (12 respondents).

Table 4.10 Respondent postcodes – Horsey Way Cycle Route

Postcode	Total	Percentage (%)
BN20	8	13
BN21	12	20
BN22	19	32
BN23	14	23
BN27	3	5
RH16	1	2
TN37	1	2
Not Answered/Prefer not to say	2	3
Total	60	100

## 4.3.4 Accessibility and disabilities

Around 87% of the survey respondents said that they do not have reduced mobility and do not consider themselves to be disabled (85%). Table 4.11 details the responses.



Table 4.11 Accessibility and disabilities responses - Horsey Way Cycle Route

	Reduced Mobility? Frequency	Reduced Mobility? % of total respondents	Disabled? Frequency	Disabled? % of total respondents
Yes	3	5	2	3
No	52	87	51	85
Prefer not to say/No answer	5	8	7	12
Total	60	100	60	100

## 4.3.5 Scheme specific questions

The following summarises the responses to the remainder of the questions contained in the public consultation questionnaire.

# Responses to Q2: 'To what extent do you support the above proposed cycle route?'

Respondent support to the proposed cycle route is shown in Table 4.12.

Table 4.12 Survey Respondent view - Horsey Way Cycle Route

View	Number	Percentage (%)
Strongly support	39	65
Support	7	12
Not Answered	0	0
Oppose	8	13
Strongly Oppose	6	10
No opinion	0	0
Total	60	100

The majority of respondents are in favour the proposed cycle route with 77% either strongly supporting (65%) or supporting (12%) it. The remaining 23% were against the proposed cycle route, with 13% opposing and 10% strongly opposing.

For those who said they would use the new route, the majority would use it for leisure or social purposes (44%). Around 15% said that they would use it for commute purposes and 2% for education related trips. Table 4.13 provides more detail on the purposes of travel

Table 4.13 Purpose of travel – Horsey Way Cycle Route

Purpose of travel	Number	Percentage (%)
Leisure/social	21	44
Commute to or from work	7	15
Not answered	13	27
Other	6	13
School/College/Higher Education	1	2
Total	48	100



### 4.3.6 Specific Themes and Trends in the Qualitative Responses

#### 4.3.6.1 Issues & concerns

As mentioned previously, numerous detailed responses were received from the general public regarding the proposed cycle routes. A brief outline of all the received feedback involving issues/concerns have been provided below, with an ESH design response underneath in **blue**.

 "Shared spaces are not suitable or safe for visually impaired people and we would encourage the council to think again about their use in this scheme. In general, the shared use space isn't great, although due to constraints within the highway width it's understandable that a shared pavement of 2.5/3m is all that can be reasonably achieved.

First of all, the Junction between Ashford Road & Cavendish Place is the worst attempt at providing cycle provision I've seen in a long time. At these crossroads all pedestrian crossings are on the same phase, so why isn't there a direct diagonal crossing between both parts of the cycleway? Putting in a single diagonal crossing here would not affect motor traffic in any way, would affect pedestrians less (as they could utilised the diagonal crossing and the pavements would not be blocked by cyclists taking 90 degree turns at the crossings) and would speed up cyclists crossing over here.

The section that runs along Firle Road is also rubbish, why can't the parking bays be removed to provide a segregated cycle space while heading southbound, and why is there any sort of crossing provision provided for those heading north between the shared use path on one side to the other? I also assume that the signals at Whitley Road will get an early green light on the LLCS? Some of these side roads appear that they could be closed to motor traffic such as Bourne Street".

• ESH Response – The alignment of this route was established years before the introduction of LTN 1/20 and has been through a number of iterations before arriving at the current proposal. The route is considered the most appropriate option available taking all factors into consideration including corridor width and land. The scheme has been reviewed by an independent road safety team under the Stage 1 and Stage 2 Road Safety Audit process from which no significant issues were identified.

It is important that no single user is unfairly affected by works within the Highway and to this end, the Council are careful to ensure that a careful balance is achieved to avoid treating any one group preferentially. This includes pedestrians, cyclists, motorised vehicles (including public transport) and residents. ESCC are comfortable that this has been achieved along this section of the Horsey cycle route.

- "It is not possible for a cycle route to be located with Ashford Road; this is due;
  - It would be very dangerous for pedestrians.
  - There is not enough space even on the widened pavements for both cyclists and pedestrians and this is further impeded by the existing space of the fact that residents in Ashford Road do leave their bins out on the street on the pavements"
- **ESH Response** The design of the cycle route along Ashford Road between Susans Road and Cavendish Place involves widening the footway to provide a minimum width of 3.5m for the proposed shared facility. The section between the station and Susans Road, constructed under a previous phase of the scheme, provides a 4m wide shared use route.



• "The proposal for a cycle route along Ashford Road is fundamentally and wholly misconceived. It is a plain and simple fact that there is not sufficient space on the North side of the road for a demarcated bike lane, space for pedestrians and alongside this all the residents have no option (generally) but to leave their refuse bins on the pavement. Obviously, there is no law that requires residents to put their bins within their properties, however taking into account that many of these properties are houses turned into flats with steps reaching up to the entrance door to the building.

This ill-conceived plan was put together on the basis that the residents on the South side of the road 'put their bins inside their properties'. But this is not the case as some of the houses have been turned into HMOs and have bins on the pavement. So, pedestrians have to - on the South side of the road - negotiate between bins, car doors etc (and the odd bike).

These two pavements were previously a very pedestrianised route into the town centre and the railway station for those residents living in and coming from the North areas of Eastbourne. And they have been ruined!

Clearly Eastbourne is a tale of two cities.... those living to the South and those living to the North...

The parking for cars that have been put on the road (and was a cost cutting exercise) should now be reversed. The parking of cars should be put back onto the road. The pavements for the people of the North of the town should be reinstated as safe places for people to walk (Ashford Road Pavements).

Also, surely there must be a legal requirement for a space which is acceptable for a demarcated bike track and a pedestrian route which is not as a result of the unavoidable presence of the bins."

• **ESH Response** – The alignment of this route was established over a number of years and is considered to be the most appropriate option available. The proposals have been through the independent Stage 1 and Stage 2 Road Safety Audit process from which no specific safety issues were identified.

It should be noted that the proposal is to provide a shared-use facility and that these do not involve the laying of a segregating line along the centre. Pedestrians and cyclists all share the same space.

It is important that no single user is unfairly affected by works within the Highway and to this end, the Council are careful to ensure that a careful balance is achieved to avoid treating any one group preferentially. ESCC are comfortable that this has been achieved along this section of the Horsey cycle route.

- "The routing of the proposed cycle route on the southern side of Cavendish Avenue will mean that well established trees are removed are they being replaced? The southern side of Cavendish Ave is already busy with parking and pedestrians. It would be better placed on the northern side where parked cars would not cause a problem and the trees could remain in position".
- **ESH Response** The proposals do require the removal of a number of semi-mature trees along Cavendish Avenue. ESCC policy is that where a tree is removed this is replaced with 2 new trees in locations to be confirmed.
  - The proposals include the widening of the existing footway along Ashford and Cavendish Roads to provide a shared space. The route alignment has been developed over a number of years and is considered to offer the best solution taking all site factors into consideration, including land ownership and visibility.
- "Cyclists have to dismount and walk near the station, twice change to the other carriageway on Ashford Road and again dismount. It is hugely unlikely that



experienced cyclists would use this route, or that inexperienced cyclists would dismount. There is also the danger to pedestrians on the shared space. The extension of Horsey Sewer cycleway along the watercourse, past ESK until Courtlands Road, would seem a more logical route."

- **ESH Response** The proposals include the widening of the existing footway along Ashford Road and Cavendish Avenue to provide a shared space. The route alignment has been developed over a number of years and is considered to offer the best solution taking all site factors into consideration, including residents, other road users including public transport, land ownership and visibility.
- "Adding shared use pavements will not increase cycling rates. To make cyclists and pedestrians feel safe cycle routes need to be separated from cars and pedestrians, this achieves neither of these. All of the roads in this proposal are generally wide enough to do this properly, but it will mean removing vehicle parking. These proposals maintain priority for cars and other motor traffic.

A good cycle route should force priority to the cyclist, usually by adding segregated lanes and dedicated traffic lights (such as those on the junction of Firle Road and Whitley Road).

For people wanting to cycle to work (commute) the route taken should be fast, efficient, and safe. Due to the number of road crossings, these proposals fail on all of these areas.

For the route through Waterworks Road, Stansted Road, and Firle Road, the route should utilise Whitley Road instead by adding the cycle traffic lights to the Waterworks Road/Whitley Road junction. This is far safer than the unprotected right turn into Stansted Road. The cycle route should be on the side of the road, separated with a kerb, not on the pavement, and it crosses over the road too many times. If nothing else changes in these proposals the route should change to the northern side of Cavendish Avenue as there are 3 less road crossings"

- **ESH Response** The alignment of this route has been established following a number of iterations before arriving at the current proposal. The route is considered to be the most appropriate option available and has been through the independent Stage 1 and Stage 2 Road Safety Audit process from which no significant safety concerns were raised.
  - It is important that no, single, user is unfairly affected by works within the Highway and, to this end, the Council are careful to ensure that a careful balance is achieved to avoid treating any one group preferentially. This includes residents, other road users including public transport, land ownership and visibility. ESCC are comfortable that this has been achieved along this section of the Horsey cycle route.
- "What is the point of making a route along existing roads we are all grownups and can choose our own route we don't need to be told which way to go. If we did, I am sure we would choose the seafront and not the dowdy back streets."
- **ESH Response** The aim of introducing cycling provision is to encourage increased use of this alternative form of transport for short journeys and for leisure and helps the Council achieve its targets for carbon reduction. Confident cyclists may choose to use alternative routes around the town. The Horsey cycle route is just one of a number of cycle routes proposed for Eastbourne.



"The new proposal requires bicycles to cross from the North to the South of Cavendish Avenue/Ashford road. This will put cyclists in increased danger or require more traffic light crossings at the junction with Firle Road leading to increased traffic at the Cavendish Avenue/Firle Road junction.

Why have the plans changed? Originally, the cycle lane remained on the North/West side of Cavendish Avenue which would require less road crossings for cyclists and interruption of traffic flow.

I fear that making this a legal route for these forms of transport will result in serious injury to me, my family or neighbours. Would it not be more sensible to set the cycle route via Dursley Road, which has much less traffic, and create a cycle path through the current one-way entrance from Firle Road? I believe that this plan has not been thought through in terms of consequences for Road Safety and will put cyclists and pedestrians at risk. It will also contribute to slowing of traffic along Cavendish Avenue, especially at peak times."

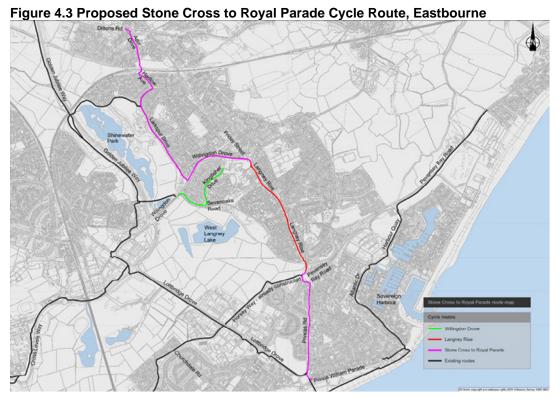
- ESH Response The alignment of this route has been established following a number of iterations before arriving at the current proposal. The route is considered to be the most appropriate option available and has been through the independent Stage 1 and Stage 2 Road Safety Audit process from which no significant safety concerns were raised.
  - It is important that no single user is unfairly affected by works within the Highway and to this end, the Council are careful to ensure that a careful balance is achieved to avoid treating any one group preferentially. This includes residents, other road users including public transport, land ownership and visibility. ESCC are comfortable that this has been achieved along this section of the Horsey cycle route.
- "Cyclists have to dismount and walk near the station, twice change to the other carriageway on Ashford Rd and again dismount. It is unlikely that many experienced cyclists would use this route and there is also the danger to pedestrians on the shared space. A preferable alternative would be to extend the Horsey Sewer cycleway along the watercourse, past ESK and Courtlands Rd."
- ESH Response The alignment of this route has been established following a number of iterations before arriving at the current proposal. The route is considered to be the most appropriate option available and has been through the independent Stage 1 and Stage 2 Road Safety Audit process from which no significant safety concerns were raised.

It is important that no single user is unfairly affected by works within the Highway and to this end, the Council are careful to ensure that a careful balance is achieved to avoid treating any one group preferentially. This includes residents, other road users including public transport, land ownership and visibility. ESCC are comfortable that this has been achieved along this section of the Horsey cycle route. There are no proposals at this time to introduce additional cycling provision around the station.





The Stone Cross Cycle Route proposals are to provide a facility for cyclists wishing to travel from the residential areas of Stone Cross and Langney to the seafront area and also offer access to an off-road route on Dittons Road to Polegate, as well as route NCR 21 on Lottbridge Drove, which is part of the National Cycle Network (NCN). The proposed route is shown in Figure 4.3.



4.4.1 Respondent gender

The majority respondents of the Stone Cross cycle route survey were male (56%), where only 28% were female. It is important to note that 16% of respondents either preferred not to say or did not answer this question. This data does not correlate to the gender profile of the Eastbourne, Hailsham and Seaford CGG³ where 51.6% are female and 48.4% are male in this geographic area.

Table 4.14 Survey Gender Respondent – Stone Cross Cycle Route

What gender do you identify as?	Number	Percentage (%)
Male	14	56%
Female	7	28%
Prefer not to say / Not answer	4	16%
Total	25	100%

<sup>&</sup>lt;sup>3</sup> http://www.eastsussexjsna.org.uk/JsnaSiteAspx/media/jsna-media/documents/localbriefings/E%20%26%20D%20profiles/Jan%202018/Equality-Profile-EHS-CCG-Jan-2018.pdf



## 4.4.2 Respondent age

The respondent age for the Stone Cross survey was fairly evenly spread across each age category. The largest number of respondents were from the 55-64 age group followed by the 35-44. The smallest number of respondents were from the 16-24 category and 65+ category.

Table 4.15 Survey Age Respondent - Stone Cross Cycle Route

Age	Number	Percentage (%)
16-24	2	8%
25-34	3	12%
35-44	4	16%
45-54	3	12%
55-64	7	28%
65+	2	8%
Not Answered/Prefer not to say	4	16%
Total	25	100%

### 4.4.3 Respondent postcode

The respondents of the Stone Cross survey reside across 6 postcodes. The largest number of respondents live in BN21 (7 respondents) and BN24 (7 respondents), followed by BN22 (5 respondents) and BN23 (4 respondents).

Table 4.16 Respondent postcodes - Stone Cross Cycle Route

Postcode	Total	Percentage (%)
BN21	7	28
BN22	5	20
BN23	4	16
BN24	7	28
RH16	1	4
TN37	1	4
Total	25	100

## 4.4.4 Accessibility and disabilities

Of all the respondents of the scheme survey, 80% of the survey respondents said that they do not have reduced mobility and 76% said they do not consider themselves to be disabled. Table 4.17 details the responses.

Table 4.17 Accessibility and disabilities responses - Stone Cross Cycle Route

	Reduced Mobility? Frequency	Reduced Mobility? % of total respondents	Disabled? Frequency	Disabled? % of total respondents
Yes	1	4	1	4
No	20	80	19	76
Prefer not to say/No answer	4	16	5	20
Total	25	100	25	100



## 4.4.5 Scheme specific questions

The following summarises the responses to the remainder of the questions contained in the public consultation questionnaire.

## Responses to Q2: 'To what extent do you support the above proposed cycle route?'

Respondent support to the proposed cycle route is noted in Table 4.18.

Table 4.18 Survey Respondent view - Stone Cross Cycle Route

View	Number	Percentage (%)
Strongly support	14	56
Support	3	12
Not Answered	0	0
Oppose	2	8
Strongly Oppose	5	20
No opinion	1	4
Total	25	100

A considerable number of respondents are in favour the proposed cycle route with 68% either strongly supporting (56%) or supporting (12%) it. The remaining 28% were against the proposed cycle route, with 8% opposing and 20% strongly opposing.

For those who said they would use the new route, the majority would use it for leisure or social purposes (30%) and around 9% said that they would use it for commute purposes. 57% of respondents did not answer this question. Table 4.19 provides detail on the purposes of travel.

Table 4.19 Purpose of travel - Stone Cross Cycle Route

Purpose of travel	Number	Percentage (%)
Leisure/social	7	30
Not answered	13	57
Commute to or from work	2	9
Prefer not to say	1	4
Total	23	100

## 4.4.6 Specific Themes and Trends in the Qualitative Responses

#### 4.4.6.1 Issues & concerns

As mentioned previously, numerous detailed responses were received from the general public regarding the proposed cycle routes. A brief outline of all the received feedback involving issues/concerns have been provided below, with an ESH design response underneath in **blue**.

 "Your comments regarding cleaner air are not correct. By putting cycle lanes on the side of main roads only causes traffic congestion, hence creating more pollution. Further there is already a cycle route from the sea front to Pevency Bay.



The footpath route shares the footpath on the stretch through the harbour following the main road exiting the harbour. Cyclists do not use this cycle route and cause havoc by riding on the main road. This practice will occur on all your routes unless you pass by law enabling you to find cyclists that refuse to use your new routes."

• **ESH Response** – The proposed route aims to increase the extent of the cycle network within Eastbourne and Hailsham and to provide greater provision for cyclists to improve connectivity to key destinations (such as Stone Cross to Royal Parade via Langney).

It is possible that some cyclists who are confident in cycling amongst traffic will continue to use the main roads instead of the proposed scheme. However, one of the aims of the delivery of the scheme is to encourage modal shift and reduce dependency on car use for shorter distance. The proposed route and interventions will help to encourage those persons who may not feel comfortable cycling the route in the current road configuration, which would require sharing the road space with other vehicle traffic with some of the roads experiencing relatively high vehicle volumes along with large and busy junctions to make that modal shift with the with the resultant health and environmental benefits.

- "Doesn't seem to be any priority given to cyclists?"
- ESH Response The majority of the proposed route is off-carriageway on shared paths or cycle only paths, where cyclists have joint or sole priority and where possible Copenhagen crossings over side roads are proposed. Where the route is on-carriageway (Adur Drive and Hadlow Avenue) these are low speed / volume roads.

At the major road crossing locations (Dittons Road / Adur Drive, Larkspur Drive, Willingdon Drove, Kingfisher Road, Langney Roundabout and Prince William Parade) controlled crossings in the form of parallel or toucan crossings are proposed that provide priority to cyclists on demand to allow safe crossing with significant reduction in the likelihood of conflict.

- "Cycleways should be a properly segregated and prioritised part of the road, not footpath."
- **ESH Response** As part of the route design process a detailed and robust route identification process and multi-criteria assessment was performed to ensure that the design produced met the study objectives whilst considering the likely end users, impact on other users and the surrounding environment. This identified a number of routes and the final route choice was one of the highest ranked routes.

In July 2020 the Department for Transport issued new, updated, design guidance to be used from that date for the design of cycle facilities. The new design guidance – LTN 1/20, Cycle Infrastructure Design.

East Sussex County Council has a significant programme of schemes to provide new and improved cycle facilities throughout the County which are in various stages of development from feasibility design through to detailed design and ready for construction. The design of the majority of these schemes including this route along was based on the previously available design standards. However, ESCC & ESH have resolved to review designed routes against the 22 summary principles of LTN 1/20, to determine whether or not they meet the new guidance requirements.

The 22 summary principles are provided to encourage designers to deliver high quality cycling infrastructure, enabling designers to evaluate their design against these principles. Key Principle #2 suggests that cyclists should be physically separated from pedestrians. Unfortunately, limited carriageway widths make it



unsuitable for introducing cycle lanes on the carriageway and similarly restrictive footway and verge widths for most of the route, means there is insufficient width to provide a segregated cycle route next to the footway.

The width of the cycleway for the majority of its length is 3 metres meeting design guidelines. There are a few pinch points where unfortunately a 3-metre width cannot be achieved, but these are of a minimal length and have not been highlighted as a concern by independent safety auditors.

The proposed cycle facility is being introduced into existing infrastructure with associated constraints e.g., corridor width. Given these restrictions ESCC/ESH believe that the proposed route will provide a valuable facility as part of Eastbourne's growing cycle route network.

- "ESCC should include a rolling maintenance programme is in place to prevent sections of the route from becoming overgrown. This is particularly relevant for the section on Larkspur Drive, which I understand has had issues with overgrowth in the past (see <a href="https://www.eastbourneherald.co.uk/news/obstructed-eastbourne-cycle-lane-called-physically-dangerous-1073771">https://www.eastbourneherald.co.uk/news/obstructed-eastbourne-cycle-lane-called-physically-dangerous-1073771</a>)."
- **ESH Response** Removal and cutting back of vegetation and subsequent maintenance schedules will be fully developed as part of the detailed design process as and when the scheme is progressed.
- "The combined walk path / cycle path is a failed model. Cycle routes need to be dedicated and 1.5m wide at least, like the Dutch or Danish ones. Otherwise, they are useful only for pram and scooters."
- **ESH Response** As part of the route design process a detailed and robust route identification process and multi-criteria assessment was performed to ensure that the design produced met the study objectives whilst considering the likely end users, impact on other users and the surrounding environment. This identified a number of routes and the final route choice was one of the highest ranked routes.

In July 2020 the Department for Transport issued new, updated, design guidance to be used from that date for the design of cycle facilities. The new design guidance – LTN 1/20, Cycle Infrastructure Design.

East Sussex County Council has a significant programme of schemes to provide new and improved cycle facilities throughout the County which are in various stages of development from feasibility design through to detailed design and ready for construction.

The design of the majority of these schemes including this route along was based on the previously available design standards. However, ESCC & ESH have resolved to review designed routes against the 22 summary principles of LTN 1/20, to determine whether or not they meet the new guidance requirements.

The 22 summary principles are provided to encourage designers to deliver high quality cycling infrastructure, enabling designers to evaluate their design against these principles. Key Principle #2 suggests that cyclists should be physically separated from pedestrians.

Unfortunately, limited carriageway widths make it unsuitable for introducing cycle lanes on the carriageway and similarly restrictive footway and verge widths for most of the route, means there is insufficient width to provide a segregated cycle route next to the footway. The width of the cycleway for the majority of its length is 3 metres meeting design guidelines. There are a few pinch points where unfortunately



a 3-metre width cannot be achieved, but these are of a minimal length and have not been highlighted as a concern by independent safety auditors.

The proposed cycle facility is being introduced into existing infrastructure with associated constraints e.g., corridor width. Given these restrictions ESCC/ESH believe that the proposed route will provide a valuable facility as part of Eastbourne's growing cycle route network.

- "Shared cycle routes are a stupid idea, there will surely be pedestrian injuries and many complaints. This is a quiet area which does not require special cycle routes. The roads are fine. The building disruption will not justify the small or possibly non existing improvements. Undoubtably the road width will be reduced causing potentially more collisions and delays. This looks like a half-baked central government scheme which has ringfenced money looking for a way to spend it."
- **ESH Response** –As part of the route design process a detailed and robust route identification process and multi-criteria assessment was performed to ensure that the design produced met the study objectives whilst considering the likely end users, impact on other users and the surrounding environment. This identified a number of routes and the final route choice was one of the highest ranked routes.

In July 2020 the Department for Transport issued new, updated, design guidance to be used from that date for the design of cycle facilities. The new design guidance – LTN 1/20, Cycle Infrastructure Design.

East Sussex County Council has a significant programme of schemes to provide new and improved cycle facilities throughout the County which are in various stages of development from feasibility design through to detailed design and ready for construction. The design of the majority of these schemes including this route along was based on the previously available design standards. However, ESCC & ESH have resolved to review designed routes against the 22 summary principles of LTN 1/20, to determine whether or not they meet the new guidance requirements.

The 22 summary principles are provided to encourage designers to deliver high quality cycling infrastructure, enabling designers to evaluate their design against these principles. Key Principle #2 suggests that cyclists should be physically separated from pedestrians.

Unfortunately, limited carriageway widths make it unsuitable for introducing cycle lanes on the carriageway and similarly restrictive footway and verge widths for most of the route, means there is insufficient width to provide a segregated cycle route next to the footway. The width of the cycleway for the majority of its length is 3 metres meeting design guidelines. There are a few pinch points where unfortunately a 3-metre width cannot be achieved, but these are of a minimal length and have not been highlighted as a concern by independent safety auditors.

The proposed cycle facility is being introduced into existing infrastructure with associated constraints e.g., corridor width. Given these restrictions ESCC/ESH believe that the proposed route will provide a valuable facility as part of Eastbourne's growing cycle route network. It is for this reason that in the main the existing carriageway widths will be maintained and therefore the route is expected to have minimal impact on the passage of vehicles, with the route being mainly off-road.

"I believe that the disruption caused with constructing the shared cycle ways will be a
major imposition on the people of Eastbourne. I think that 'shared' cycle ways are
dangerous and that transferring cyclists from roads to pavements cannot be a good
thing."



• **ESH Response** – As part of the route design process a detailed and robust route identification process and multi-criteria assessment was performed to ensure that the design produced met the study objectives whilst considering the likely end users, impact on other users and the surrounding environment. This identified a number of routes and the final route choice was one of the highest ranked routes.

In July 2020 the Department for Transport issued new, updated, design guidance to be used from that date for the design of cycle facilities. The new design guidance – LTN 1/20, Cycle Infrastructure Design.

East Sussex County Council has a significant programme of schemes to provide new and improved cycle facilities throughout the County which are in various stages of development from feasibility design through to detailed design and ready for construction. The design of the majority of these schemes including this route along was based on the previously available design standards. However, ESCC & ESH have resolved to review designed routes against the 22 summary principles of LTN 1/20, to determine whether or not they meet the new guidance requirements.

The 22 summary principles are provided to encourage designers to deliver high quality cycling infrastructure, enabling designers to evaluate their design against these principles. Key Principle #2 suggests that cyclists should be physically separated from pedestrians.

Unfortunately, limited carriageway widths make it unsuitable for introducing cycle lanes on the carriageway and similarly restrictive footway and verge widths for most of the route, means there is insufficient width to provide a segregated cycle route next to the footway. The width of the cycleway for the majority of its length is 3 metres meeting design guidelines. There are a few pinch points where unfortunately a 3-metre width cannot be achieved, but these are of a minimal length and have not been highlighted as a concern by independent safety auditors.

The proposed cycle facility is being introduced into existing infrastructure with associated constraints e.g., corridor width. Given these restrictions ESCC/ESH believe that the proposed route will provide a valuable facility as part of Eastbourne's growing cycle route network.

- "The section through Adur Park is welcome. However, the multiple crossings from one side to the other of Larkspur Drive are not as safe as a possible route running through Shinewater Park."
- ESH Response Whilst the route does involve several crossings over Larkspur Drive, this was for specific reasons. In the first instance the existing provision of a separated path outside the Causeway School which needed to remain provides vehicle separated entry to the school grounds for school children. To the north of Causeway School is The Meadows Nursery School and at an early stage this was identified as potential point of conflict with nursery age children, with limited options to widen the footway around the school entrance it was not considered appropriate to run a shared footway along this section of Larkspur Drive.

To the south of the Shinewater Park entrance there is no current footway with the highway boundary close to the current edge of carriageway, this would result in providing an extended sub-standard width shared footway (with insufficient space to provide segregated paths), or potential lengthy and costly process of obtaining non-highway land.

There would also be a need to consider the environmental impact if continued on the western side of Larkspur Road as this would result in significant loss of vegetation / hedgerow.



Whilst it is acknowledged that there are existing paths through Shinewater Park, the diversion of the route through this section was not considered suitable for all users on the basis of personal security.

This would require users to travel through an isolated section of park without direct observation from adjacent properties, or no closely associated indirect properties. On this basis the use of this section was not considered viable at this time for a continuous route that would be attractive for all users throughout all time periods.

# Langney Rise Cycle Route

The Langney Rise cycle route proposals are to provide a new strategic cycle route from Lottbridge Drove to Sovereign Harbour, also forming the central link between the two sections of the Stone Cross to Royal Parade cycle route. Figure 4.4 shows the scheme location.

Figure 4.4 Proposed Langney Rise Cycle Route





## 4.5.1 Respondent gender

A larger amount of the survey respondents of the Langney Rise cycle route survey were male (42%), where only 35% were female.

Table 4.20 Survey Gender Respondent - Langney Rise Cycle Route

What gender do you identify as?	Number	Percentage (%)
Male	11	42
Female	9	35
Prefer not to say / Not answer	6	23
Total	26	100

## 4.5.2 Respondent age

Generally, the Langney Rise survey had an older group of respondents. The largest number of respondents were from the 55-64 (35%). The smallest number of respondents were from the 16-24 category (4%) and 25-34 category (4%).

Table 4.21 Survey Age Respondent - Langney Rise Cycle Route

Age	Number	Percentage (%)
16-24	1	4
25-34	1	4
35-44	3	12
45-54	3	12
55-64	9	35
65+	3	12
Not Answered/Prefer not to say	6	23
Total	26	100

## 4.5.3 Respondent postcode

The respondents of the survey reside across 5 postcodes. The largest number of respondents live in BN23 (11 respondents) followed by BN21 (9 respondents).

Table 4.22 Respondent postcodes - Langney Rise Cycle Route

Postcode	Total	Percentage (%)
BN21	9	35
BN22	4	15
BN23	11	42
BN24	1	4
TN37	1	4
Total	26	100

## 4.5.4 Accessibility and disabilities

Of all the respondents of the Langney Rise route survey, 73% of the survey respondents said that they do not have reduced mobility and 77% said they do not consider themselves to be disabled. Table 4.23 details the responses.



Table 4.23 Accessibility and disabilities responses - Langney Rise Cycle Route

	Reduced Mobility? Frequency	Reduced Mobility? % of total respondents	Disabled? Frequency	Disabled? % of total respondents
Yes	2	8	2	8
No	19	73	20	77
Prefer not to say/No answer	5	19	4	15
Total	26	100	26	100

## 4.5.5 Scheme specific questions

The following summarises the responses to the remainder of the questions contained in the public consultation questionnaire.

## Responses to Q2: 'To what extent do you support the above proposed cycle route?'

Respondent support to the proposed cycle route is noted in Table 4.24.

Table 4.24 Survey Respondent view - Langney Rise Cycle Route

View	Number	Percentage (%)
Strongly support	10	38
Support	6	23
Not Answered	0	0
Oppose	4	15
Strongly Oppose	5	19
No opinion	1	4
Total	26	100

Around 61% of respondents are in favour the proposed cycle route with 38% strongly supporting and 23% supporting it. The remaining 34% were against the proposed cycle route, with 19% opposing and 4% strongly opposing.

For those who said they would use the new route, the majority would use it for leisure or social purposes (32%) and 5% said that they would use it for commute purposes. However, it is important to note that 53% of respondents did not answer this question and it is therefore difficult to ascertain the purpose of usage.

Table 4.25 Purpose of travel - Langney Rise Cycle Route

Purpose of travel	Number	Percentage (%)
Leisure/social	6	32
Not answered	10	53
Commute to or from work	1	5
Prefer not to say	2	11
Total	19	100



## 4.5.6 Specific Themes and Trends in the Qualitative Responses

#### 4.5.6.1 Issues & concerns

As mentioned previously, numerous detailed responses were received from the general public regarding the proposed cycle routes. A brief outline of all the received feedback involving issues/concerns have been provided below, with an ESH design response underneath in **blue**.

- "Can the designer please confirm if the proposed cycle routes will be entirely separate from the existing roads and footways?"
- **ESH Response** The cycle way will be separate from the road. The cycleway will be shared with pedestrian footway. The shared pedestrian/cycleway will be sufficiently wide to accommodate the pedestrians and cyclists that will use the facility.
- "Why is this proposal looking to remove the existing bus lay-by? This is yet another example, that will cause chaos, and danger, for road users, where buses block the roads, like at Hampden Park. Surely there is enough grass verge to widen footpaths for cyclists and to have lay by for buses therefore keeping all road users happy".
- **ESH Response** The removal of the bus stop layby will have a nominal impact on the overall traffic along Langney Rise since the frequency of buses is only a maximum of 3 buses per hour. In terms of safety, this proposal has passed a safety audit and is considered safe.
- "Your plan does not show our drive way and the path will cut right over our drive way, for reference we are 55 Langney rise what our problem is who will have right of way when it comes to our drive way?

Cyclist as it stands being on the road is no issue as the top off our drive way allows for complete view of the road so we are able to pull out safely or wait for a cyclist to pass, with them being on the pavement out visibility is more limited meaning that you will have to install signs advising cyclist of our drive way and to proceed with the relevant caution. We feel money would be better spent making Langney rise safer with traffic control measures as currently it is used like a drag racing strip at all hours of day and night."

- ESH Response –The route has been assessed and audited as the safest route
  option for the cyclists along Langney Rise. The existing footpath is already used by
  many cyclists instead of the road carriageway. Overall, it is considered that the
  proposals will offer improved safety for cyclists and pedestrians, as much as is
  reasonably practical.
- "There are a number of places where the shared path suggested is too narrow, near to bus stops, crosses side streets and cuts across entrance to drives and houses. Once the suggestion of an off-road route along Sevenoaks Road verge would be better. There are then options to connect this to the Shopping Centre through paths and quiet streets."
- **ESH Response** –This route is to serve cyclists that are currently using Langney Rise. Sevenoaks Road would not necessarily be an appropriate alternative route for all the cyclists that use Langney Rise.
- "This appears to be a total disaster for both cyclists, pedestrians especially those with sight problems and disabilities and those with children. How you can run a cycle route down the road to Langney Shopping Centre is beyond belief. It is narrow enough for cars.



Do you intend to get rid of parking spaces in the car park to widen the road.
 Remember elderly people live in Ruxley Court - they walk usually - how many will be involved in incidents.

All the way down Langley Rise the pavements are narrow how can you put a cycle lane on these footpaths. Again, cyclists will be travelling across pedestrian crossings - do we really expect them to cycle carefully."

- **ESH Response** Cyclists are using the existing footpaths. The cycleway will be shared with pedestrian footway. The shared pedestrian/cycleway will be sufficiently wide to accommodate the pedestrians and cyclists that will use the facility. There is no evidence to suggest that shared cycle routes promote an increase in accidents.
- "Eastbourne main roads are already congested e.g., due to ill-considered pavements jutting out for bus access. Thus, causing more pollution while traffic is stationary behind a bus unable to pass e.g., Seaside. Can the designer please confirm if the following has been looked at?
  - Stop any proposed dual access cycle / pedestrian path as Guess what Eastbourne has a high elderly population and if given the go ahead will cause an increase in accidents between pedestrians and cyclists!
  - give pedestrians NOT cyclists Priority. Keep pavements for people, including ALL the Promenade.
  - Stop increasing cycle lanes
  - Stop increasing paid for parking where it used to be 2 hours free."
- **ESH Response** The proposal does not include any pavements that will be jutting out for bus access. The project is located on Langney Rise and not the Eastbourne Promenade. The existing footpath is currently being used by cyclists. The proposed shared pedestrian/cycleway will be sufficiently wide to accommodate the pedestrians and cyclists that will use the facility.
- "These proposals will not achieve to aims of cycle lanes. A 1m shared pathway is a complete waste of time. Cyclists will not use it. It will only ever be used if it's more convenient and faster than current routes

Surely logic would suggest a protected cycle Lane along Kings Drive and a genuine bridged solution over the rail line to link the current paths. This is, importantly the quickest path. This brings 'serious' cyclists and transport / commuting cyclists to the route.

If you were serious about making a difference you would aim to link up the schools of Old Town with safe and secure cycle/pedestrian routes along Victoria Drive. Extending the footpaths and removing the grass verges from the top of Victoria Drive all the way to Ratton school. The reduction in traffic at school drop off would immediately address health and air quality issues."

 ESH Response – This route is to serve cyclists that are currently using Langney Rise. The existing footpath is currently being used by cyclists (travelling at low speed). The proposed shared pedestrian/cycleway will be sufficiently wide to accommodate the pedestrians and cyclists that will use the facility.



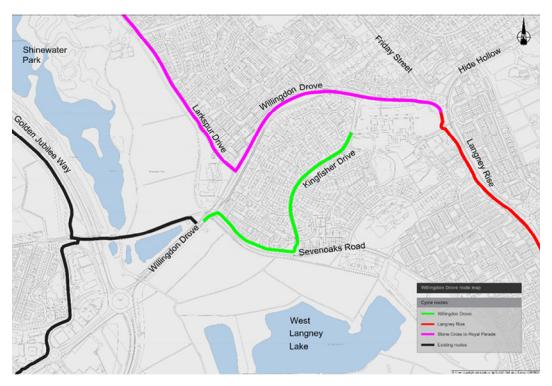
- "The cycling infrastructure plan for Eastbourne is no more than window dressing. The plan still treats cyclists as second-class travellers. The proposed routes, including this route expect that cyclists will 'work around' much more important road users by taking convoluted routes, routinely giving way to mechanised traffic, sometimes dismounting to achieve his, using shared space routes, travel along narrow unsuitable routes that are often effectively just repurchased footpaths with paint on."
- **ESH Response** The proposal has been assessed as the safest route option for the cyclists along Langney Rise. The existing footpath is already used by cyclists instead of the road carriageway. Overall, it is considered that the proposed shared footpath/cycleway will offer improved safety for cyclists and pedestrians, as much as is reasonably practical.
- Shared use spaces are potentially dangerous or at the very least cause cyclist to
  have to slow down significantly to avoid risk to pedestrians, who are often un-used to
  cyclists and so used to vehicular traffic that they move about using only the sense of
  sound and consequently unpredictable.
  - Pedestrians do not look they listen for the sound of noisy vehicles. Even on shared routes, with signage they wander unpredictably. I want to move effectively, which means moving at a reasonable pace. If I am forced to move at walking pace to avoid danger to pedestrians there is no advantage to the cyclist."
- ESH Response The proposal has been assessed as the safest route option for the
  cyclists along Langney Rise. The existing footway is already used by cyclists instead
  of the road. Overall, it is considered that the proposed shared foot/cycleway will
  offer improved safety for cyclists and pedestrians, as much as is reasonably
  practical.



# Willingdon Drove Cycle Route

The Willingdon Drove proposals are to provide a cycling facility to connect Sevenoaks Road and Kingfisher Drive to the Langley Shopping Centre. Figure 4.5 presents the location of the scheme.

Figure 4.5 Proposed Willingdon Drove Cycle Route



## 4.6.1 Respondent gender

A considerable number respondents of the Willingdon Drove cycle route survey were male (63%), where only 21% were female. It is important to note that 16% of respondents either preferred not to say or did not answer this question. This data does not correlate to the gender profile of the Eastbourne, Hailsham and Seaford CGG<sup>4</sup> where 51.6% are female and 48.4% are male in this geographic area

Table 4.26 Survey Gender Respondent – Willingdon Drove Cycle Route

What gender do you identify as?	Number	Percentage (%)
Male	12	63
Female	4	21
Prefer not to say / Not answer	3	16
Total	19	100

<sup>4</sup> http://www.eastsussexjsna.org.uk/JsnaSiteAspx/media/jsna-media/documents/localbriefings/E%20%26%20D%20profiles/Jan%202018/Equality-Profile-EHS-CCG-Jan-2018.pdf



## 4.6.2 Respondent age

The respondent age for the Langley Rise was fairly evenly spread across each age category. The largest number of respondents were from the 55-64 age group followed by the 35-44 and 25-34. The smallest number of respondents were from the 16-24 category and 65+ category.

Table 4.27 Survey Age Respondent – Willingdon Drove Cycle Route

Age	Number	Percentage (%)
16-24	2	11
25-34	3	16
35-44	3	16
45-54	2	11
55-64	4	21
65+	2	11
Not Answered/Prefer not to say	3	16
Total	19	100

## 4.6.3 Respondent postcode

The respondents of the Willingdon Drove survey reside across 6 postcodes. The largest number of respondents live in BN21 (5 respondents) and BN24 (7 respondents), followed by BN23 (4 respondents) and BN22 (3 respondents).

Table 4.28 Respondent postcodes – Willingdon Drove Cycle Route

Postcode	Total	Percentage (%)
BN21	5	26
BN22	3	16
BN23	4	21
BN24	5	26
RH16	1	5
TN37	1	5
Total	19	100

## 4.6.4 Accessibility and disabilities

Of the survey respondents 79% of the survey respondents said that they do not have reduced mobility and 68% said they do not consider themselves to be disabled. 11% of respondents said they had reduced mobility and 11% also said they considered themselves to be disabled. Table 4.29 details the responses.



Table 4.29 Accessibility and disabilities responses - Willingdon Drove Cycle Route

	Reduced Mobility? Frequency	Reduced Mobility? % of total respondents	Disabled? Frequency	Disabled? % of total respondents
Yes	2	11	2	11
No	15	79	13	68
Prefer not to say/No answer	2	11	4	21
Total	19	100	19	100

## 4.6.5 Scheme specific questions

The following summarises the responses to the remainder of the questions contained in the public consultation questionnaire.

## Responses to Q2: 'To what extent do you support the above proposed cycle route?'

Respondent support to the proposed cycle route is noted in Table 4.30.

Table 4.30 Survey Respondent view - Willingdon Drove Cycle Route

View	Number	Percentage (%)	
Strongly support	9	47	
Support	4	21	
Not Answered	1	5	
Oppose	0	0	
Strongly Oppose	5	26	
No opinion	0	0	
Total	19	100	

The survey showed that 68% of respondents are in favour the proposed cycle route with 47% strongly supporting and 21% supporting it. On the contrary, 26% of respondents were strongly against the proposed cycle route answering with 'strongly oppose'.

For those who said they would use the new route, the majority would use it for leisure or social purposes (36%) and 7% said that they would use it for commute purposes. However, it is important to note that 50% of respondents did not answer this question and it is therefore difficult to ascertain the purpose of potential usage.

Table 4.31 Purpose of travel – Willingdon Drove Cycle Route

Purpose of travel	Number	Percentage (%)
Leisure/social	5	36
Not answered	7	50
Commute to or from work	1	7
Other	1	7
Total	14	100



## 4.6.6 Specific Themes and Trends in the Qualitative Responses

#### 4.6.6.1 Issues & concerns

- "Why has the proposed cycle lane, not be linked to that of the Pigs Lane bridleway, which is lit and popular. There is, with some cutting back, sufficient space for a 3m path alongside the Travelodge and then this would be a continuous route."
- ESH Response The suggested section is beyond the scope of the proposed cycle
  route which links the NCR21 from Willingdon Drove to the Langney Shopping Centre.
  This proposed route was developed because Langney Shopping Centre was
  considered an important local destination and popular trip attractor. However, should
  demand increase for a link via Pigs Lane bridleway in the future your comments will
  be noted and considered for future scheme development.
- "Can the designer please confirm why the 3m path that runs parallel from Willingdon Drove towards Sevenoaks Road is not upgraded? Surely this is a cheaper option plus it provides a shorter stretch to the Shopping Centre".
- **ESH Response** In regard to your comments concerning the 3m path. We can confirm this alignment was previously considered as an option. However, due to lack of street lighting and the requirement to maintain vehicles access to properties, as well as the path not being wide enough to provide a shared cycle route it was therefore not taken forward as part of this proposal.
- "The proposed Willingdon Drove section, which connects onto both Sevenoaks Road and onto Kingfisher Drive provides access to the Shopping Centre in much the same way as does this Willingdon Drove (B2191) proposal. Can the designer please confirm the reasoning behind this? Also, wouldn't a preferred route be from Sevenoaks Road through Lapwing Close then via Plover Close then use the 3m path to the back of the Shopping Centre as an alternative route?"
- **ESH Response** A route through Lapwing Close and Chaffinch Road requires widening the footway to provide a 3.5m two-way shared footway facility with a 0.5m buffer.
  - This could be achieved by realignment of the kerbing which reduces the carriageway width to approximately 5.4m (Lapwing Close) & 5.7m (Chaffinch Rd) and would not be wide enough to accommodate all on-street parking. There would be loss of onstreet parking which would prove unpopular to residents when the footway is wide enough to cater for a shared facility.
- "The route further south does not connect to Section 1. From Langney Roundabout along Princes Road seems to provide a safe route across the roundabout from Horsey Phase 3 and down to the Sovereign Centre. Generally Bespoke are in support."
- ESH Response The suggested section is beyond the scope of the proposed cycle
  route which links the NCR21 from Willingdon Drove to the Langney Shopping Centre.
  Both ends of the route were considered as important local destinations and trip
  attractors. However, should demand increase for such a route from Langney
  Roundabout along Princes Road in the future your comments will be noted and
  considered for future scheme development.
- "Can the designer please confirm that the proposed route will indeed
  - Meet the Eastbourne BC target for a Carbon Neutral town by 2030
  - Support EBC in a modal shift away from increasing car use and towards public transport and active travel



- Support technologies that reduce pollution, improve health and deliver a better environment and
- Support an integrated network of safe, possibly off-road routes, throughout the town. Mostly in line with LCWIP, for cycles, e-bikes, mobility scooters and possibly e-scooters."
- **ESH Response** Having reviewed the above comments, ESH believe that the proposed cycle route would help to reduce the number of motor vehicles using the roads, lowering congestion and the noise that comes from engines. Less noise from vehicles and idle traffic greatly supports the growth and sustainability local wildlife.
  - This strategy is in line with ESCC Climate Change policy target of achieving carbon neutrality from our activities as soon as possible and in any event by 2050, in line with the new target for the UK agreed by Parliament in 2019.
- "Desire lines for residents, who might cycle, include locations outside of Langney such as the town centre. This is another route that does not provide or link to an end-to-end solution."
- **ESH Response** As part of this cycle route locations outside of Langney, such as the town centre you have mentioned are unfortunately beyond the scope of the proposed cycle route which links the National Cycle Route (NCR21) from Willingdon Drove to the Langney Shopping Centre. This proposed route is an important local destination and trip attractor.
- "It is unclear why the plans suggest creating a route along a busy verge when there
  is an existing path running parallel to Willingdon Drove starting from Sevenoaks Rd.
  This path would seem to reduce the number of junctions to cross and would be safer
  for school children. Plus, it would be cheaper."
- ESH Response As part of the overall design process, a feasibility design review
  was conducted on the above suggested route as an alternative option. However, due
  to technical difficulties facilitating the correct levels of street lighting to the required
  standards and a clear requirement to ensure local residents continue to allow
  vehicles access to their properties. There was also the issue of the path not being
  wide enough to provide a shared cycle route. All of the above factors played a part of
  the decision to not consider this route as a viable option.
- "The southern section from Langney Roundabout along Princes Road provides a safe route across the roundabout from Horsey Phase 3 and down to the Sovereign Centre. Can the designer please confirm how a cyclist then gets to the into town from this location?"
- ESH Response Unfortunately the southern section you refer to in your comments is beyond the scope of the proposed cycle route which links the National Cycle Route 21 (NCR21) from Willingdon Drove to the Langney Shopping centre. Therefore, no further comment is provided.
- "Why hasn't the scheme not looked at reducing the current traffic speeds along Sevenoaks Road? ESCC should look at installing speed restrictions, by way of speed cameras and a mini roundabout at the junction of Kingfisher Drive."
- **ESH Response** Firstly, it should be noted that all comments issued to ESH should be related to that of the proposed cycle route, therefore speed restrictions do not form part the submitted scope of works and has not been addressed at this time. The installation of a mini roundabout cannot be introduced as the Kingfisher Drive and Sevenoaks Road is not deemed wide enough in terms of design standards.
- "Why hasn't a pedestrian crossing been incorporated that connects towards the playing fields? Surely a 20mph speed restriction would be beneficial?"



- **ESH Response** As mentioned previously, speed reducing measures do not form part of this proposed cycle route and therefore has not been commented on.
- "The shared cycle lane on the pedestrian path, is not wide enough and is asking for accidents to happen! Surely, it would make more sense for the cycle path be on the other side of the road, via the existing clear grass verge. This will avoid the cyclists crossing Sevenoaks Road by its junction with Willingdon Drove, which we have noted over time, very dangerous.
  - Then, if the mini roundabout is installed at the corner of Kingfisher Drive, a safer crossing point can be instigated."
- **ESH Response** Firstly, the grass area on the other side of the road in not located within the highway boundary and therefore not deemed wide enough. In addition, the grass area for widening would require a realignment of the existing kerb line. This would reduce the carriageway width to approximately 6.2m which would not be deemed wide enough to accommodate all the existing on-street parking. This would then result in a loss of on-street parking which in turn would prove unpopular to local residents. Especially when the footway is wide enough to cater for a shared facility.
  - And finally, as mentioned previously the installation of a mini roundabout cannot be introduced as the Kingfisher Drive and Sevenoaks Road is not deemed wide enough in terms of design standards.
- "Many cyclists already use the pathway and now with the induction of e-scoters makes this area even more dangerous, as they travel and speed and make no noise. Many local residents now park their car on the hardstanding via our front gardens because it's again becoming too dangerous to park and get out of our cars when parked kerbside. Therefore, a proposed cycle way will be hazardous!"
- **ESH Response** The proposed cycle route includes signs and road markings (such as cycle logos & slow markings) which in turn will look to mitigate any potential risks.
- "Shouldn't the cycleway be painted on the roadway itself and on the right-hand side
  going up towards the Langney center from Kingfisher Drive? The reasoning behind
  this is because cars are never parked on this side. The pathway itself is used by
  many residents and most of them elderly, who use walking aids or electric scooters.
  - Also, when reaching the Langney Center junction, the cyclists would also be on the correct side, thus not needing to cross the busy junction at the exit of the center. Where there is a constant flow of cars and busses manoeuvring."
- ESH Response Along the proposed cycle facility, a 0.5m buffer will be introduced to avoid risk from being struck by vehicles' occupants opening doors across the facility. Kingfisher Drive which is a shared facility i.e.; used by (both cyclists and motorists), will include signage and road markings to denote correct direction of travel.
- "Aren't shared walking cycle routes not ideal due to the unpredictability of mixed traffic? Intersections with roads ought to give priority to cycle riders. Vehicular traffic should be made to treat the cycle route as a stop cycle traffic."
- ESH Response While ESH appreciates your concern, historically provision of existing cycle routes within East Sussex has seen that although there can be conflicts between cyclists and vehicular traffic\mixed traffic, cycle schemes have already been successfully introduced within East Sussex. The scheme has also been designed to LTN 1/12 and LTN 02/08 guidelines, which seeks to reduce\eliminate conflicts between all users. ESCC continuously reviews traffic accident data. Should data demonstrate safety intervention measures are



## required, then ESCC will ensure priority measures are put in place for safety review consideration.

- "From the plans submitted, it would appear that proposed route joins up with the cycle path running along the southern edge of Shinewater Park? Wouldn't the scheme make more sense by replacing the existing crossing over Willingdon Drove with a Toucan crossing to improve safety for pedestrians and cyclists, especially as this road can often be busy and difficult to cross.
  - In addition to the above, wouldn't the scheme benefit from a rolling maintenance programme is put in place to prevent the proposed section of cycle path at the junction with Willingdon Drove/Sevenoaks Road from becoming overgrown. This is an issue that currently affects many existing off-road cycle routes in Eastbourne."
- **ESH Response** The majority of your questions are related to outside of the ESH scope for this proposed cycle route, therefore this has not been commented upon at this time. In regard to the observation of the Toucan Crossing to be provided for pedestrians and cyclists opposite St Barnabas Church. A number of specific design criteria must be met before a location is even considered, as per DfT LTN 2/95, such criteria relates to the numbers of pedestrians crossing, the traffic flow, road use, site characteristics, accident history, current traffic speeds, etc.

The above must be taken into account when considering the introduction of a Toucan Crossing or (controlled crossing point), as the traffic flows and pedestrian volumes are low, with traffic speeds recorded at 31mph (85th percentile). Coupled with no accidents recorded in the last 3 years. The data and location do not support a recommendation for a toucan crossing or controlled crossing point in this location. However, should this change in the coming years the location could be considered by ESCC for a safety improvement review.

The suggestion to continue the proposed Willingdon cycle route to the Langney Pond pathway and through the proposed new development at Woods Cottages, emerging to join Langney Rise at Faversham Road junction, has not been considered as it is beyond the scope of this proposed cycle route. However, should demand increase for such a route in the future your comments will be noted and considered for future scheme development.

- "Parts of the cycle route around the Shinewater Lake is very rough and damaged. Especially the part from Larkspur Drive park entrance, to Piggets Lane (which is close to Bannatynes gym.) It would be nice and easier for children to be able to bike and use scooters around it. In addition, the path from the DGH to the Lottbridge Road roundabout is in a terribly overgrown condition with ad hoc 'repairs' creating a series of dangerous 'speed humps'. In some places, the nettles are so overgrown there is only room for one person to pass at a time let alone it being a 'shared' path."
- ESH Response All maintenance concerns regarding other parts of Eastbourne or East Sussex that you may cycle, walk, or drive and believe require repair can be raised via the East Sussex Highways website: <a href="https://www.eastsussexhighways.com">www.eastsussexhighways.com</a>.
  - Once your comments are logged, a steward will be tasked with inspecting the site and will provide feedback to you via a customer service team. Alternatively, you can contact East Sussex Highways via phone on 0845 608 0193.
- "Unfortunately, the proposals do not include any form of crossing between the
  existing 'old' Willingdon Drove spur of the cycle route to the new shared route link
  along Sevenoaks Road. Cars often travel excessively fast along the busy Willingdon
  Drove and this makes cycling across the junction difficult and potentially dangerous."



- ESH Response –There is an existing shared crossing point on the southwest of the Sevenoaks Road junction. However, should this cycle route be implemented then this section of road will continue to be monitored and should safety improvements be required, as a results of introducing the cycle scheme then further measures will be considered.
- "After the total lack of dedicated cycle routes in the Eastbourne town centre redevelopment plan, it is nice to see that someone more enlightened has plans for sustainable transport and the health and welfare of our communities and especially our young."
- **ESH Response** The Eastbourne Town centre redevelopment plan is outside the scope of this proposal and therefore no further comment has been provided.
- "Why hasn't the cycle path been extended to Gardner Books? Willingdon Drove is too congested at peak times and too fast at others?"
- **ESH Response** Gardner Brooks falls just outside the scope of works and therefore has not been included as part of these proposals.
- "Kingfisher Drive does not address the crossing entrance to the Langley shops."
  Which in turn means that drivers assume every road user is turning into the shops."
- **ESH Response** -The existing short section of shared facility will be widened, and carriageway width will be reduced to mitigate the risk you and others may have experienced on that section of Kingfisher Drive. ESH hope that these improvements will reduce the conflicts referenced above.
- "The proposed cycle route is not long enough! Ideally the northern end needs to connect up with the Willingdon Drove / Langney Rise cycleway (for commuter type cyclists) and also there needs to be an eastern extension to pass West Langney Lake and join the southern end of the Langney Rise cycleway (for recreational type cyclists)."
- ESH Response This location falls outside the scope of works for this scheme and
  therefore has not been included at this time within the submitted proposals. However,
  the National Cycle Route (NCR21) from Willingdon Drove to the Langney Shopping
  Centre was undertaken as part of a previous feasibility study. The study concluded
  that the centre was an important local destination and trip attractor to the local
  community.
- "The proposed routes, including this route expect that cyclists will 'work around' much more important road users by taking convoluted routes, routinely giving way to mechanised traffic, sometimes dismounting to achieve his, using shared space routes, travel along narrow unsuitable routes that are often effectively just repurchased footpaths with paint on.

Shared use spaces are potentially dangerous or at the very least cause cyclist to have to slow down significantly to avoid risk to pedestrians, who are often un-used to cyclists and so used to vehicular traffic that they move about using only the sense of sound and consequently unpredictable. Pedestrians do not look; they listen for the sound of noisy vehicles. Even on shared routes, with signage they wander unpredictably. Any space on a road that relies solely on paint to denote a cycle path is not fit for purpose. A road with paint on is still a road. This type of cycle path provides virtually no protection to the cyclist and should never be referred to as a cycle path.

ESCC Highways and EBC need to generate behavioural shift, 'by motorists' in order to protect the environment. Consequently, any plan needs to be ambitious and far reaching. This plan tinkers around the edges. What has been provided is a plan that



doesn't even instil confidence in people who are already experienced and confident cyclists. Why would a non-enthusiast abandon their car and their rights as a premiere road user based on this plan? These plans will fail to achieve anything!"

• **ESH Response** – The above comment is noted; however, they do not form part of this specific cycle route and therefore a direct response could not be provided at this current time.



# Appendix 3 - Stakeholder and Public Consultation Summary: Key concerns and route specific comments and responses

### <u>General</u>

Comment/Issue raised	Response
Concerns about the cycling facilities not being designed in accordance with LTN1/20	Whilst the proposals do not fully achieve all of the core design principles set out in LTN1/20, following publication of the guidance the preliminary designs were reviewed to ensure that cyclists have the highest level of provision possible, whilst also considering other road users. This has included undertaking a retrospective Cycling Level of Service (CLoS) audit, as advised through the LTN1/20 guidance, to assess the coherence, directness, safety, comfort and attractiveness of the design of each route.
The proposals were too small and do not include several major routes proposed in the LCWIP;	The proposals here are not seeking to address all the aspirations highlighted in the LCWIP, but it should be noted that the County Council is committed to delivering further improvements for cyclists through other funding streams.  Each of the five cycle routes consulted on have been subject to a rigorous multi-process assessment to ensure that the routes provide the highest level of provision possible, whilst also considering other road users. The delivery of these schemes presents a significant improvement to the cycle network in Eastbourne, with connections between the routes allowing for cyclist to make longer journeys more easily, and more safely.
Concerns regarding pedestrian safety	As part of each scheme's development, a Road Safety Audit has been undertaken to assess the impacts on all road users including pedestrians. Where issues have been identified, these were addressed in refining the scheme designs. In addition, an EqIA has also been undertaken for each scheme to assess and document the impacts in protected characteristic groups, including people with mobility impairments, and identify the required corrective actions.
Concerns that the schemes aren't warranted because of the lack of cyclists within the area	The schemes were identified initially through the Eastbourne Cycle Strategy (2012) with their need reinforced through the evidence base developed to support the East Sussex Local Cycling and Walking Infrastructure Plan.  The network of routes put forward for consultation seek
	to provide safer facilities for cyclists and consequently increase the number of cyclists, and trips, within the Eastbourne area.
Concerns were also raised about the cost of the scheme and how it could	The funding available to deliver these cycle routes was secured specifically for improving walking and cycle infrastructure in the Eastbourne and south Wealden

Comment/Issue raised	Response
be better spent repairing the existing infrastructure	area and is not available for repairing existing infrastructure.
Concern about the road layout and design due to reduced capacity for motorists, which could lead to increased traffic	Government guidance, and the recent updates to the Highway Code, gives greater priority for pedestrians and cyclists at the top of the overall road user hierarchy. The proposed routes have been developed to encourage active travel particularly for some of those shorter and first mile, last journeys that are currently undertaken by car.
	However, in developing the proposals we have also recognised that there is still a need to balance the other competing needs for the available road space, including motorists.
	However, by encouraging greater levels of walking and cycling, the proposed schemes will seek to reduce traffic levels.
Concerns regarding the removal of a number of parking bays	In developing the proposed routes and in order to provide safe provision for cyclists where road space is limited, we have had to remove a number of parking bays particularly as part of the Town Centre and Horsey Way Phase 1 schemes. However, in doing so, we have sought to minimise the loss of spaces.

#### Horsey Way Phase 1b

This phase of the Horsey Way cycle route extends from Eastbourne Railway Station to Ringwood Road where it would join with the existing Horsey Way route that runs to Langney Rise roundabout. This phase would run mostly along existing footways which have been widened into a shared cycleway/footway.

Comment/Issue raised	Response
The section around Ashford Road remains poor and the section from Whitley Road to Horsey Sewer is already the route taken by most cyclists currently and adds little	This final section of the Horsey Way cycle route will complete the route between the rail station and Langney Rise roundabout linking the town centre with residential areas and employment along its length.
benefit  The route is not compliant to that of	It is recognised that the proposed design may not fully achieve all of the core design principles set out in LTN1/20.
LTN 1/20. It does not reflect recent guidance, from DfT 16/6/2021 to Local Authorities	However, the design process has been subject to rigorous assessments that seek to ensure that cyclists have the highest level of provision possible, whilst also considering other road users.

#### Stone Cross Cycle Route

The proposed route consists of largely off-road shared facilities to allow cyclists to travel in either direction from Stone Cross, via Langney (adopting the Langney Rise cycle route) to the seafront. Access is provided to an off-road route on Dittons Road to Polegate, as well as the Horsey Way Cycle Route and the National Cycle Route 21.

Comment/Issue raised	Response
The route proposed is well connected to other cycle routes and existing employment areas. In addition, it will also be well connected with several new housing developments that are underway or in planning	Noted. This route will perform a key part of the over cycle network for the Eastbourne area and its environments by linking major residential areas of Stone Cross, Shinewater and Langney with trip attractors such as the Langney Shopping Centre and tie into other proposed cycle routes – Langney Rise and Willingdon Drove – as well as the Horsey Way and seafront routes.
Preference would be to take the proposed cycle route along Kingfisher	The cycle route to Langney Rise is in accordance with the ESCC cycling strategy.
Drive and then onto Sevenoaks Road, as it would be considered within their opinion to be a "safer and more pleasant route, which could encourage more people to cycle".	The Langney Rise route is centrally located and allows cycle connectivity to the Langney shopping centre, the schools and the east of Langney - thereby serving a greater catchment. The proposed route has undergone a Stage 1 safety audit and is considered safe.
	The Sevenoaks Road route, suggested during the Public Consultation would serve less people because of its location on the outskirts of the Langney conurbation.
	It should also be noted that the Sevenoaks Road route has existing physical constraints (i.e. insufficient verge width to accommodate a shared footpath/cycleway).

#### Eastbourne Town Centre Cycle Route

This proposed route links cyclists with key destinations within the town centre, particularly between the rail station, the seafront, the Devonshire Quarter and other cycle routes in Eastbourne. From the station the route travelling along Old Orchard Road, Saffrons Road, Grange Road, Carlisle Road and Wilmington Road to end up at an existing seafront cycle route.

Comment/Issue raised	Response
Cycling on the carriageway with a few new short ACLs is not really safer.  Small changes such as junction narrowing, with the exception of a useful short cycle lane in Wilmington Square (but with no clear width	In developing these proposals, various different routes between the rail station and the seafront via Devonshire Quarter were considered. Whilst both on road and off road provision was considered, the preference was for on-road because of the nature of the urban realm in this part of Eastbourne.
stated) are in no way sufficient. Perhaps you might run it away from the edge or through the park.	This route was identified as the most appropriate because the design of this scheme between the rail station and seafront was based on the previously
This route is disappointing and	available design standards.
meanders to the seafront and does not meet the new standards in LTN 1/20 or in fact the earlier LTN 1/12.	However, the proposed routes have been reviewed against the 22 summary principles of LTN 1/20, to determine whether or not they meet the new guidance

Comment/Issue raised	Response
It would be puzzling to visitors to be directed to the seafront by a route that is many times longer than for pedestrians. It is conceded that there has been a welcome attempt, in the design, to reduce angles on some junctions and add some short stretches of Advisory Cycle Lane. However overall, it delivers very little. More might be achieved by a 20's plenty zone or limit	requirements, and wherever possible these have been met.

#### Langney Rise Cycle Route

This proposed route would run as a shared pedestrian/cycle route along the western side of Langney Rise between Langney Shopping Centre and the Langney Roundabout where it connects with the existing Horsey Way cycle route. An additional short section of shared cycle route runs along the eastern side from the Langney roundabout up to Priory Road for cyclists from Langney Primary School and St Catherine's College.

Comment/Issue raised	Response		
Note proposals to provide improved bus stop and shelter opposite The Rising. Not clear about the "shared cycle/bus "provision.	The proposal is to replace the existing bus layby with footway on which the new bus shelter will be sited. The proposed cycle path will run behind the new bus shelter and therefore there is no conflict between cycle movements and the movement of bus users (as they board and alight from the bus).		
Not clear about proposals at Pembury Road junction, which is currently a high kerb and difficult for pedestrians. How will you improve cycle and pedestrian crossing at this point?	will ensure that the pedestrian crossing point at		
Did you consider using Sevenoaks Road as the route from the top of Larkspur Drive as this would have been more scenic and could link to Sevenoaks Road Park and Recreation Ground as well as the nature area around West Langney Lake. A missed opportunity? It would also have offered a scenic route linking to the next section of the cycle route into town.	The cycle route along Langney Rise is in accordance with the ESCC cycling strategy.		
	The Langney Rise route is centrally located and allows cycle connectivity to the Langney shopping centre, the schools and the east of Langney - thereby serving a greater catchment.		
	The Sevenoaks Road route, suggested during the Public Consultation would serve less people because of its location on the outskirts of the Langney conurbation.		
	It should also be noted that the Sevenoaks Road route has existing physical constraints (i.e. insufficient verge width to accommodate a shared footpath/cycleway).		

#### Willingdon Drove Cycle Route

The Willingdon Drove proposals would provide a cycling facility to connect Sevenoaks Road and Kingfisher Drive that is situated mostly on the shared footway.

This is then proceeded by a route that is located mostly upon the carriageway that travels from Kingfisher Road and endings at Sandpiper Walk, which is located within close proximity to Langney Shopping Centre.

Comment/Issue raised	Response
"The Willingdon Drove section that has a small part of Sevenoaks Road and onto Kingfisher Drive provides access to the Shopping Centre in much the same way as does the Willingdon Drove (B2191) proposal.	A route through Lapwing Close and Chaffinch Road requires widening the footway to provide a 3.5m two-way shared footway facility with a 0.5m buffer. This could be achieved by realignment of the kerbing which reduces the carriageway width to approximately 5.4m (Lapwing Close) & 5.7m (Chaffinch Rd) and would not be wide enough to accommodate all on-street parking. There would be loss of

Comment/Issue raised	Response
Unsure why you have this as well. Bespoke had always preferred a route from Sevenoaks Road through Lapwing Close, Plover Close then use a 3m path to the back of the Shopping Centre as an alternative	on-street parking which would prove unpopular to residents when the footway is wide enough to cater for a shared facility.
Unsure why, when there is a popular 3m path, tucked in the trees, running parallel and 20m from Willingdon Drove, starting at Sevenoaks Road you do not use this. Perhaps needs a little clearance then a short new stretch to the Shopping Centre but much cheaper than your current plan, on the verge on the other side of the road".	In regards to the comments concerning the 3m path. We can confirm this alignment was previously considered as an option. However, due to lack of street lighting and the requirement to maintain vehicles access to properties, as well as the path not being wide enough to provide a shared cycle route it was therefore not taken forwards as part of this proposal.
Suggest consideration is given to extending the proposed cycle route down Kingfisher Drive to just beyond the entrance to the Langney Shopping Centre, and that a toucan crossing for pedestrians and cyclists be provided opposite St Barnabas Church.	The suggested section highlighted above was beyond the scope of the proposed cycle route which links the NCR21 from Willingdon Drove to the Langney Shopping Centre. This proposed route was developed because Langney Shopping Centre was considered an important local destination and popular trip attractor
The cycle route would then offer a route into the Shopping Centre (in consultation with the Centre) but could also continue to link to the Langney Pond pathway and through the proposed new development at Woods Cottages, emerging to join Langney Rise at Faversham Road junction.	

## Agenda Item 7

Report to: Lead Member for Transport & Environment

Date of meeting: 21 February 2022

By: Director of Communities, Economy and Transport

Title: London Road, Bexhill – Traffic Management Proposals

Purpose: To consider the results of the stakeholder and public consultations

on the London Road Traffic Management and Public Realm scheme and to seek approval to take forward elements of the scheme to

detailed design and construction.

#### RECOMMENDATIONS: The Lead Member is recommended to:

(1) Note the results of the stakeholder and public consultations on the London Road Traffic Management and Public Realm scheme;

- (2) Agree that all elements of the London Road Traffic Management and Public Realm scheme except the Town Hall Square options are taken forward to detailed design and construction as part of the Capital Programme for Local Transport Improvements; and
- (3) Agree that a recommended way forward on the Town Hall Square options is presented back to the Lead Member following further discussions with Rother District Council.

#### 1 Background Information

- 1.1. The Hastings and Bexhill Movement and Access Package comprises a package of pedestrian, cycle and public transport improvement schemes across Bexhill, Hastings and St Leonards. One of the identified schemes within the package approved by the South East Local Enterprise Partnership (SELEP) is the London Road Traffic Management and Public Realm scheme in Bexhill with a focus on improving the pedestrian environment, including the public realm, and traffic management in the area.
- 1.2. The extent of the London Road Traffic Management and Public Realm scheme is from its junction with the A259 and running south to and including its junction with Buckhurst Place including the one-way gyratory outside Bexhill Town Hall. The extent of the scheme also goes beyond London Road to include Buckhurst Place and part of Sackville Road to its junction with Western Road. The overall extent of the study area is illustrated in **Appendix 1**.
- 1.3. Funding for the works identified in the London Road Traffic Management and Public Realm would be funded by the Local Growth Fund monies secured from Government through the SELEP as well as from £300,000 of Community Infrastructure Levy secured from Rother District Council (RDC).
- 1.4. The London Road Traffic Management and Public Realm scheme will significantly contribute to supporting the County Council priorities relating to climate change, economic growth and recovery and health and wellbeing.

#### 2 Additional Information

#### Scheme Proposals

2.1 The proposed London Road corridor scheme comprises the following elements:

- Beeching Road/London Road junction introduce a mini roundabout to improve traffic management and reduce the risk of queued traffic extending to London Road's junction with the A259 (Appendix 2)
- Buckhurst Place/Sackville Road junction introduction of a mini roundabout to improve the existing traffic management arrangements and permanently widen the footways on both sides of the road under Sackville Road bridge. (Appendix 3)
- Terminus Road new informal pedestrian crossing, rationalisation of guard railing and cycle parking stands installed. (Appendix 3)
- Windsor Road junction introduce kerb build-out on the eastern side and an informal pedestrian crossing point. (Appendix 3)
- Town Hall Square two options with public realm improvements to improve traffic management:
  - Option A Remove gyratory and priority junction between London Road and Buckhurst Place (Appendix 4)
    - creation of a larger and enhanced public space outside the Town Hall
    - relocating bus stops to London Road and Buckhurst Place, a new zebra crossing facility on Buckhurst Place and new cycle parking facilities
    - Provision of new loading bays on Station Road and London Road; 3 taxi bays (a reduction of up to 4 spaces) and 17 general parking bays (a loss of around 17 spaces)
  - Option B retain the current gyratory arrangement around Town Hall Square (Appendix
     5)
    - upgrade existing bus stops
    - introduce a new raised zebra crossing at the southern end of London Road and new cycle parking facilities
    - Kerb works around junctions will help to slow down traffic and reduced crossing distances will allow pedestrians to cross more safely
    - Provision for 7 taxi bays and 23 general parking spaces (a loss of 11 spaces)

#### **Equalities Impact Assessment**

- 2.2 An initial Equality Impact Assessment (EqIA) was carried out for both design options in order to consider the impact on groups with protected characteristics. By carrying out the EqIA and seeking feedback from stakeholder groups, potential impacts have been identified and all potential actions to advance equality of opportunity, eliminate discrimination and foster good relationships have been documented. These impacts include overall benefits for pedestrians through improved crossing facilities and widened footways, for cyclists with cycle parking, for bus users through upgraded stops. The widened footways would provide further assistance to wheelchair users, thus allowing them to pass other pedestrians in areas where they previously could not. In addition, the proposed schemes will also provide raised kerbs at all the surrounding bus stops, allowing step free access onto local buses. The designs illustrated within **Appendix 2 5** look to strengthening London Road's role as a key gateway into the Bexhill town centre.
- 2.3 The EqIA also identified that people who are less mobile, have balance problems, have hearing or visual impairments will be encouraged and have more opportunities to walk and feel safer when travelling within Bexhill town centre due to the proposed public realm improvements, crossing facilities and widened footways.
- 2.4 Addressing and actioning these impacts has been considered in the design process. A copy of the EqIA is at **Appendix 6** and will remain a living document which will be updated at key stages throughout the life of the scheme.

#### Stakeholder Engagement and Public Consultation

2.5 A stakeholder consultation exercise was undertaken between 28 July and 27 August 2021 with key stakeholder groups, which comprised of the emergency services, local cycling, disability,

and walking groups, Stagecoach, and RDC and County Council Members and officers, seeking their comments on the proposals. In response, stakeholders were generally supportive of the proposals with no significant issues raised. In addition, National Highways were separately consulted on (and support) the Beeching Road/London Road proposals.

- 2.6 Public consultation on the proposals were undertaken between 17 November and 10 December 2021. Leaflets were distributed to over 1,500 properties within approximately 400 metres of each of the individual proposed design options. The consultation was also promoted through the local press, social media, posters in Bexhill Library and Town Hall, and letters or emails to ward members. Information on the proposals was made available online via the County Council's Citizen Space webpage with a questionnaire available which included open questions to encourage qualitative feedback.
- 2.7 A copy of the consultation summary report is provided in **Appendix 7**. There were a total of 179 direct responses, which equates to a 12% response rate which is considered average with regards to return of feedback.

Buckhurst Place/Sackville Road and Beeching Road/London Road mini roundabouts

2.8 Respondents were generally positive in their feedback on the two proposed miniroundabout design options, with the overall majority supporting the proposals. A breakdown of responses received for each of the mini roundabout proposals is shown in the table below.

Scheme Name	Support	Issues and concerns	Neutral /Unknown
Buckhurst Place j/w Sackville Road	65%	23%	12%
Beeching Road j/w London Road	54%	31%	15%

2.9 The proposed footway widening under the rail bridge in Sackville Road will formalise the Tranche 1 Emergency Active Travel Fund measures that was introduced in summer 2020 in response to the lifting of Covid restrictions at the time. Since its installation, we have received positive feedback on the benefits that the footway widening has provided for pedestrians and requests for this to be formalised.

#### Town Hall Square

2.10 In relation to the two options presented for the Town Hall Square element of the scheme, the response was more mixed with no overall preference amongst respondents between the two.

Scheme Name	Support	Issues and concerns	Neutral /Unknown
Option A – remove gyratory and create T- junction at London Rd/Buckhurst Place	40%	53%	7%
Option B – retain existing gyratory	41%	47%	12%

- 2.11 A number of alternative suggestions for each of the two proposed design options were put forward by respondents, but these were similar to those explored and discounted as part of the feasibility stage. In addition, the following comments were also received regarding the two options:
- Concerns around the reduction in parking spaces for both schemes and the potential impact on the local economy due to lack of parking spaces for people to use when visiting the town centre.
- Option A had responses concerning raised congestion levels and queueing as well as aesthetic impacts on the local area and impacts on local bus service stops.

- Option B had concerned responses including, road safety issues, a lack of cyclist consideration and potential traffic queuing into Town Hall square as a result of the proposed pedestrian crossing.
- 2.12 As a result of the consultation feedback, it is proposed to decouple this element of the corridor scheme and review the design options also taking account of RDC wider aspirations to redevelop their Town Hall campus. Following this review and further discussions with RDC, a recommended way forward on the Town Hall Square element will be presented to a future Lead Member decision making meeting.

Other elements of London Road Corridor scheme and General Comments

- 2.13 For the remaining elements of the scheme Windsor Road and Terminus Road there was also broad support for the improvements identified.
- 2.14 In addition, a number of general comments were raised. The most prominent were:
- The scheme costs could be better spent repairing existing infrastructure
- The scheme will reduce the capacity for motorists leading to increased queues
- The scheme will encourage higher vehicle speeds
- The scheme will create traffic impacts elsewhere within Bexhill, especially for emergency services, and could traffic signals be installed instead of mini roundabouts.
- 2.15 A response to each of these key concerns raised by the consultation is at **Appendix 8**.

#### 3 Conclusion and Reasons for Recommendations

- 3.1 The London Road corridor scheme forms part of the wider Hastings Bexhill Movement and Access Package and seeks to improve the pedestrian environment, including the public realm, and traffic management in this part of Bexhill. The scheme would be delivered using Local Growth Fund monies, as well as £300,000 Community Infrastructure Levy funding from Rother District Council.
- 3.2 The results of the public consultation show that there is overall support for the proposed two mini roundabout schemes at the junctions of Beeching Road/London Road and Buckhurst Place/ Sackville Road, which also includes localised widening of the footway under the rail bridge previously introduced as a temporary measure as part of the Tranche 1 Emergency Active Travel Fund measures, as well as the proposals in Terminus Road and the Windsor Road junction. It is recommended that these elements of the London Road scheme are taken forward to detailed design and construction through the Capital Programme of Local Transport Improvements.
- 3.3 In light of the mixed response to the two options put forward at consultation for the Town Hall Square element of the scheme, alongside Rother District Council's wider aspirations for redeveloping the Town Hall campus in Bexhill, it is recommended that following further discussions with the District Council on this element and the concerns raised in the consultation feedback that a report is presented back to the Lead Member on the preferred way forward for the Town Hall Square later in the year.

RUPERT CLUBB

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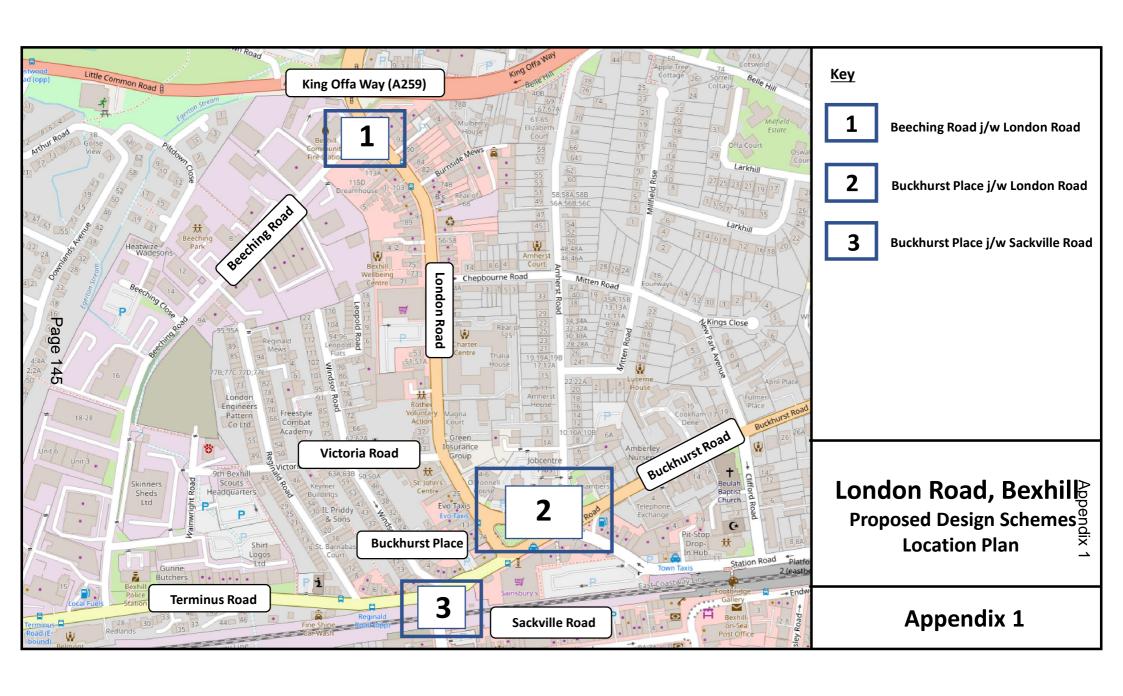
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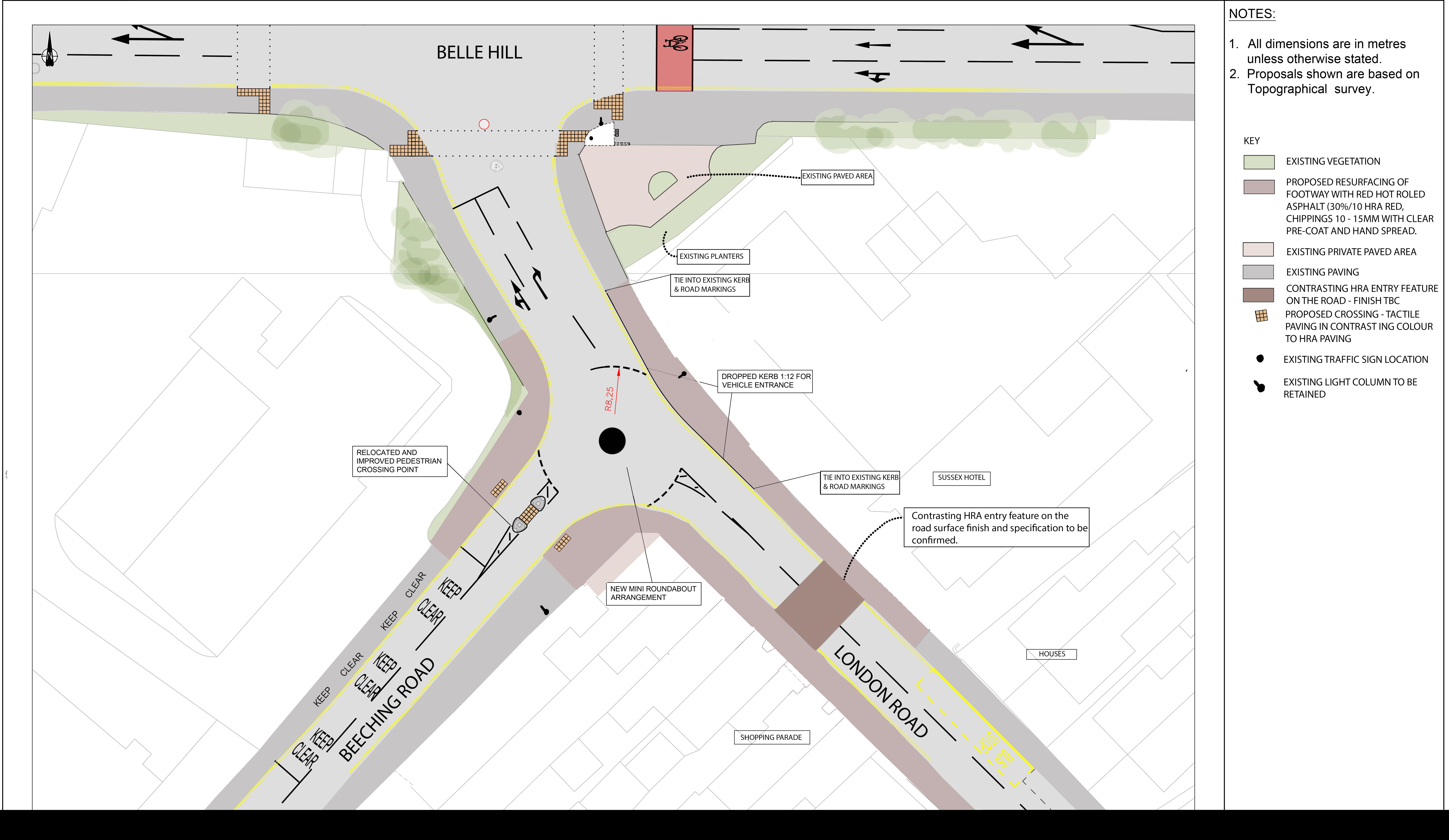
Councillors Geary, Hollidge

BACKGROUND DOCUMENTS

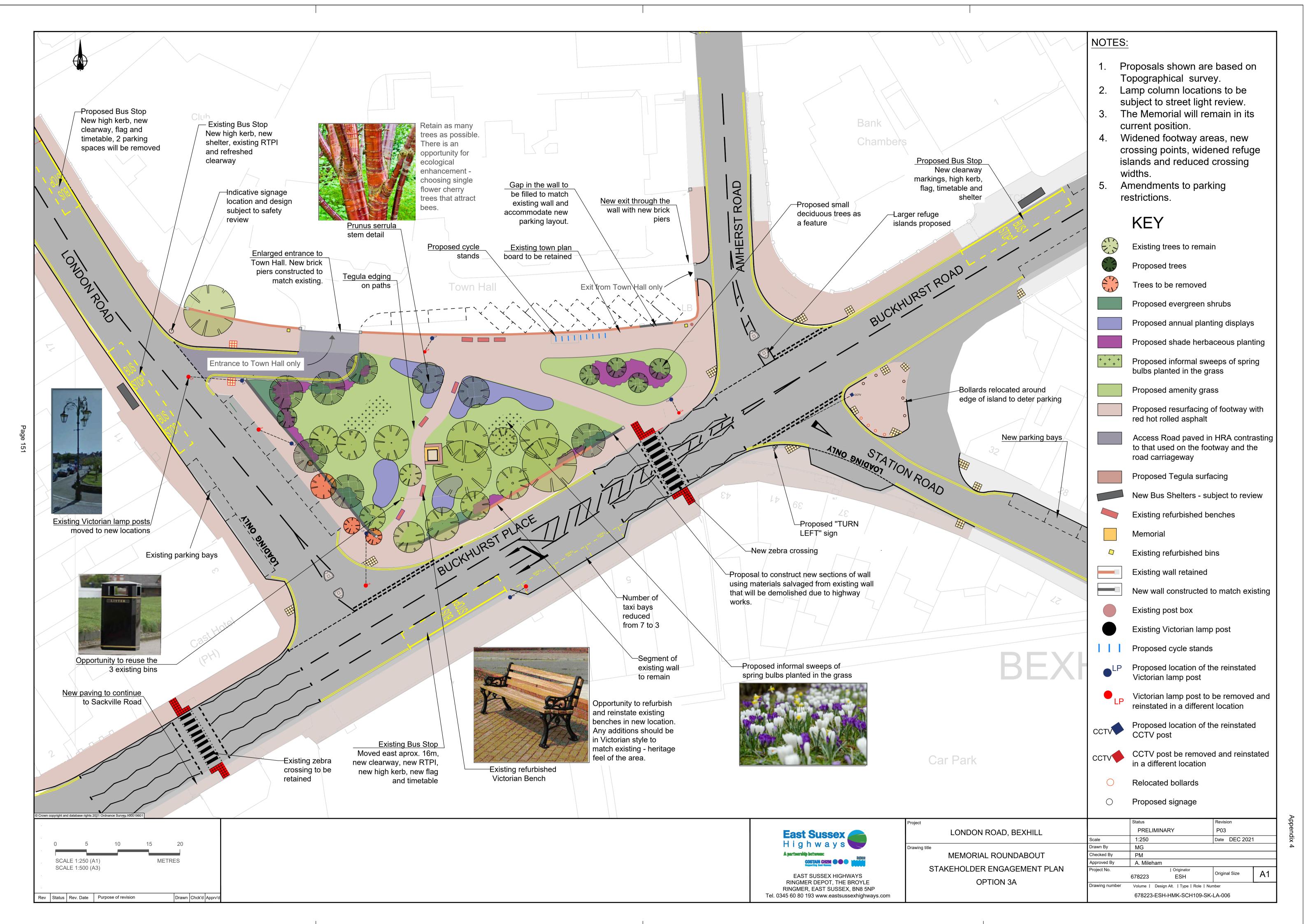
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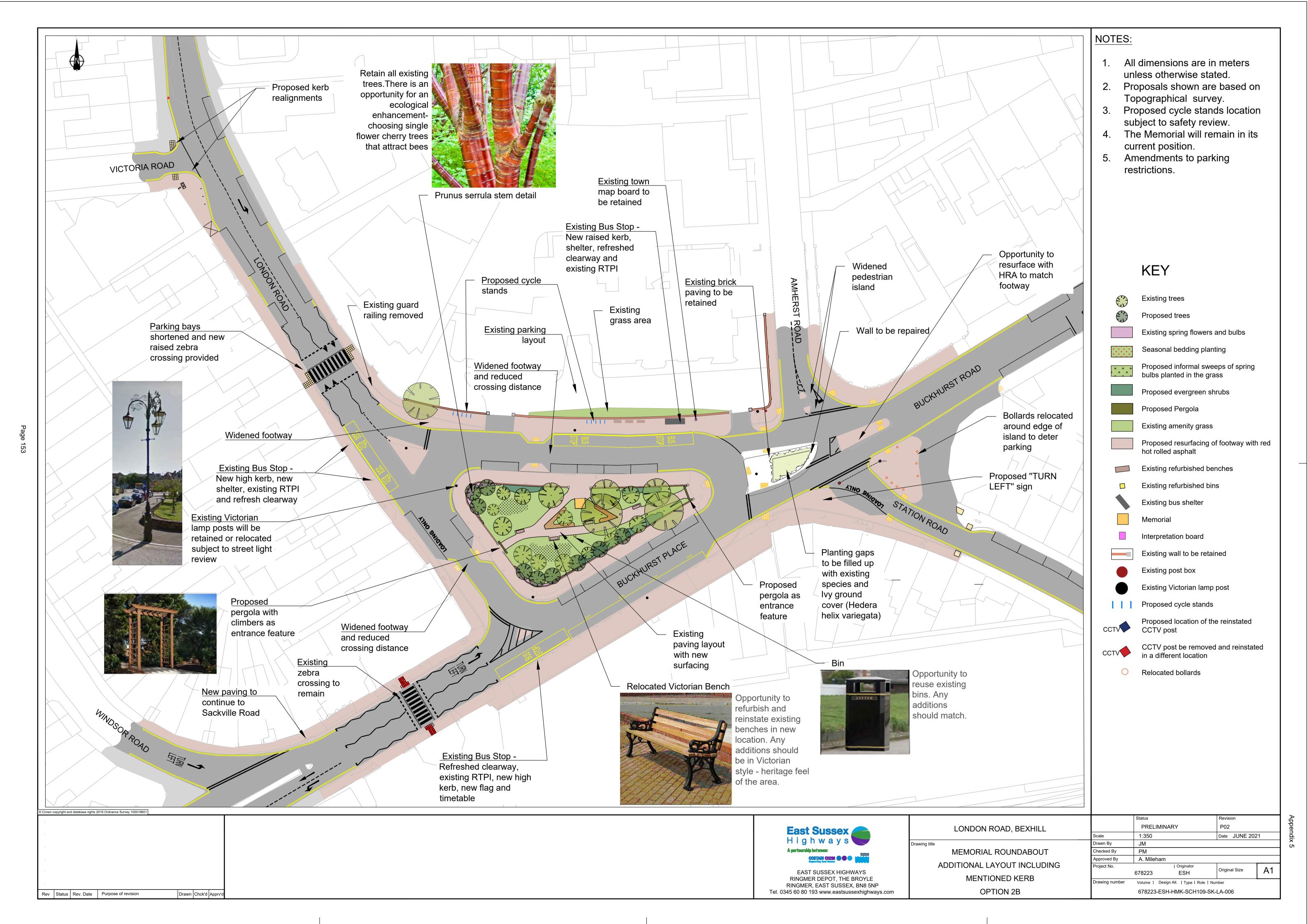














#### Name of the proposal, project or service

SCH:109 - London Road Corridor, Bexhill - Traffic Management & Public Realm

File ref:	SCH:109-EIA-0001	Issue No:	P02
Date of Issue:	07/01/21	Review date:	27/01/21

#### **Contents**

Part 1 – The Public Sector Equality Duty and Equality Impact Assessments (EIA	۱)2
Part 2 – Aims and implementation of the proposal, project or service	5
Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics	
Part 4 – Assessment of impact	11
Part 5 – Conclusions and recommendations for decision makers	19
Part 6 – Equality impact assessment action plan	21

## Part 1 – The Public Sector Equality Duty and Equality Impact Assessments (EIA)

- **1.1** The Council must have due regard to its Public Sector Equality Duty when making all decisions at member and officer level. An EIA is the best method by which the Council can determine the impact of a proposal on equalities, particularly for major decisions. However, the level of analysis should be proportionate to the relevance of the duty to the service or decision.
- 1.2 This is one of two forms that the County Council uses for Equality Impact Assessments, both of which are available on the intranet. This form is designed for any proposal, project or service. The other form looks at services or projects.

#### 1.3 The Public Sector Equality Duty (PSED)

The public sector duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have "due regard" to the need to

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it, see below for "protected characteristics".

These are sometimes called equality aims.

- 1.4 A "protected characteristic" is defined in the Act as:
  - age;
  - disability:
  - gender reassignment;
  - pregnancy and maternity;
  - race (including ethnic or national origins, colour or nationality)
  - religion or belief;
  - sex;
  - sexual orientation.

Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

The previous public sector equalities duties only covered race, disability and gender.

- 1.5 East Sussex County Council also considers the following additional groups/factors when carry out analysis:
  - Carers A carer spends a significant proportion of their life providing unpaid support to family or potentially friends. This could be caring for a relative, partner or friend who is ill, frail, disabled or has mental health or substance

misuse problems. [Carers at the Heart of 21<sup>st</sup> Century Families and Communities, 2008]

- Literacy/Numeracy Skills
- Part time workers
- Rurality

#### 1.6 Advancing equality (the second of the equality aims) involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristic
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people including steps to take account of disabled people's disabilities
- Encouraging people from protected groups to participate in public life or in other activities where their participation in disproportionately low

NB: Please note that, for disabled persons, the Council must have regard to the possible need for steps that amount to positive discrimination, to "level the playing field" with non-disabled persons, e.g. in accessing services through dedicated car parking spaces.

### 1.7 Guidance on Compliance with The Public Sector Equality Duty (PSED) for officers and decision makers:

To comply with the duty, the Council must have "due regard" to the three equality aims set out above. This means the PSED must be considered as a factor to consider alongside other relevant factors such as budgetary, economic and practical factors.

What regard is "due" in any given case will depend on the circumstances. A proposal which, if implemented, would have particularly negative or widespread effects on (say) women, or the elderly, or people of a particular ethnic group would require officers and members to give considerable regard to the equalities aims. A proposal which had limited differential or discriminatory effect will probably require less regard.

#### Some key points to note:

- The duty is regarded by the Courts as being very important.
- Officers and members must be aware of the duty and give it conscious consideration: e.g. by considering open-mindedly the EIA and its findings when making a decision. When members are taking a decision, this duty can't be delegated by the members, e.g. to an officer.
- ElAs must be evidence based.
- There must be an assessment of the practical impact of decisions on equalities, measures to avoid or mitigate negative impact and their effectiveness.

- There must be compliance with the duty when proposals are being formulated by officers and by members in taking decisions: the Council can't rely on an EIA produced after the decision is made.
- The duty is ongoing: EIA's should be developed over time and there should be evidence of monitoring impact after the decision.
- The duty is not, however, to achieve the three equality aims but to consider them the duty does not stop tough decisions sometimes being made.
- The decision maker may take into account other countervailing (i.e. opposing) factors that may objectively justify taking a decision which has negative impact on equalities (for instance, cost factors).

In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. New Codes of Practice under the new Act have yet to be published.

However, Codes of Practice issued under the previous legislation remain relevant and the Equality and Human Rights Commission has also published guidance on the new public sector equality duty.

## Part 2 – Aims and implementation of the proposal, project or service

#### 2.1 What is being assessed?

#### a) Proposal or name of the project or service.

The project itself involved producing a feasibility design option for the London Road corridor and has focused upon the following key areas.

- London Road (A269) from the junction with A259 to Buckhurst Place (Town Hall Square).
- The Town Hall Square and
- Buckhurst Place between Town Hall Square and Sackville Road (railway arch)

The proposed design options have aimed to provide an improvement to movement and access for pedestrians, cyclists, public transport users, as well as overall traffic flow on the London Road corridor, which in turn links key residential areas of Bexhill with employment, retail and other trip attractors in Bexhill town centre.

A series of design options have been prepared and are included within **Appendix A** of this EIA.

#### b) What is the main purpose or aims of proposal, project or service?

East Sussex County Council (ESCC) and Rother District Council (RDC) previously undertook a traffic management and regenerative place-making study, which in turn identified a series of feasibility design options. These design options were then tested and developed using a series of modelling and engineering software.

As mentioned above, the scheme looks at improving a number of specific issues such as;

- Providing a clear and comprehensive vision to create a strengthened presence for London Road as a key gateway into Bexhill town centre in terms of its route way function and appearance;
- Improved traffic management / traffic flow, in particular at the northern end, around the A259 and Beeching Road junctions, and, at the southern end, at Town Hall Square and Sackville Road junctions;
- Better provision, accessibility and safety for non-motorised users, in particular in Buckhurst Place and
- Provide the Town Hall Square with a public realm that is functional, financially maintainable and aesthetically pleasing.

c) Manager(s) and section or service responsible for completing the assessment

Andrew Mileham - Project Manager, Transport Planning, ESH

Alex Thompson - Project Manager, Strategic Economic Infrastructure ESCC

**Jon Wheeler** - Team Manager – Strategic Economic Infrastructure ESCC.

East Sussex Highways (ESH) are responsible for the implementation of local transport schemes, on behalf of ESCC, which meet the objectives of the Council's third Local Transport Plan, namely: improving road safety, reducing congestion, improving accessibility, reduce the need and demand to travel, enhance the environment and maintain/manage the transport network.

2.2 Who is affected by the proposal, project or service? Who is it intended to benefit and how?

The scheme itself will benefit all users. All the schemes submitted look to provide safer routes to cross as well as look to improve the overall traffic management / traffic flow.

These design improvements will provide overall benefits for pedestrians through improved crossing facilities and widened footways, cyclists with cycle parking, bus users through upgraded stops.

The widened footways would provide further assistance to wheelchair users, thus allowing them to pass other pedestrians in areas where they previously couldn't. In addition, the proposed schemes will also provide raised kerbs at bus stops, allowing step free access onto local buses.

The designs illustrated within **Appendix A** of this EQIA look to strengthening London Road's role as a key gateway into the Bexhill town centre.

2.3 How is, or will, the proposal, project or service be put into practice and who is, or will be, responsible for it?

Rother District Council own, manage and maintain the Memorial Gardens area, with ESH leading the delivery of the proposals, with ESCC providing design support through ESH. ESH will be used to construct the submitted design options as presented within **Appendix A**.

2.4 Are there any partners involved, e.g., NHS Trust, voluntary/community organisations, the private sector? If yes, how are partners involved?

Both ESCC and Rother Council are leading on the delivery of the proposal with ESCC providing design support through ESH. ESH will also be used to construct the proposals.

A copy of all the key stakeholders who were engaged with in preparing these documents can be found within **Appendix B** of this document.

2.5 Is this proposal, project or service affected by legislation, legislative change, service review or strategic planning activity?

The proposal is enhanced by the recently introduced Civil Parking Enforcement and Controlled Parking Zones. This can help to ensure better operation of time limited bays and reduce indiscriminate parking. Further changes to existing parking arrangements have also been proposed.

2.6 How do people access or how are people referred to your proposal, project or service? Please explain fully.

Bexhill town centre consists of public highway and, as such, there are no restrictions on who can access and use the roads. Memorial Gardens is also open to the public at all times, with the rest of the design options also located on the public highway.

2.7 If there is a referral method how are people assessed to use the proposal, project or service? Please explain fully.

Not Applicable.

2.8 How, when and where is your proposal, project or service provided? Please explain fully.

Subject to ESCC Lead Member for Transport and Environment approval (currently programmed for 21<sup>st</sup> February 2022). ESH will progress with the detailed design of the scheme. Subject to consultation key stakeholder groups and the outcomes of the Stage 2 Road Safety Audit process, construction will look to commence from December 2022.

At this stage the construction programme has yet to be determined but it is anticipated that the overall scheme proposals will come into effect in April 2023.

Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics.

## 3.1 List all examples of quantitative and qualitative data or any consultation information available that will enable the impact assessment to be undertaken.

	Types of evidence identified as relevant have <b>X</b> marked against them				
	Employee Monitoring Data		Staff Surveys		
X	Service User Data		Contract/Supplier Monitoring Data		
X	Recent Local Consultations		Data from other agencies, e.g., Police, Health, Fire and Rescue Services, third sector		
	Complaints		Risk Assessments		
	Service User Surveys	X	Research Findings		
X	Census Data	X	East Sussex Demographics		
	Previous Equality Impact Assessments		National Reports		
	Other organisations Equality Impact Assessments	X	Any other evidence? Consultation report & feedback conducted by ESCC & RDC in November 2020.		

## 3.2 Evidence of complaints against the proposal, project or service on grounds of discrimination.

No complaints on discrimination have been received regarding this scheme.

## 3.3 If you carried out any consultation or research on the proposal, project or service explain what consultation has been carried out.

In developing the proposed schemes, reference has been made to the following documents/guidance;

- DfT LTN 2/95 'The Design of Pedestrian Crossings'
- DMRB CD 116 'Geometric Design of Roundabouts'
- DfT 'Mini Roundabout Good Practice Guide'
- TfL 'Accessible Bus Stop Design Guidance'
- DfT 'Inclusive Mobility 'A Guide to Best Practice on Access to Pedestrian & Transport Infrastructure' and
- DfT 'Manual for Streets' and 'Manual for Streets 2'.

In addition to the above, the Stakeholder Engagement process was undertaken during the months of July and August 2021. ESH sent requests for written representations to 44 organisations as well as a handful of Rother Councillors that operate within the Bexhill ward. The invitations were sent to organisations within the

Stakeholder Reference Group, a list that was provided by ESCC. It should be noted however that from the 44 organisations contacted only 20 sent submissions back to ESH, thus calculating a response rate of only 45%.

Following on from contacting local stakeholders, a consultation period also ran from 17th November to 10th December 2021 in which a series of leaflets were distributed to over 1,500 addresses within approximately 400 meters of each of the proposed design options asking the general public to comment and make suggestions.

ESH received a total of around 179 direct responses, which calculates at a 12% response rate. As is standard practise, a typical survey response rates can lie anywhere in the region between the 5% to 30% range. Therefore, this response could be classed as 'average' with regard to returns of feedback

It should also be noted that both stakeholder and general public consultations were undertaken virtually (due to Covid-19 restrictions).

## 3.4 What does the consultation, research and/or data indicate about the positive or negative impact of the proposal, project or service?

Overall, responses across the four design options were mixed, with the majority of respondents having overall concerns with both Town Hall Square designs. According to comments received, respondents felt that the scheme would contribute to more traffic congestion and that the loss of parking was also deemed unacceptable given the current demand for spaces.

A breakdown of responses received is provided below for each of the proposed four schemes.

#### Town Hall Square - Design Option A

- Supportive 40%
- Issues and concerns 53%
- Neutral/Unknown 7%

#### Town Hall Square - Design Option B

- Supportive 41%
- Issues and concerns 47%
- Neutral/Unknown 12%

#### **Beeching Road/London Road Junction**

- Supportive 54%
- Issues and concerns 31%
- Neutral/Unknown 15%

#### **Buckhurst Place/Sackville Road Junction**

- Supportive 65%
- Issues and concerns 23%
- Neutral/Unknown 12%

As identified from the survey results above, both the two-mini roundabout design options received the highest level of support, with 54% and 65% of respondents in favour of the two.

Below is a summary of some of the more prominent issues raised during the consultation. A detailed analysis of responses is included within ESH Public Consultation Response Report (Dated January 2022) – TN02.

- Concerns around the reduction in parking spaces for both Town Hall Square
  Options and the potential impact on the local economy due to lack of parking
  spaces for people to use when visiting.
- Town Hall Square Option A had responses concerning raised congestion levels and queueing as well as aesthetic impacts on the local area and impacts on local bus service stops.
- Town Hall Square Option B concerned responses included road safety issues, a lack of cyclist consideration and potential traffic queuing into Town Hall square as a result of the crossing.
- For Buckhurst Place j/w Sackville Road there were responses concerned about the potential for the scheme to encourage higher vehicle speeds, public realm and capacity constraints, as well as whether the scheme is actually needed.
- Beeching j/w London Road negative responses included concerns about potential traffic impacts elsewhere, accessibility issues for the fire brigade and whether a signalled traffic management system would be more beneficial than a roundabout.

#### Part 4 - Assessment of impact

- 4.1 Age: Testing of disproportionate, negative, neutral or positive impact.
  - a) How is this protected characteristic reflected in the County/District/Borough?

The following details have been provided by ESCC, East Sussex in Figures. These represent a projected population profile, by age, for the County and Bexhill 2020.

Population by age profile					
Age Group	Count	County		hill	
	Numbers	%	Numbers	%	
0-10	63,256	11.3%	4,426	9.6%	
11-17	43,319	7.8%	2,831	6.1%	
18-24	35,847	6.4%	2,608	5.6%	
25-34	54,729	9.8%	4,385	9.5%	
35-44	59,399	10.6%	3,902	8.5%	
45-54	76,173	13.6%	5,333	11.6%	
55-64	80,041	14.3%	6,610	14.3%	
65-74	75,476	13.5%	7,734	16.8%	
75-84	48,368	8.7%	5,571	12.1%	
85+	22,244	4.0%	2,764	6.0%	
All	558,852	100.0%	46,164	100.0%	

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

As the table in section (a) shows, the population by age profile for Bexhill is roughly the same as the population as the county. Potentially all age groups within the Bexhill borough could be affected by the scheme, as they may use the proposed public realm improvements, crossing facilities and extended footways. The population with the protected characteristic who drive, are also expected to be impacted by the proposal given the nature of the two miniroundabout design options will look to improve the traffic management arrangements within Buckhurst Place/Sackville Road junction as well as the Beeching Road j/w London Road respectively.

c) Will people with the protected characteristic be more affected by the proposal, project, or service than those in the general population who do not share that protected characteristic?

No. All age groups will benefit from the scheme.

d) What is the proposal, project or service's impact on different ages/age groups?

**Positive Impacts**: Both older and young people (including children) will feel safer as result of the proposed public realm improvements, crossing facilities and widened footways and therefore are more likely to visit the town centre. During the feedback/consultation period raised concern about the safety of pedestrians, particularly those who are less mobile. There were also concerns

for the safety of young children who will be less aware of approaching vehicles.

**Negative Impacts:** By providing public realm improvements, such as crossing facilities and widened footways there will be fewer opportunities to travel to the area by private car (given the reduction in parking spaces).

## e) What actions are too/or will be taken to avoid any negative impact or to better advance equality?

Unfortunately given the age/history of Bexhill Town centre, there is neither the road space or opportunity to cater for all age groups of pedestrians, cyclists and other road users. Therefore, it is not deemed possible to altogether avoid negative impacts to some age groups without significantly reducing the benefit being provided to others.

#### f) Provide details of the mitigation.

Where possible, we have identified areas to help mitigate the risks to those with the protected characteristics affected negatively by this scheme. Specific consideration has been given to criteria such as improving the public realm, thus providing safe spaces for people to meet, as well as proposing a new zebra crossing and kerb works in order to slow down traffic and reduced crossing distances to allow pedestrians to cross more safely. Thus, making it attractive for all potential users.

#### g) How will any mitigation measures be monitored?

Some baseline figures, such as traffic speed and volume have all been used in the design of all four proposed scheme designs. Additional data, including collision data will be collected and monitored following implementation to determine if traffic conditions remain suitable or if further mitigation is required. This will also help determine the level of safety as a result of the proposed schemes.

## 4.2 Disability: Testing of disproportionate, negative, neutral or positive impact.

## a) How is this protected characteristic reflected in the County /District/Borough?

The following details have been provided by ESCC, East Sussex in Figures. These represent a projected population profile, by disability, for the County and Bexhill for 2018.

Category	County		Bexhill	
	Numbers	%	Numbers	%
Higher severity disability	29,405	12	5,257	12
Lower severity disability	66,858	27	11,897	27
Locomotor disability	71,850	29	12,893	29
Personal care disability	37,438	15	6,718	15
Hearing disability	26,639	11	4,791	11
Sight disability	13,142	5	2,241	5
All	245,332	100	43,794	100

## b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

As the table in section (a) shows, the population by disability profile for Bexhill is the same as the population in the county. Potentially people with disabilities from all categories within the Rother district could be affected by the scheme, as they may use the proposed public realm improvements, crossing facilities and extended footways or drive a vehicle.

c) Will people with the protected characteristic be more affected by the proposal, project, or service than those in the general population who do not share that protected characteristic?

N/A.

d) What is the proposal, project or service's impact on people who have a disability?

**Positive Impacts**: By implementing these proposed public realm improvements, crossing facilities, and widened footways will benefit people with disabilities. This will also be the case with regard to the bus infrastructure improvements that will also form part of the scheme.

**Negative Impacts**: However, by implementing these improved crossing facilities and the widening of the footways there will be fewer opportunities to travel to the area by private car (given the reduction in parking spaces).

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

An independent Road Safety Audit (RSA) has been commissioned, which considered all possible interactions between all user groups for all four proposed scheme locations. As mentioned previously, there is neither the road space nor opportunity to provide to cater for all age groups of pedestrians, cyclists and other road users. Therefore, it is not deemed possible to altogether avoid negative impacts to some age groups without significantly reducing the benefit being provided to others

f) Provide details of any mitigation.

Based on the findings of the RSA, the proposed crossing facilities and widened footways will reduce conflict between people with disabilities and other road users.

g) How will any mitigation measures be monitored?

A "How Did We Do" survey will be conducted 6 months after the proposed schemes have been constructed and, in addition to the feedback provided from this, any complaints received from the public will be taken into account.

## 4.3 Ethnicity: Testing of disproportionate, negative, neutral or positive impact.

The following details have been provided by ESCC. These represent a population profile, by Ethnicity, for the county and Bexhill (Rother District).

Category	Cour	County		Bexhill	
	Numbers	Numbers %		%	
All White	505,422	96	40,795	96	
All Mixed	7,473	1	565	1	
All Asian or Asian British	9,143	2	694	2	
All Black or Black British	2,912	0.6	187	0	
Other Ethnic Group	1,721	0.3	75	0	
All	526,671	100	42,316	100	

## a) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

As the table in section (a) shows, the population by ethnic group profile for Bexhill is nearly identical to the population in the county and the "All White" group represents the vast majority of the general population.

Potentially, all ethnicities within Bexhill could be affected by the scheme, as they may use the public realm improvements, crossing facilities and the widened footways.

b) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

N/A

## c) What is the proposal, project or service's impact on people who are from a different ethnic background?

**Positive Impacts**: By implementing these proposed public realm improvements, crossing facilities and widened footways will benefit all ethnic groups. The scheme will also provide improvements in health benefits and commuting within Bexhill town centre.

**Negative Impacts**: However, by implementing these improved crossing facilities and the widening of the footways there will be fewer opportunities to travel to the area by private car (given the reduction in parking spaces).

## d) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

There is no form of mitigation that can be considered for this scheme that would realistically impact the ethnicity profile in Bexhill.

e) Provide details of any mitigation.

N/A

f) How will any mitigation measures be monitored?

N/A

4.4 Gender/Transgender: Testing of disproportionate, negative, neutral or positive impact Consider men, women, transgender individuals.

The following details have been provided by ESCC. These represent a population profile, by gender, for the county and Bexhill (Rother District). No data is available for other gender groups such as Transgender.

Category	County		County Bexhill		hill
	Numbers %		Numbers	%	
Male	268,707	48	21,571	47.5	
Females	285,883	52	23,880	52.5	
All	554,590	100	45,451	100	

a. How is this protected characteristic reflected in the reflected in the population of those impacted by the proposal, project or service?

As the table above shows, the population by gender profile for Bexhill is nearly identical to the population in the county and the number of females is slightly higher than the number of males. Potentially all genders within Bexhill could be affected by the scheme, as they may use the public realm improvements, crossing facilities and the widened footways. As well as drivers using the proposed traffic management improvements i.e., the mini roundabouts.

b. Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

N/A

c. Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

**Positive Impacts**: By implementing these proposed public realm improvements, crossing facilities, and widened footways this will encourage more opportunities for both male and females to walk and feel safer when traveling within Bexhill town centre.

**Negative Impacts**: However, by implementing these improved crossing facilities and the widening of the footways there will be fewer opportunities to travel to the area by private car (given the reduction in parking spaces).

## d. What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

There is no form of mitigation that can be considered for this scheme that would realistically impact the gender profile associated with Bexhill.

e. Provide details of any mitigation.

N/A

f. How will any mitigation measures be monitored?

N/A

## 4.5 Marital Status/Civil Partnership: Testing of disproportionate, negative, neutral or positive impact.

It is deemed that this protective characteristic will not experience disproportionate, negative, neutral or positive impacts by the proposed schemes.

## 4.6 Pregnancy and maternity: Testing of disproportionate, negative, neutral or positive impact.

## a) How is this protected characteristic reflected in the County/District/Borough?

The following details have been provided by ESCC. These represent a projected population profile, by age, for the County and Bexhill for 2018.

It is considered the likely age range of those who potentially will fall within this protected characteristic is between 16 and 54.

Age Group	County	County		ill
	Numbers	Numbers %		%
0-10	64,373	12	12,160	13
11-17	41,157	8	7,022	8
18-24	35,464	6	7,183	8
25-34	52,653	10	11,204	12
35-44	57,278	10	10,564	11
45-54	78,101	14	13,496	15
55-64	75,257	14	11,985	13
65-74	74,843	14	10,334	11
75-84	45,623	8	5,478	6
85+	22,916	4	2,619	3
All	547,665	100	92,045	10

## b) How is this protected characteristic reflected in the reflected in the population of those impacted by the proposal, project or service?

As the table in section (a) shows, the births by age of mother profile for Bexhill is the same as the population in the county. Potentially a significant majority within Bexhill could be affected by the scheme, as they may use the public realm improvements, crossing facilities and the widened footways. As well as

drivers using the proposed traffic management improvements, i.e., the mini roundabouts.

c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

Yes - Pregnancy and maternity characteristics are relevant to the proposal because of reduced mobility (e.g., heavily pregnant people) or reliance on buggies/prams (maternity).

d) What is the proposal, project or service's impact on different ages/age groups?

**Positive Impacts**: By implementing these proposed public realm improvements, crossing facilities, and widened footways this will encourage more opportunities for women with reduced mobility (e.g., heavily pregnant people) or reliance on buggies/prams (maternity) to navigate around the Bexhill town centre more easily.

**Negative Impacts**: However, by implementing these improved crossing facilities and the widening of the footways there will be fewer opportunities to travel to the area by private car (given the reduction in parking spaces), which could conflict with pregnant women or women with buggies/prams/young children.

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

There is neither the road space nor opportunity to provide facilities to cater for all types of pedestrians, cyclists and other road users. Therefore, it is not deemed possible to altogether avoid negative impacts to some age groups without significantly reducing the benefit being provided to others.

f) Provide details of any mitigation.

N/A

g) How will any mitigation measures be monitored?

N/A

4.7 Religion, Belief: Testing of disproportionate, negative, neutral or positive impact.

It is not considered that this protective characteristic will experience disproportionate, negative, neutral or positive impact.

4.8 Sexual Orientation - Gay, Lesbian, Bisexual and Heterosexual: Testing of disproportionate, negative, neutral or positive impact.

It is not considered that this protective characteristic will experience disproportionate, negative, neutral or positive impact.

4.9 Other: Additional groups/factors that may experience impacts - testing of disproportionate, negative, neutral or positive impact.

Page 171

There are no other groups which have been identified which are likely to experience disproportionate, negative, neutral or positive impact.

4.10 Human rights - Human rights place all public authorities – under an obligation to treat you with fairness, equality, dignity, respect and autonomy. Please look at the table below to consider if your proposal, project or service may potentially interfere with a human right.

The scheme will not have human rights implications.

Articles	
A2	Right to life (e.g., pain relief, suicide prevention)
A3	Prohibition of torture, inhuman or degrading treatment (service users unable to consent, dignity of living circumstances)
A4	Prohibition of slavery and forced labour (e.g., safeguarding vulnerable adults)
A5	Right to liberty and security (financial abuse)
A6 &7	Rights to a fair trial; and no punishment without law (e.g., staff tribunals)
A8	Right to respect for private and family life, home and correspondence (e.g., confidentiality, access to family)
A9	Freedom of thought, conscience and religion (e.g., sacred space, culturally appropriate approaches)
A10	Freedom of expression (whistle-blowing policies)
A11	Freedom of assembly and association (e.g., recognition of trade unions)
A12	Right to marry and found a family (e.g., fertility, pregnancy)
Protocols	
P1.A1	Protection of property (service users property/belongings)
P1.A2	Right to education (e.g., access to learning, accessible information)
P1.A3	Right to free elections (Elected Members)

It is deemed that there will not be any interference with the human rights listed in the table above as a result of the proposed schemes.

#### Part 5 – Conclusions and recommendations for decision makers

- 5.1 Summarise how this proposal/policy/strategy will show due regard for the three aims of the general duty across all the protected characteristics and ESCC additional groups.
  - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;

It is deemed that the proposed design options/schemes will have no unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.

- Advance equality of opportunity between people from different groups
  - It is deemed that this scheme will have a minimal impact on people from different groups within the protected characteristics.
- Foster good relations between people from different groups

It is deemed that this scheme will help all pedestrians and road users, and so will improve the relations between these user groups within Bexhill, which has been identified as an issue as part of the consultation process.

**5.2 Impact assessment outcome** Based on the analysis of the impact in part four mark below ('X') with a summary of your recommendation.

X	Outcome of impact assessment	Please explain your answer fully.
	A No major change – Your analysis demonstrates that the policy/strategy is robust, and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.	Certain discriminations against protected characteristics have been identified from the Equality Impact Assessment.  However, given the limitations in road space, it is not considered
	B Adjust the policy/strategy – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.	possible to mitigate these discriminations without a disproportionate offset to the remaining population.
	C Continue the policy/strategy - This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate	
	D Stop and remove the policy/strategy – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy/strategy altogether. If a policy/strategy shows unlawful discrimination it <i>must</i> be removed or changed.	
L	Dogo 179	

Page 173

## 5.3 What equality monitoring, evaluation, review systems have been set up to carry out regular checks on the effects of the proposal, project or service?

During the detailed design process, consultation with walking, cycling and disability user groups will take place to ensure that where possible, mitigating actions will be incorporated into the proposed design options.

A further Road Safety Audits will be undertaken post implementation (RSA 3) to identify and correct any issues. Data such as traffic speeds and volume as well as pedestrian and cyclist data will be collected and monitored to gauge success. Following construction, monitoring will also be undertaken using accident statistics.

A "How Did We Do" survey will also be conducted 6 months after the proposed design options have been constructed and, in addition to the feedback provided from this, any complaints received from the public will be taken into account.

## 5.6 When will the amended proposal, proposal, project or service be reviewed?

There will be an initial post implementation review within 1 month of all the schemes being completed, which will then have review points at 12 months and a 36 months.

Date completed:	7 <sup>th</sup> January 2022	Signed by (person completing)	A J Míleham
		Role of person completing	Scheme Project Manager for East Sussex Highways
Date:	27 <sup>th</sup> January 2022	Signed by (Manager)	A J Míleham

#### Part 6 – Equality impact assessment action plan

f this will be filled in at a later	date when proposals have bee	n decided please tick here and	fill in the summary report.

✓

The table below should be completed using the information from the equality impact assessment to produce an action plan for the implementation of the proposals to:

- 1. Lower the negative impact, and/or
- 2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
- 3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e., increase the positive impact
- 4. If no actions fill in separate summary sheet.

Please ensure that you update your service/business plan within the equality objectives/targets and actions identified below:

Page Area for 175	Changes proposed	Lead Manager	Timescale	Resource implications	Where incorporated/flagged? (e.g., business plan/strategic plan/steering group/DMT)

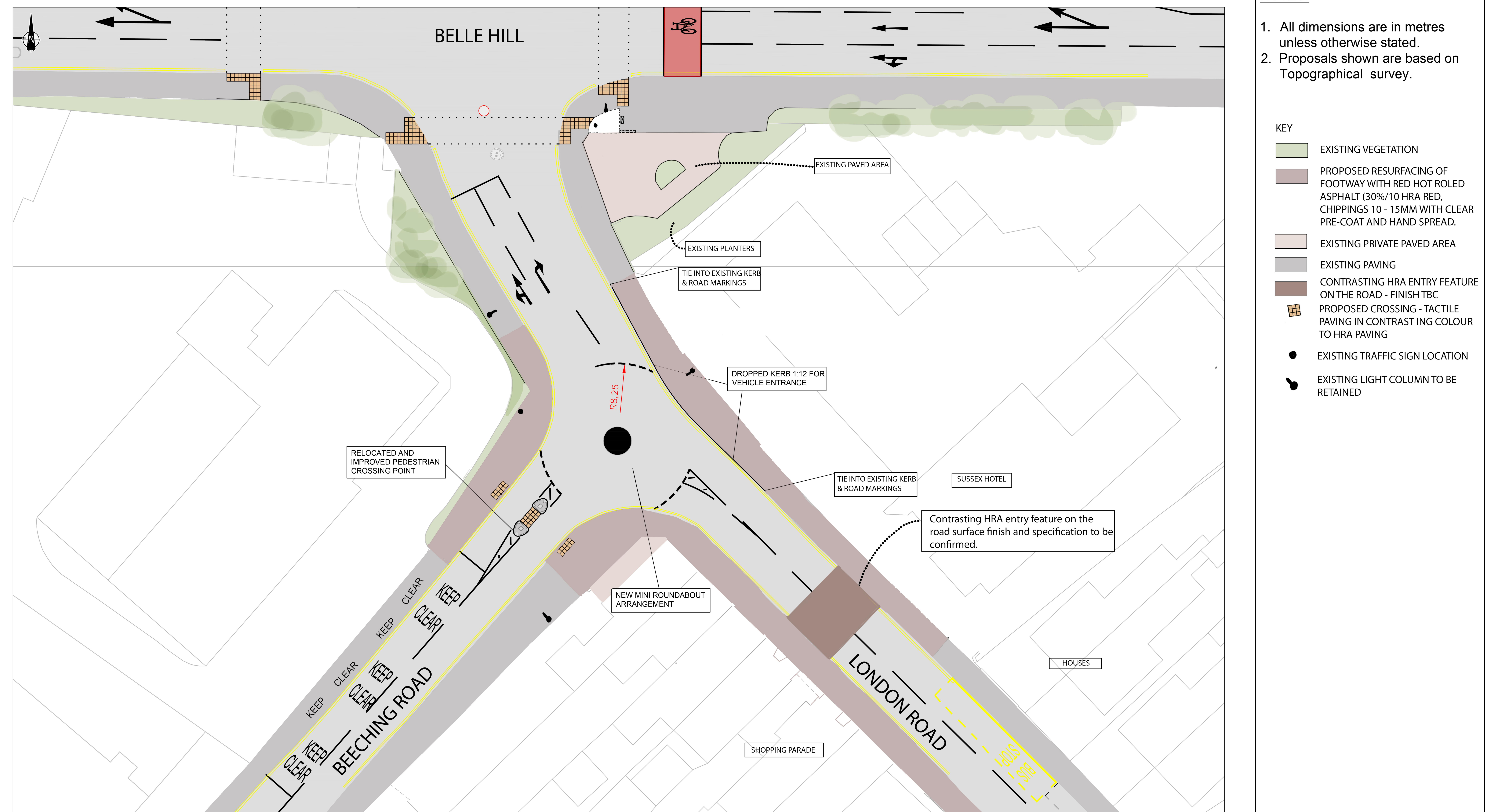
#### **6.1 Accepted Risk**

From your analysis, please identify any risks not addressed giving reasons and how this has been highlighted within your Directorate:

Area of Risk	Type of Risk? (Legal, Moral, Financial)	Can this be addressed at a later date? (e.g., next financial year/through a business case)	Where flagged? (e.g., business plan/strategic plan/steering group/DMT)	Lead Manager	Date resolved (if applicable)
ס					
Page 1:					
6					

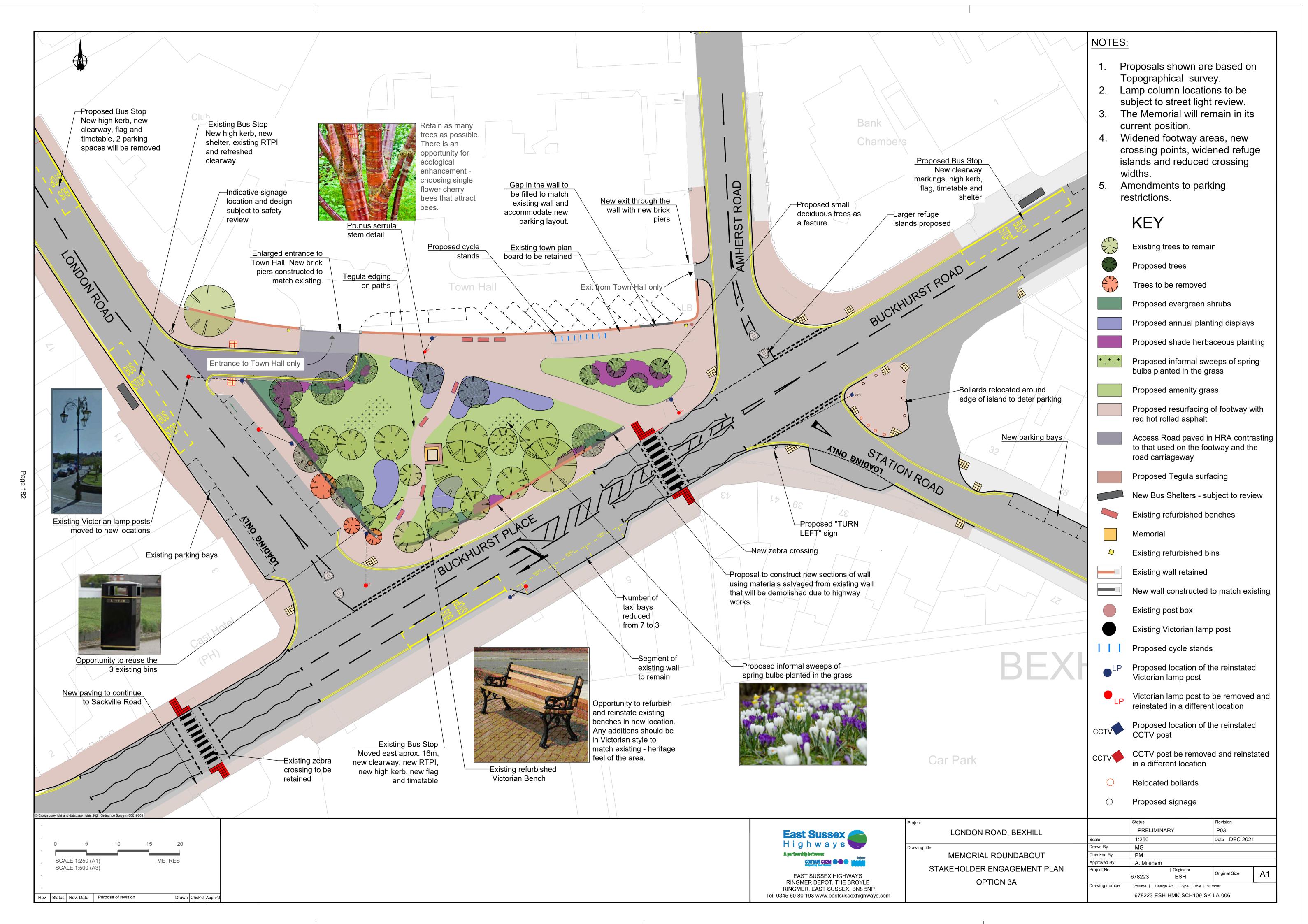
## Appendices

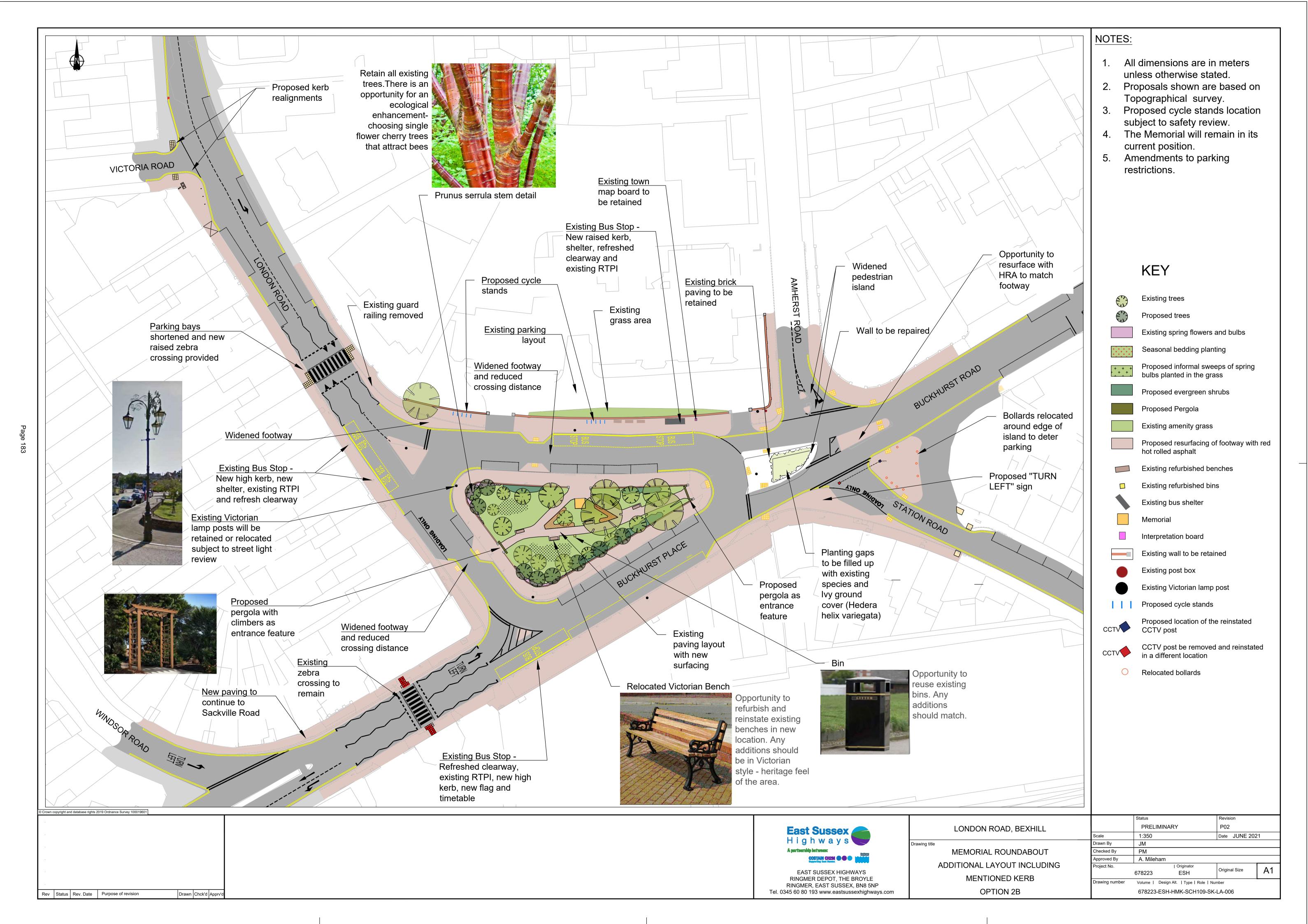
# **Appendix A**Proposed Design Options



## NOTES

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# Appendix B Stakeholder List



0.		
Stakeholder	Contact Details	To include as
		part of
		Statutory
		Consultation
		Process
ESCC Departments		110003
Road Safety Team	<u>Traffic.Safety@eastsussex.gov.uk</u>	Yes
Passenger transport group	publictransport.pts@eastsussex.gov.uk	Yes
Parking Team	Parking.escc@eastsussex.gov.uk	Yes
Transport Development Control	<u>DevelopmentControl.Transport@eastsussex.gov.uk</u>	Yes
Asset Management	Contracts.ManagementGroup@eastsussex.gov.uk	Yea
County Ecologist	kate.cole@eastsussex.gov.uk	Yes
County Archaeologist	County.Archaeology@eastsussex.gov.uk	Yes
County Arboroculturist	james.newmarch@eastsussex.gov.uk	Yes
Landscape Group	virginia.pullan@eastsussex.gov.uk	Yes
Planning Team	Development.Control@eastsussex.gov.uk	Yes
County Councilors	Used link: https://democracy.eastsussex.gov.uk/mgMemberIndex.aspx?bcr=1	Yes
District and Boroughs		
District and Borough Councilors		
Bexhill & Rother District Council	cllr.charles.clark@eastsussex.gov.uk	Yes, to all
Bearing a Notifier Bistrict Courier		163, 60 411
	cllr.keith.glazier@eastsussex.gov.uk	
	cllr.eleanor.kirby-green@rother.gov.uk	
	irhollidge@icloud.com	
	paul4northernrother@gmail.com	
	cllr.Nuala.Geary@eastsussex.gov.uk	
	cllr.Abul.Azad@eastsussex.gov.uk	
Rother District Council Officers		
Conservation Officer	Diane.Russell@rother.gov.uk	Yes
Rother Transport Action Group	Marie.Kennedy@rother.gov.uk	Yes
Rother Parks Development Officer	Rebecca.Owen@rother.gov.uk	Yes
Head of Service – Acquisitions,	Ben.hook@rother.gov.uk	Yes
Transformation, and Regeneration		. 55
Environmental Health - Licensing	catherine.beaumont@rother.gov.uk	Yes
Towns and Parish Counc	ils	
Town & Parish councils	Bexhill Town Council - Bexhillclerk@gmail.com	Yes
TOWN & FRIENDS	DEATHIR TOWN COUNCIL'S DEATHIRICE NEIGHBULCOTT	163
Other Authorities		
Highways England	Peter.phillips@highwaysengland.co.uk	Yes
	Peter Phillips – Route Sponsor for East Sussex	i



	John.Farnaby@highwaysengland.co.uk	Yes
Network Rail	work Rail  Mike.smith5@networkrail.co.uk  Mike Smith - Head of Strategic Planning, South East Route	
Train Operating Companies		
South East	Nina.Peak@southeasternrailway.co.uk	Yes
Southern	Yvonne.leslie@gtarailway.co.uk and/or paul.best@gtarailway.co.uk	Yes
Environment Agency	enquiries@environment-agency.gov.uk	
South Downs National Park	planning@southdowns.gov.uk	
South Bowns Husional Funk	Allison Thorpe Allison.Thorpe@southdowns.gov.uk	
Historic England	Liz.Pollard@HistoricEngland.org.uk Louise.Forsyth@HistoricEngland.org.uk	Yes
Emergency Services		
East Sussex Fire and Rescue		
Borough Commander for Rother	Simon.neill@esfrs.org	Yes
Borough Commander for Wealden & Eastbourne	Pup.upton@esfrs.org	
Borough Commander for Brighton & Hove and Lewes	Nigel.Cusack@esfrs.org	
Police	Christopher.Cannon@surrey.pnn.police.uk	Yes
South East Coast Ambulance Service		
Lewes and City of Brighton areas	tim.fellows@secamb.nhs.uk	
Eastbourne, Wealden (Inc. Newhaven), Hastings, Rother	Nicole.barrow@secamb.nhs.uk	Yes
Road User Groups		
Bus companies	Used link to ESCC website	Yes
	https://www.eastsussex.gov.uk/roadsandtransport/public/buses/routes/	
Stagecoach (for east Sussex)	Dimitri Bridgland, Business Development Officer	Yes
	dimitri.bridgland@stagecoachbus.com	
	Krystian Kaczala, Operations Manager	
		Yes



		T
	krystian.kaczala@stagecoachbus.com	
Stagecoach (for Eastbourne)	Sarah.Dyer@stagecoachbus.com Operations Manager	
Renown Coaches	christian.harmer@btinternet.com	
Compass Travel (Sussex) Ltd	office@compass-travel.co.uk	
Bexhill Community Bus	info@bexhillcommunitybus.co.uk	Yes
,		
Bexhill Hackney Carriage Association	ddsmithy@freeuk.com	Yes
Road Haulage Association	L.white@rha.uk.net	Yes
Fueight Tunnangut Association	traffic@fta.co.uk (Attn: Lucy Humphries)	Yes
Freight Transport Association	Trancerta.co.ux (Actif. Eucy Humphiles)	165
Access and Cycle Groups		
resess arra syste straps		
Disability Groups	Scheme specific – As agreed with ESCC Client team through Comms Plan	
Hastings and Rother	Hastings and Rother Disability Forum enquiries@hrdf.org.uk	Yes
Trastings and Nother	de cham@hotmail.com	Yes
Wealden	Scheme specific – As agreed with ESCC Client team through Comms Plan	
5 1		
Eastbourne and Lewes	Eastbourne Access Group (Chair Ian Westgate) devan.briggs@lewes-eastbourne.gov.uk	
	devail.briggs@iewes-eastbodifie.gov.dk	
	Age UK – customerservices@ageukeastsussex.org.uk	Yes, to all
		,
	Bexhill Caring Community – <u>info@bexhillcaringcommunity.org</u>	
	Hastings and Rother Voluntary Action for the Blind (HRVAB) - hrvab@freeuk.com	
	inastings and notifer voluntary Action for the billio (HKVAB) - <u>invalignmetalk.com</u>	
	Hastings & Bexhill Mencap – hello@hastings-bexhill-mencap.org	
	East Sussex Vision Support – <u>info@eastsussexvisionsupport.org</u>	
B		
District Access Group		
Hastings Borough Council	Liaise with HBC	
Lewes District Council	Liaise with LDC	
Lewes District courier	Liaise with Libe	
Wealden District Council	Liaise with WDC	
Rother District Council	Debbie.Peters@rother.gov.uk	Yes



Cycling & Walking Groups  Hastings Area	Devan Briggs, Corporate Development Support Officer devan.briggs@leweseastbourne.gov.uk  Scheme specific – As agreed with ESCC Client team through Comms Plan  Walking Groups  Hastings Ramblers: Mike Riley - mike.134@btinternet.com  Cycling Groups  Hastings Urban Bikes: lan Sier iansier@yahoo.co.uk & Tim Godwin - tim@mkmd.co.uk  Hastings The Greenway Group: info@hastingsgreenway.org	
	Hastings Sustainable Transport Forum: Ian Sier iansier@yahoo.co.uk	
Bexhill Area	Walking Groups  As agreed with ESCC Client team through Comms Plan  Rother Ramblers: Bev Marks - bevm@hollyblue.net	Yes
	Cycling Groups  Bexhill Wheelers: johnking7twin@talktalk.net  1066 Cycle club: Sue Burton - sue@1066cycleclub.org.uk	Yes Yes
Rother Area	Walking Groups Rother Ramblers: Bev Marks - bevm@hollyblue.net  Cycling Groups 1066 Cycle club: Sue Burton - sue@1066cycleclub.org.uk  Sussex Greenways Group - Nick Hanna nick@nickhanna.co.uk	- Yes
Eastbourne Area	Cycling  Bespoke: Paul Humphrey's - paul0humphreys@gmail.com  Walking  Afoot: ESCC Client team to confirm details	
Southern Wealden Area	Active Hailsham: Steve Wennington - steve.wennington@pro-eco.co.uk	
Lewes Area	Walking Groups Living Streets Lewes: ESCC Client team to confirm details  Cycling Groups Cycle Lewes: Sheila O'Sullivan - saosullivan1@icloud.com	



Peacehaven/Newhaven/Seaford Area	Walking Groups As agreed with ESCC Client team through Comms Plan  Cycling Groups Cycle Seahaven: Guy Reynolds - Guy@cycleseahaven.org.uk	
Statutory undertakers	C2Stats@eastsussexhighways.com	
Other		
Schools	Scheme specific – As agreed with ESCC Client team through Comms Plan	
Local businesses/shops	Scheme specific – As agreed with ESCC Client team through Comms Plan	
Local Chamber of Commerce	info@bexhillchamber.co.uk	Yes
Federation of Small Businesses	alexandra.douglas@fsb.org.uk	Yes
Residents groups/associations	Scheme specific – As agreed with ESCC Client team through Comms Plan	
Residents	Scheme specific – As agreed with ESCC Client team through Comms Plan	
	Bexhill Heritage Group – <u>info@bexhillheritage.org.uk</u>	Yes to all
	Discover Bexhill – <u>bexhilltic@rother.gov.uk</u>	
	Bexhill Environment Group (BEG) – <u>bexhilleg@yahoo.com</u>	



# SCH-109: London Road, Bexhill

Prepared for

East Sussex County Council (ESCC)

January 2022

East Sussex Highways The Broyle Ringmer East Sussex BN8 5NP



# **Contents**

Section		Page
Acronyms	and Abbreviations	vi
Executive	Summary	1-1
	sultation Process	
	sultation Findings	
	clusion & Next Steps	
1. ln	troductiontroduction	1-5
1.1	Purpose of this Note	1-5
1.2	Report Structure	
	1.2.1 Supporting Information	
1.3	Project Summary	
2. AI	bout the Consultation	2-8
2.1	Purpose	2-8
2.2	Potential outcomes	
2.3	Who we consulted and when	2-8
2.4	What we asked	
2.5	Methods of responding	
2.6	Consultation materials and publicity	
2.0	2.6.1 Website	
	2.6.2 Letters	
	2.6.3 Emails to stakeholders	
	2.6.4 Press and media activity	
	2.6.5 Public meetings and events	
2.7	Equalities Assessment	
2.8	Analysis of consultation responses	
3. Ac	dditional Stakeholder response	3-11
3.1	Introduction	
4. AI	bout the respondents	4-15
4.1	Introduction	
4.2	Number of respondents	4-15
4.3	Respondent gender	4-15
4.4	Respondent age	4-15
4.5	Accessibility and disabilities	
4.6	Respondent postcodes	
4.7	Relationship between respondent and scheme area	
4.8	Summary of consultation responses	
5. Sc	cheme specific consultation responses	5-19
5.1	About this chapter	5-19
5.2	Town Hall Square – Option A	5-19
	5.2.1 Scheme specific questions	5-20
	5.2.2 Specific Themes and Trends in the Qualitative Responses	
5.3	Town Hall Square – Option B	
	5.3.1 Scheme specific questions	
	5.3.2 Specific Themes and Trends in the Qualitative Responses	
5.4	Buckhurst Place j/w Sackville Road	
	5.4.1 Scheme specific questions	

5.5	<ul> <li>5.4.2 Specific Themes and Trends in the Qualitative Responses</li> <li>Beeching j/w London Road</li> <li>5.5.1 Scheme specific questions</li> <li>5.5.2 Specific Themes and Trends in the Qualitative Responses</li> </ul>	5-29 5-29
<b>6. Co</b> 6.1	Summary	
Appendix(i	xes)	
Appendix A	Preliminary cycle route design plans	
Appendix B	Catchment areas for consultation	
Appendix C	Consultation communication ESH Leaflet and Questionnaire	
Appendix D	Consultation communication 'General Public Responses'	
Appendix E	Press and media adverts	
Appendix F	Stakeholder Engagement response report	
	ey Gender Responses	
	ssibility and disabilities - Responses	
	ondent postcodestionship between respondent and scheme	
	ey Respondent view – Town Hall Square – Option A	
	rived Feedback and ESH Response – Town Hall Square – Option A	
	ey Respondent view – Town Hall Square – Option B	
	ived Feedback and ESH Response – Town Hall Square – Option B	
Table 5.5 Surv	ey Respondent view – Buckhurst Place/Sackville Road junction	5-27
Table 5.6 Rece	ived Feedback and ESH Response – Buckhurst Place/Sackville Road	5.28
	ey Respondent view – Beeching Road/London Road junction	
	ived Feedback and ESH Response –Beeching Road/London Road	
Table 6.1 Sche	me response summary	6-32
-	dy area	
_	vey Responses – Age Range	
-	sultation Responses by Postcode	
•	n Hall Square – Option A	
	/n Hall Square – Option B	
-	khurst Place j/w Sackville Roadkhurst Place j/w Sackville Roadkhurst Place j/w Sackville Road	
i igui e 3.4 buc	KIIUISE FIACE J/ W JACKVIIIE NOAU	3-25

# **Document Issue**

# **Revision History**

Issue	Author	Date	Description
1	K. Gida	24 <sup>th</sup> December 2021	Client Draft
2	A. Mileham	17 <sup>th</sup> January 2022	Updated Following Client Comments.

# **Technical Check**

Role	Name	Signature Date	
Senior Transport Planner	C. Hill	C. Hill	04 <sup>th</sup> January 2022

# **Approval**

Role	Name	Signature	Date
Associate Director	A. Mileham	A. Mileham	06 <sup>th</sup> January 2022
Associate Director	A. Mileham	A. Mileham	19 <sup>th</sup> January 2022

# **ESH** Approval

Role	Name	Signature	Date
Associate Director	A. Thompson	A. Thompson	20 <sup>th</sup> January 2022

# **Acronyms and Abbreviations**

DfT Department for Transport
ESCC East Sussex County Council
ESH East Sussex Highways



# **Executive Summary**

The Hastings and Bexhill Movement and Access Package (BHMAP) comprises a package of pedestrian, cycle and public transport improvement schemes across Bexhill, Hastings and St Leonards which is being funded by the Local Growth Fund, secured through the South East Local Enterprise Partnership (SELEP). The objectives of the BHMAP are to:

- Support economic growth by reducing traffic congestion and improving safety
- Support accessibility and enhance social inclusion with access to improved integrated public transport provision and infrastructure
- Improve health and wellbeing by supporting connectivity between key services, enabling an increase in cycling and walking for everyday journeys
- Support greater inward investment, particularly the growing cultural and tourism sectors within the town centres, by improving the physical environment and enhancing permeability
- Ensure integration of the programme with related key infrastructure projects being delivered to support future sustainable growth and smart mobility

In line with the BHMAP objectives, East Sussex Highways (ESH) were commissioned by East Sussex County Council (ESCC) in conjunction with Rother District Council (RDC), to undertake a series of drawings seeking to enhance the existing public realm, as well as improve the current traffic management within the London Road area of Bexhill.

London Road (A269) acts as an important gateway for those visiting, working and living in the town, the function and appearance of this area is considered crucial for the future vibrancy and commercial success of the town centre.

A successful public realm provides safe spaces for people to meet, encouraging people to come into the town more often and spend more time there. The proposals outlined in this consultation aim to create an inviting and safe environment, attracting more visitors to the town centre and facilitating economic growth.

This Technical Note records the results of the public consultation for the following design proposals that consists of two options for Town Hall Square and one design option each for the Buckhurst Place/Sackville Road junction and the London Road/Beeching Road junction. The full description of the works is detailed below.

#### **Town Hall Square**

Improvement of the quality of the public realm around the Town Hall, making it more functional, financially maintainable and aesthetically pleasing. Two design options are proposed for this area;

- Option A consists of the removal of the current gyratory system around Memorial Gardens and provides a new priority junction in order to create a larger and enhanced public space. The footways will be resurfaced with a consistent red tarmac material (as used elsewhere in the Bexhill town area), additional pedestrian crossing facilities will be provided on Buckhurst Place and the landscaping of the gardens will be enhanced. Vehicle access to the Town Hall car park will be retained. However, it should be noted that in order to implement this design a reduction in both taxi and general parking facilities will be required.
- Option B consists of the retainment of the current gyratory arrangement with the introduction
  of a new zebra crossing at the southern end of London Road. This is currently proposed as a
  raised zebra crossing to help reduce speeds, however, it could be implemented as a standard

1



zebra crossing. Kerb works around the junctions will help to slow down traffic and reduced crossing distances, helping pedestrians to cross the road more safely.

In addition, the gardens will benefit from enhanced landscaping helping to improve the public realm. The bus stops will remain in their current positions and be upgraded, and cycle parking facilities provided. All seven taxi spaces will remain as part of this design option and 24 general parking spaces will be retained. This is an overall reduction of approximately 10 spaces.

#### **Beeching Road/London Road Junction**

This concept design provides a mini-roundabout arrangement at the existing junction in order to improve traffic management and the current issues of queuing traffic along London Road extending onto the junction with A259.

In addition to this main design change, the proposed highway layout includes improving the pedestrian crossing point located across Beeching Road, resurfacing footways in a red tarmac material (as used elsewhere in the Bexhill town area) and including a red 'gateway' surfacing material on the carriageway in London Road.

#### **Buckhurst Place/Sackville Road Junction**

The proposed design option incorporates a mini roundabout arrangement at Buckhurst Place/Sackville Road junction in order to improve the traffic management arrangements in this location. The footways on both sides of the road under Sackville Road bridge are proposed to be permanently widened and resurfaced with a red tarmac material (as used elsewhere in the Bexhill town area) and the guard-railing removed.

The junction of Windsor Road is to be squared up by introducing a kerb build-out on the eastern side and an informal crossing point introduced. A new informal crossing is also proposed in Terminus Road. The existing pedestrian guard-railing and pedestrian deterrent paving will also be removed and the whole area will be resurfaced with a consistent red tarmac footway material, improving the public realm. Cycle parking stands are also proposed in this location.

The purpose of this Technical Note is to set out how the public consultation was undertaken and to summarise the responses received. The findings summarised in this note will be used to inform the next stages of the design process.

In addition to the above, it should be noted that ESH and ESCC have previously engaged with local communities, business, voluntary groups and public organisations as part of the Stakeholder Engagement process. The outputs of which are detailed within a previous ESH Technical Note.

#### **Consultation Process**

The consultation adopted a "digital first" approach to reach as wide an audience as possible in a sustainable way. This means making details of the scheme available online via the East Sussex Citizen Space consultation hub. The consultation period ran from 17 November to 10 December 2021 and was undertaken virtually (due to Covid-19 restrictions at the time).

The consultation event was hosted on the ESCC Citizen Space webpage, which is a digital platform used by the majority of UK councils to undertake online consultations and record responses received from the public. All information about the proposals was made available online via the webpage, with the design proposals accompanied by a questionnaire, which included open questions in order to encourage qualitative feedback.

Members of the public were invited to give their views by filling in the questionnaire online or via post or email. The questionnaire and factsheets were available on request in alternative



formats such as large print, audio or languages other than English. Paper copies of the questionnaire and the factsheets were also available upon request.

Leaflets were distributed to over 1,500 addresses within approximately 400 meters of each of the proposed design options. The scheme was also promoted through the local media, posters, letters/emails to ward members, Disability and Access groups and to the owners/occupiers.

A separate process was undertaken for the Stakeholder Engagement. Outputs from that process were presented in a previous Technical Note, and changes made to the design in response to the comments made.

# Consultation Findings

There were a total of around 179 direct responses, which equates to a 12% response rate. Typical survey response rates can lie anywhere in the region between the 5% to 30% range, this response rate could therefore be considered as 'average' with regard to returns of feedback.

The responses were considered broadly representative of the demographic profile of those within the scheme consultation area, demonstrated below with analysis of gender profiles, ages and responses regarding mobility.

The gender profile of respondents was 47% Male and 46% Female with the other respondents either not answering or preferring not to say. According to the 2018 figures, the area of Rother is 48.5% male and 51.5% female (Equality and Diversity Profile for Hastings and Rother Clinical Commissioning Group, East Sussex Public Health Intelligence January 2018), indicating a slight under-representation of women participating in the consultation.

In terms of the ages of the respondents, the greatest proportion (35%) were from the '65+ years' category. The age distribution of the sample roughly reflects the age distribution of Rother district (Equality and Diversity Profile for Hastings and Rother Clinical Commissioning Group, East Sussex Public Health Intelligence January 2018) with a high proportion of Bexhill population being 65+ years old.

The number of respondents who recorded that they either had reduced mobility or that they considered themselves to be disabled under the Equality Act 2010 were registered as 9% of all respondents.

Overall, responses across the four design options were mixed, with the majority of respondents having overall concerns with both Town Hall Square designs. According to comments received, respondents felt that the scheme would contribute to more traffic congestion and that the loss of parking was also deemed unacceptable given the current demand for spaces. A breakdown of responses received is provided below for each of the proposed four schemes is presented at Table 1.1.

Table 1.1 Survey Responses

Scheme	Supportive	Issues/ Concerns	Neutral/ Unknown
Town Hall Square – Design Option A	40%	53%	7%
Town Hall Square – Design Option B	41%	47%	12%
Beeching Road/London Road Junction	54%	31%	15%
Buckhurst Place/Sackville Road Junction	65%	23%	12%



As identified from the survey results above, both the two-mini roundabout design options received the highest level of support, with 54% and 65% of respondents in favour of the two

Below is a summary of some of the more prominent issues and themes raised during the consultation. A detailed analysis of responses is included within this report.

#### **Parking**

 Concerns around the reduction in parking spaces for both Town Hall Square Options and the potential impact on the local economy due to lack of parking spaces for people to use when visiting.

#### Congestion and Road Safety

- Town Hall Square Option A had responses concerning raised congestion levels and queueing as well as aesthetic impacts on the local area and impacts on local bus service stops.
- Town Hall Square Option B concerned responses included road safety issues, a lack
  of cyclist consideration and potential traffic queuing into Town Hall square as a result
  of the crossing.
- For Buckhurst Place j/w Sackville Road there were responses concerned about the
  potential for the scheme to encourage higher vehicle speeds and capacity
  constraints, as well as whether the scheme is actually needed.
- Beeching j/w London Road negative responses included concerns about potential traffic impacts elsewhere, accessibility issues for the fire brigade and whether a signalled traffic management system would be more beneficial than a roundabout.

# Conclusion & Next Steps

The results of the public consultation show that there is overall support for the proposed two mini roundabout schemes at the junctions of Beeching Road/London Road and Buckhurst Place/ Sackville Road.

The options for the Town Hall Square however did not however receive similar support, with issues raised around junction operation and loss of parking for residents and taxis.

In light of the public consultation outcomes, and the time constraints of the funding, it is proposed that the London Road package of works is split into two works phases, allowing those schemes that have support to progress, and separating the Buckhurst Place scheme to undertake further design development.

ESCC and the county's highways team are grateful to all of those who took the time to give their views about the proposals. All feedback received during the public consultation period will be evaluated by both ESCC and ESH and will be considered when the scheme enters its detailed design phase.

ESCC will continue to work with local residents and other key stakeholders in order to support the successful growth of Bexhill.



# 1. Introduction

# 1.1 Purpose of this Note

This Technical Note provides a comprehensive record of the public consultation events undertaken for the proposed public realm and traffic management improvements at three key junctions within the London Road area of Bexhill.

The main purpose of this report is to explain how the public consultation was undertaken and summarises the responses received. The findings from this note will be used to inform the next stages of the design process.

# 1.2 Report Structure

This report is structured as follows;

- Section 1 Introduces the project and its current stage of development;
- Section 2 Describes the public consultation methodology for the proposed schemes and the methodology used for analysing feedback from the public. The section also summarises who was engaged.
- Section 3 Outlines the responses from this consultation based on the questionnaire results.
- Section 4 Presents a summary of the scheme specific responses.
- Section 5 Concludes with a recommendation for the next steps

#### 1.2.1 Supporting Information

- Appendix A Proposed scheme designs
- Appendix B Catchment areas for consultation.
- Appendix C Consultation communication ESSC Leaflet and Questionnaire
- Appendix D Consultation communication 'General Public Responses'.
- Appendix E Press and media adverts.
- Appendix F Stakeholder Engagement Response Report

# 1.3 Project Summary

The Hastings and Bexhill Movement and Access Package (BHMAP) comprises a package of pedestrian, cycle and public transport improvement schemes across Bexhill, Hastings and St Leonards which is being funded by the Local Growth Fund, secured through the South East Local Enterprise Partnership (SELEP). The objectives of the BHMAP are to:

- Support economic growth by reducing traffic congestion and improving safety
- Support accessibility and enhance social inclusion with access to improved integrated public transport provision and infrastructure
- Improve health and wellbeing by supporting connectivity between key services, enabling an increase in cycling and walking for everyday journeys



- Support greater inward investment, particularly the growing cultural and tourism sectors within the town centres, by improving the physical environment and enhancing permeability
- Ensure integration of the programme with related key infrastructure projects being delivered to support future sustainable growth and smart mobility

In line with the BHMAP objectives, East Sussex Highways (ESH) were commissioned by East Sussex County Council (ESCC) in conjunction with Rother District Council (RDC), to explore options to enhance the existing public realm as well as improve the current traffic management within the London Road area of Bexhill.

London Road (A269) acts as an important gateway for those visiting, working and living in the town, therefore the function and appearance of this area is considered crucial for the future vibrancy and commercial success of the town centre.

A successful public realm provides safe spaces for people to meet, encouraging people to come into the town more often and spend more time there. The proposals outlined in this consultation aim to create an inviting and safe environment, attracting more visitors to the town centre and facilitating economic growth.

Figure 1.1 displays the overall location of the study area and the surrounding highway network.



Figure 1.1 Study area

The design proposals are described overleaf with two options for Town Hall Square and one design option each for the Buckhurst Place/Sackville Road junction and the London Road/Beeching Road junction:



#### **Town Hall Square**

Improvement of the quality of the public realm around the Town Hall, making it more functional, financially maintainable and aesthetically pleasing. Two design options are proposed for this area;

- Option A consists of the removal of the current gyratory system around Memorial Gardens
  and provides a new priority junction in order to create a larger and enhanced public space.
  The footways will be resurfaced with a consistent red tarmac material (as used elsewhere in
  the town), additional pedestrian crossing facilities will be provided on Buckhurst Place and the
  landscaping of the gardens will be enhanced. Vehicle access to the Town Hall car park will be
  retained. However, it should be noted that in order to implement this design a reduction in
  both taxi and general parking facilities will be required.
- **Option B** consists of the retainment of the current gyratory arrangement with the introduction of a new zebra crossing at the southern end of London Road. This is currently proposed as a raised zebra crossing to help reduce speeds, however, it could be implemented as a standard zebra crossing. Kerb works around the junctions will help to slow down traffic and reduced crossing distances will allow pedestrians to cross more safely.

In addition, the gardens will benefit from enhanced landscaping helping to improve the public realm. The bus stops will remain in their current positions and be upgraded, and cycle parking facilities will be provided. All seven taxi spaces will remain as part of this design option, and 24 general parking spaces will be provided. This is an overall reduction of approximately ten spaces.

#### **Beeching Road/London Road Junction**

This concept design looks to provide a mini-roundabout arrangement at the existing junction in order to improve traffic management and the current issues of queuing traffic that has established itself along London Road onto the junction with A259.

In addition to this main design change, the proposed highway layout includes improving the pedestrian crossing point located across Beeching Road, resurfacing footways in a red tarmac material (as used elsewhere in the town) and including a red 'gateway' surfacing material on the carriageway in London Road.

#### **Buckhurst Place/Sackville Road Junction**

The proposed design option incorporates a mini roundabout arrangement at Buckhurst Place/Sackville Road junction in order to improve the traffic management arrangements in this location. The footways on both sides of the road under Sackville Road bridge are proposed to be permanently widened and resurfaced with a red tarmac material (as used elsewhere in the town) and the guard-railing removed.

The junction of Windsor Road is to be squared up by introducing a kerb build-out on the eastern side and an informal crossing point introduced. A new informal crossing is also proposed in Terminus Road. The existing pedestrian guard-railing and pedestrian deterrent paving will also be removed and the whole area will be resurfaced with a consistent red tarmac footway material, improving the public realm. Cycle parking stands are also proposed in this location.



# 2. About the Consultation

# 2.1 Purpose

The objectives of the consultation were as follows:

- To give the public easily understandable information about the proposals and allow them to respond
- To understand the level of support for or in opposition to the proposals
- To understand any issues that might affect the proposal which we were not previously aware of
- To understand concerns and objections and
- To allow respondents to make suggestions

#### 2.2 Potential outcomes

The potential outcomes of this consultation are:

- Following careful consideration of the consultation responses, we decide to proceed with the schemes as set out in the consultation
- Following careful consideration of the consultation responses, we modify the scheme in response to issues raised during the consultation and proceed with a revised scheme
- Following careful consideration of the consultation responses, we decide not to proceed with the scheme

#### 2.3 Who we consulted and when

As is standard practice, ESH ensured that people living and working in areas affected by an individual cycle route were aware of the proposals. Leaflets were distributed to over 1,500 properties within approximately 400 meters of each of the individual proposed design options.

A Quick Response Code (QR) code and link to an online survey was located upon the leaflet (a QR code allows smart phone users to scan an image to automatically be routed to the online survey website).

The consultation adopted a "digital first" approach to reach as wide an audience as possible in a sustainable way. This means making details of the scheme available online via the East Sussex Citizen Space consultation hub. The consultation period ran from 17th November to 10th December 2021 and was undertaken virtually (due to Covid-19 restrictions).

As mentioned previously within Stakeholder Engagement Response Report (TN01, provided at **Appendix F** for reference), ESH sent emails to stakeholders who had been identified as interested in these proposals. The contact list included disability groups, organisations representing the elderly, transport user groups, businesses and major employers, trade organisations, statutory organisations, charities, local government, and politicians.

Both ESH and ESCC also provided information about the proposals and consultation to local media.



#### 2.4 What we asked

The proposed design options put forward were relativity complex, thus the reason for the consultation to be conducted online, hence making it easier for people to digest the information and give feedback on a design option that had particular interest to them. It was also possible to provide comments on the scheme as a whole.

The questionnaire comprised of several closed questions asking people to select an answer that matched their level of support for or against for that particular design option. The complete list of questions that were asked regarding the proposals have been analysed within **Section 4** of this technical note with a PDF copy of the original questioning format provided within **Appendix C.** 

# 2.5 Methods of responding

People were able to respond to the consultation through the following channels:

- By answering the questions in the questionnaire on our consultation website a <a href="https://consultation.eastsussex.gov.uk/economy-transport-environment/london-road-bexhill/">https://consultation.eastsussex.gov.uk/economy-transport-environment/london-road-bexhill/</a>
- By emailing <a href="mailto:customer@eastsussexhighways.com">customer@eastsussexhighways.com</a>. The Consultation Team also answered questions from members of the public and stakeholders via email.
- By phoning our Customer Services Team (0345 60 80 193) which had been briefed
  on the scheme and were available to answer questions and take responses from
  members of the public. When our telephone operatives were unable to answer
  questions immediately, these were forwarded to the Consultation Team, and were
  answered subsequently by email or telephone.
- By leaving comments and posting the questionnaire to County Hall in Lewes.

Through our Customer Services Team, it was possible to request foreign language translations, large print, Braille or audio versions of our consultation materials.

# 2.6 Consultation materials and publicity

ESH and ESCC used a range of channels to raise awareness of the consultation and to ensure that members of the public and stakeholders were aware of the consultation and its purposes.

Below and overleaf, identifies the different channels and materials used to encourage interested parties to visit the specific webpage or contact ESCC to find out more about the scheme and how to respond.

#### 2.6.1 Website

ESCC and ESH produced a website <a href="https://consultation.eastsussex.gov.uk/economy-transport-environment/london-road-bexhill/">https://consultation.eastsussex.gov.uk/economy-transport-environment/london-road-bexhill/</a> that provided detailed information about the consultation, including text explanations of the design proposals, maps and computer images helping to explain the proposals. The website was divided into pages showing an overview of the scheme, pages explaining the separate design proposals and pages containing in-depth information and the overall design process.

The website provided people with the opportunity to respond to the consultation by answering our questionnaire.



#### 2.6.2 Letters

ESCC and ESH jointly sent a leaflet to over 1,500 addresses within approximately 400 meters of each of the proposed design options. The letter contained a summary of the proposals along with an overview map identifying where each design option was located.

The letter directed people to the consultation website and invited them to respond. They were also informed about our consultation events. The consultation letter, overview map and map of the distribution area are included within each of the individual appendices attached to this technical note.

#### 2.6.3 Emails to stakeholders

In additional to the above, ESH and ESCC also reissued an email outlining the scheme and explaining where to find more information and respond to. A total of around 44 organisations as well as a handful of Rother Councillors that operate within the Bexhill ward were contacted. Further information regarding the Stakeholder Engagement process is located within TN01.

#### 2.6.4 Press and media activity

ESCC and ESH issued a press release and publicised the consultation on social media platforms such, as Twitter and ESSC press office 'Newsroom' as well as a further acknowledgement being published in the Bexhill and Battle Observer newspaper. A copy of all the press release and advert can be seen in **Appendix E** of this technical note.

#### 2.6.5 Public meetings and events

Given the recent pandemic outbreak 'COVID-19' and certain 'lockdown' restrictions, no formal face-to-face consultation was undertaken. Therefore, highlighting the fact that this consultation process has been undertaken exclusively virtually.

# 2.7 Equalities Assessment

ESCC and ESH took steps ensure that all groups in the community, such as the elderly and disabled organisations were made aware of the proposals, their potential impacts and how to respond to the consultation. Measures taken included:

- Identifying and emailing relevant stakeholders, including but not limited to the district access groups as well as cycling and walking societies, inviting them to respond to the consultation.
- Ensuring that the materials were written in plain English and available on request in different formats (for example Braille, large print, other languages.
- Considering how best to reach our target audiences and tailoring the way of communicating with them. For example, by preparing hard copies of our online material for those not able to access our website where available at County Hall in Lewes.

# 2.8 Analysis of consultation responses

All responses to the consultation have been analysed by ESH. All closed questions were reviewed, and the results tabulated and reported. All open questions, where respondents provided comments on the overall scheme or parts of it, were read and analysed in detail. Each individual comment was attributed with one or more codes according to the issues raised. This information was also analysed.

All results are reported in **Section 4** and **Section 5** of this technical note. Throughout this process we were mindful of our responsibilities under the Data Protection Act.



# 3. Additional Stakeholder response

#### 3.1 Introduction

As mentioned previously, TN01 has already provided a summary regarding the responses that were received by key stakeholders during the stakeholder engagement process (July-August 2021).

However, in response to the public consultation process, additional stakeholders have now provided further written response. The key stakeholders and their scheme related comments that were received are detailed below with an ESH response provided in **blue** underneath.

- Environmental Agency "The Environment Agency have assessed this application as having a low environmental risk. We therefore have no comments to make".
- ESH Response No comment required.
- **Historic England** "Historic England does not wish to make substantial comments on the scheme which affects the setting of the Grade II Listed Lane Memorial in Town Hall".
- ESH Response No comment required.
- South Downs National Park Authority "The National Park's comments on the development are as follows: No comment."
- ESH Response No comment required.
- **Bexhill Heritage** "We wholeheartedly endorse option "A", it presents a wonderful opportunity to create a greatly improved townscape and setting for the Town Hall an important listed building; to enhance pedestrian safety and add to the appeal of the public realm; and will form a significant gateway announcement on the northern approach to our town. We believe it will help improve the economic prospects for the area. We think option "B" is a very much an indifferent "also ran".
  - The Lane Memorial is still striking and robust and should be cleaned and refurbished where necessary. We ask the fountain elements to be reinstated, they are part of the original design. If we can help with this, we will.
  - ESH Response No comment required.
  - The respective responsibilities of RDC and ESCC for construction and subsequent maintenance should be defined and should not be apparent "on the ground" – the construction should be unified and subsequent upkeep coordinated.

Currently

- ESH Response Agreed and this will be investigated at the later stages of the design process.
- The plan key refers to Tegula Paving but none is apparent on the drawing in this area. We note that it is to be used as a path edging which is fine but wonder if we have misunderstood, please clarify.
- **ESH Response** This is correct, Tegula Paving will form part of the design.
- The proposed mini roundabout at the Sackville/Buckhurst Place junction might cause a hazard if it is simply a painted surface. Motorists approaching from the west and intending to go straight ahead may proceed without proper regard for



others approaching from Sackville Road. For this reason, we recommend the mini roundabout should take the form of a raised cushion.

- The arrangement for pedestrian safety for those wishing to cross London Road north of the Town Hall entrance needs review. Perhaps a new pedestrian crossing north of the new bus stop (eastern side) would be beneficial.
- **ESH Response** All design options presented within this package of works have been designed in accordance with the relevant design specifications as per Department for Transport (DfT) and Design Manual for Roads & Bridges (DMRB) guidance. In addition, all design options have also been audited by an independent road safety engineer as part of the RSA Stage 1 process.
  - In addition, the above, a series of further RSA audits will also be undertaken as part of the Detailed Design process.
- We think the consultation period has been is too short, the scheme has only just been described in the local paper (Dec 3rd) leaving only five clear days for response. We suggest it be extended at least by a further week.
- **ESH Response** This is not correct, the consultation period began on the 17<sup>th</sup> November 2021 and finished on the 10<sup>th</sup> December 2021. Which is the recommended standard consultation period.
- Paul Courtel, Rother District Councillor for Bexhill Central "I am commenting as one of two Rother District Councillors for Bexhill Central. This is the ward in which all these proposals are located.
  - The Gyratory System: I have concerns about traffic management should the gyratory system around Memorial Gardens be terminated. There can be a considerable tailback to exit Sainsbury car park at peak times. Whilst not having access to the multi-model traffic flow simulation, I believe that terminating the gyratory system might worsen traffic flow. This would waste the time of both residents and businesses. The increase in static traffic would increase Rother Council's carbon footprint in direct conflict with Rother Council's Climate Change objective of achieving carbon neutrality by 2030.
  - **ESH Response** A detailed series of traffic models and microsimulations using the software PTV Vissim (which is a multi-modal traffic flow simulation programme) has identified that network operates within capacity in all identified peak hours.

Both congestion and static traffic will be kept to a minimum. The PTV Vissim output files show that the design option put forward will operate sufficiently within all network peaks. In addition, as part of the design stage an Environmental Impact Assessment (EIA) will be produced. This assessment will look at the likely significant environmental effects arising from a proposed development in a systematic way.

It ensures that the environmental implications of decisions on development proposals are taken into account before the decisions are made. Additional traffic modelling will be undertaken post the pandemic (COVID-19) in order to see how traffic patterns have changed and if traffic and active travel flows have been reduced as result.

In addition, as part of the design stage an Environmental Impact Assessment (EIA) will be produced. This assessment will look at the likely significant environmental effects arising from a proposed development in a systematic way. It ensures that the environmental implications of decisions on development proposals are taken into account before the decisions are made.



- Loss of Parking Spaces: The loss of 17 parking bays (in plan A) in an area in which they are needed (loss of 11 parking spaces in plan B) is likely to result in more traffic circulating to find a space, thereby resulting in greater inconvenience to residents and businesses. Vehicles are likely to be circulating for longer to find a space, increasing business costs as well as releasing more CO2, thereby further undermining the carbon neutrality objectives of both Rother District Council and East Sussex County Council.
- **ESH Response** This design option looks at proposing a total of around 17 general parking bays, therefore, there will be a loss of around 17 parking spaces (50%). In addition, signage will be provided in order to promote the Wainwright Road Car Park which is located roughly 370 meters away.

A distance that is in accordance with DfT guidance as a 400-meter distance is defined as 'walkable', thus being about a five-minute walk for most people. The guidance also states that "more important destinations, such as train stations or major centres, may serve a wider walkable catchment".

In addition to the above the recent introduction of civil parking enforcement (CPE) within the area has enhanced the level of parking enforcement, which in turn will help improve 'turnover' of short-term parking spaces.

This proposal is opposed by three shop owners on the part of London Road that forms part of Town Hall Square as they perceive a resulting loss of business. One of them has told me that he is likely to have to shut his business because of the loss of parking spaces preventing his customers from reaching him.

I am also concerned about the loss of parking spaces creating stress for the residents of flats above the shops for whom we are supposed to be providing a service.

- **ESH Response** – As mentioned above, ESCC and ESH are hopeful that with the introduction of civil parking enforcement (CPE) within the area this will indeed help improve 'turnover' of short-term parking spaces. With regard to long-term parking i.e., parking for residents. As is standard practise, an additional on-street parking assessment will be carried out overnight, using the 'Lambeth methodology'.

Overnight parking surveys are designed to capture peak resident demand for on street parking in a given area, as it is expected that the majority of local residents would be at home and parked for the night. It is envisaged that this study will be undertaken as part of the overall design process.

**Loss of taxi spaces**: The proposed reduction from 7 to 3 parking spaces at the taxi rank (if Option A is implemented) is opposed by the Chair of the Bexhill Taxi Drivers' Association. He perceives this as being bad for business and has written separately to you about this. Option B would retain all seven parking bays at the taxi rank.

- ESH Response - The proposed arrangement includes provision for 3 taxi bays, therefore, a reduction of up to 4 spaces will occur as result of this proposed design option. Taxis by law are allowed to pick up or drop off on single and double yellow lines, in places where loading is not allowed (shown by the markings on the kerb) in parking bays and in bus lanes, therefore this reduction is not considered significant given the overall improvements to the area as part due to this scheme.

In view of the above explanation, **I support option B** as the option resulting in more advantages and fewer disadvantages.



- ESH Response No further comment required.
- Buckhurst Road/Sackville Road junction: The mini roundabout seems a sensible proposal to improve traffic flow at that point. I also support permanently widening the footways on both sides of the road under Sackville Road bridge.
- ESH Response No comment required.
- Beeching Road junction with London Road: The right turn into Beeching Road from the northern end of London Road is currently difficult to achieve, at times delaying the traffic flow from Combe Valley Way. If the proposed mini roundabout assists this, thereby improving the flow of traffic down London Road in a southerly direction, that is to be welcomed.
- However, sensors to establish relative traffic flows at each of the traffic lights on the A259 would be welcome as it might enhance traffic flow by enabling each green light to last a variable time. The incorporation of a right turn from London Road on to the A259 King Offa Way would also be welcome. I appreciate that these proposals would require an active dialogue with Highways England.
- ESH Response The proposed design option has been modelled using a number of specific junction testing programmes. The results of which have demonstrated that the proposed layout will provide less congestion and improve vehicle movability at the London Road junction with Beeching Road.

In addition, dialogue with Highways England (now known as National Highways) has been ongoing as part of the design/modelling process. In March 2021 National Highways approved the modelling work which confirmed that the A259 King Offa Way would not see additional congestion/traffic flow as result of the proposed mini-roundabout option.



# 4. About the respondents

#### 4.1 Introduction

This section on TN02 provides more information on respondents to this consultation, based on the information they provided to us in our questionnaire. For a full list of the consultation questions, see **Appendix C**.

# 4.2 Number of respondents

ESH and ESCC received 179 direct responses, which calculates at a 12% response rate. As is standard practice, a typical survey response rates can lie anywhere in the region between the 5% to 30% range. Therefore, this response could be classed as 'average' with regard to returns of feedback.

**Section 4** report the results from the 179 direct responses received through the consultation website, paper questionnaire or by unique email address.

# 4.3 Respondent gender

The majority of individuals who responded was split between 47% being Male with that of 46% being that Female. According to the 2018 figures, the area of Rother is 48.5% male and 51.5% female (Equality and Diversity Profile for Hastings and Rother Clinical Commissioning Group, East Sussex Public Health Intelligence January 2018), indicating a slight underrepresentation of women participating in the consultation. A breakdown of the survey gender responses is illustrated within Table 4.1 below.

Table 4.1 Survey Gender Responses

What gender do you identify as?	Number	Percentage (%)
Male	84	47
Female	82	46
Prefer not to say / Not answer	13	7
Total	179	100

# 4.4 Respondent age

The ages of the respondents are shown in Figure 4.1 below. The age distribution of the sample roughly reflects the age distribution of Rother district (Equality and Diversity Profile for Hastings and Rother Clinical Commissioning Group, East Sussex Public Health Intelligence January 2018) with a high proportion of Bexhill population being 65+ years old.

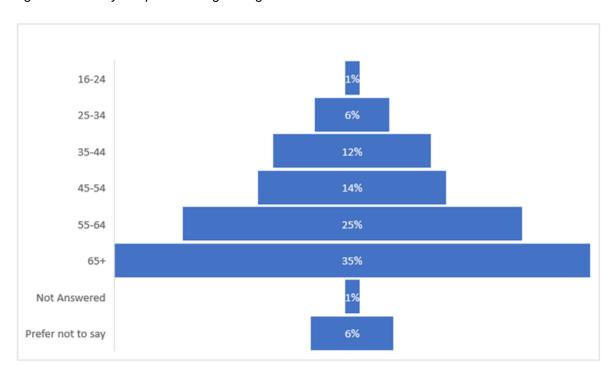


Figure 4.1 Survey Responses - Age Range

# 4.5 Accessibility and disabilities

The numbers of respondents who recorded that they either had reduced mobility or that they considered themselves to be disabled under the Equality Act 2010 are recorded within Table 4.2 below. The majority (82%) said that they did not have reduced mobility and similarly did not consider themselves to be disabled (83%).

Table 4.2 Accessibility ar	d disabilities - Responses
----------------------------	----------------------------

	Reduced Mobility? Frequency	Reduced Mobility? % of total respondents	Disabled? Frequency	Disabled? % of total respondents
Yes	20	11	16	9
No	146	82	148	83
Prefer not to say/No answer	13	7	15	8
Total	179	100	179	100

# 4.6 Respondent postcodes

Of the 179 questionnaire respondents to the consultation, 176 (98%) submitted their postcode. Table 4.3 presents the full list of postcodes of all the respondents. As detailed below within Table 4.3 and Figure 4.2, the majority of respondents were situated within the district of Bexhill (Postcodes TN39 and TN40).

A number of smaller clusters of respondents can be seen around Battle, Hastings, Pevensey, Polegate and London areas.



Table 4.3 Respondent postcodes

Postcode	Total	Percentage (%)
TN39	97	54
TN40	73	41
TN33	1	1
TN34	1	1
EC4R	1	1
BN24	2	1
BN26	1	1
Prefer not to say/No answer	3	2
Total	179	100

Figure 4.2 Consultation Responses by Postcode



# 4.7 Relationship between respondent and scheme area

In addition to the above, respondents were also asked to describe their relationship to the scheme area i.e., if they were an individual or business. The results of which are detailed overleaf within Table 4.4. The majority of respondents are categorized as 'Individuals'.

Table 4.4 Relationship between respondent and scheme

Category of respondent	Total	Percentage (%)
Individual	164	92
Business	6	3
Other	8	4
Prefer not to say/No answer	1	1
Total	179	100



# 4.8 Summary of consultation responses

The following summarises the overview responses:

- Overall, there was a balanced gender response;
- The respondents were a wide spread of age ranges, but the majority of responses were older:
- Based on postcode data, the majority of respondents reside within the district of Bexhill, with a few beyond the district boundary; and
- The majority of respondents are categorised as 'Individuals' rather than 'businesses.



# Scheme specific consultation responses

# 5.1 About this chapter

To gain feedback on the scheme, ESH asked respondents answering the online questionnaire three closed questions, allowing them to show their level of support for each of the individual four design schemes. The results of which are presented within this chapter.

# 5.2 Town Hall Square – Option A

The proposed design for Town Hall Square Option A removes the current gyratory system around Memorial Gardens and provides a new priority junction in order to create a larger and enhanced public space. The footways will be resurfaced with a consistent red tarmac material (as used elsewhere in the town), additional pedestrian crossing facilities will be provided on Buckhurst Place and the landscaping of the gardens will be enhanced. Vehicle access to the Town Hall car park will be retained. The proposed scheme layout is shown below upon Figure 5.1.

Figure 5.1 Town Hall Square - Option A



As shown in Figure 5.1 the proposed works also include the introduction of:

- A new (southern) bus stop located on London Road;
- A new (eastern) bus stop located on Buckhurst Place.

This design option has been tested using a multi-modal traffic flow simulation software package known as PTV Vissim and the model forecasts that the proposed design allows the road network to operate within capacity in all peak hours. However, it should be noted that in



order to implement this design a reduction in both taxi and general parking facilities will be necessary as highlighted below:

- The proposed arrangement includes provision for 3 taxi bays, thus a reduction of up to 4 spaces;
- This design option also proposes a total of 17 general parking bays, therefore there
  will be a loss of around 17 parking spaces. These bays will operate as per existing
  (Pay and Display Mon Sat 8am 6pm, max stay 2 hours).

It is recognised that this proposal will also impact on local and community bus services with relocated stops and reduced route flexibility.

#### 5.2.1 Scheme specific questions

The following summarises the responses to the remainder of the questions contained in the public consultation questionnaire.

# Responses to Q2: 'To what extent do you support the Town Hall Square – Option A proposed design?'

Respondent support to the proposed design scheme is noted in Table 5.1.

Table 5.1 Survey Respondent view – Town Hall Square – Option A

View	Number	Percentage (%)
Strongly support	51	28
Support	21	12
Oppose	30	17
Strongly Oppose	65	36
No opinion/ Don't know	12	7
Total	179	100

Generally, the respondents are against the proposed design scheme with 53% either strongly opposing (36%) or opposing (17%) it. Conversely, 40% of the respondents were in favour the proposed design scheme, with 12% supporting and 28% strongly supporting.

#### 5.2.2 Specific Themes and Trends in the Qualitative Responses

#### 5.2.2.1 Issues and concerns

As mentioned previously, numerous detailed responses were received from the general public regarding the proposed design schemes. A brief outline of all the received feedback involving issues/concerns have been detailed below within Table 5.4 with an ESH design response also provided for clarification.



Table 5.2 Received Feedback and ESH Response – Town Hall Square – Option A

Theme	loous	ESH Response
Parking	"I am against both proposals for the Town Hall	ESCC and ESH are hopeful that with the
I arking	Square. Both Option A and Option B include	introduction of civil parking enforcement (CPE)
	reductions in parking bays, although the latter less	within the area this will indeed help improve
	so.	'turnover' of short-term parking spaces. With
		regard to long-term parking i.e., parking for
	Firstly, in doing so, I do not see how this will	residents. As is standard practise, an additional
	'encourage people to come to the town more	on-street parking assessment will be carried out
	often, spend more time there and help facilitate	overnight, using the 'Lambeth methodology'.
	economic growth' as is one of your primary aims.	Overnight parking surveys are designed to
	Secondly, the newly introduced parking	capture peak resident demand for on street
	arrangements (for which us residents now have to	parking in a given area, as it is expected that the
	pay parking permits) will be compromised when	majority of local residents would be at home and parked for the night. It is envisaged that this study
	the benefits of this scheme are already not greatly	will be undertaken as part of the overall design
	apparent (I still have difficulty in finding a parking	process.
	space on regular occasions).	As highlighted within a provious response, this
	""I have some concerns about removing so much	As highlighted within a previous response, this design option looks at proposing a total of around
	parking Town Hall Square Option A and the	17 general parking bays, therefore there will be a
	knock-on effect this could have on parking in	loss of around 17 parking spaces (50%). In
	surrounding roads. Hoping that any changes see	addition, signage will be provided in order to
	a reduction in traffic using Victoria Road &	promote the Wainwright Road Car Park (80
	Reginald Road as a cut-through to by-pass Town	spaces) which is located roughly 370 meters
	Hall Square traffic. Some concerns that Option A may encourage more traffic to use side roads if	away. A distance that is in accordance with DfT guidance as a 400-meter distance is defined as
	queuing times at the junction are increase."	'walkable', thus being about a five-minute walk for
	, , ,	most people.
	"The main problem is the reduction of parking	
	spaces on option A. The car park where I live in	In addition to the above the recent introduction of
	Parva Court has enough people who are not	civil parking enforcement (CPE) within the area
	residents parking there. Also, there are no street- lights to enter the side of Magna Court, London	has enhanced the level of parking enforcement, which in turn will help improve 'turnover' of short-
	Road and I can't see by late afternoon.	term parking spaces.
	riodd arid rodrift ood by late alternoom.	tom panding opaces.
	"You must not lose 17 parking spaces. Parking at	
	Town Hall Square is awful, but usually after 5	
	minutes you can eventually find somewhere. To	
	reduce our current parking is madness! Since buying this flat, you have charged me residents	
	parking".	
	paring.	
Disabled	"Would there be any parking for disabled	Currently the parking provision has not be
Parking	motorists? There are residents that live around	determined as of yet. The allocation of disabled
	the square and businesses that work hard to get	bays will be investigated further during the later
	trade, seems that the parking will be extremely limited for these people. The businesses have	design stages.
	had it hard enough without people stopping using	
	them because there is no parking. We use the	
	cafe almost every day and need to park near as	
	my husband is disabled."	
Troffic Immost	"Outing A second Plantage and A total in	As now of the facellity design process a number
Traffic Impact	"Option A seems like a large waste; I think it would cause more traffic congestion."	As part of the feasibility design process a number of specific checks/tests are required. Once, such
	would cause more trainic congestion.	check involves traffic modelling/simulation. This
	"I feel Option A at the bottom of London Road will	was undertaken using the design software PTV
	lead to queuing traffic back up London Road,	Vissim.
	whereas the current gyratory system works well to	Output files show that this design option put
	maintain traffic flow."	forward will operate sufficiently within all network
		peaks and that both congestion and static traffic
	Surely the money could be spent actually getting lights in to see than changing what already works.	will be kept to a minimum.
	lights in to see than changing what already works.  It's the London Road traffic lights at the A259	With regard to the London Road traffic lights at
	that's the issue. Also there needs to be some sort	the A259 a high-profile traffic model has been
	of pedestrian crossing at the bottom of London	developed and has tested a number of specific
	Road. My aged mother and I struggle constantly	scenarios involving proposed layouts and how
	to cross."	they would function. The layout put forward



- You should make the London Rd North junction with Beeching Road and London Road ONE Way gyratory road; Cars would enter onto London Rd towards Bexhill Centre turning onto Buckhurst Rd and continuing onto Terminus Rd before turning onto Beeching Rd and back to the junction at the northern end of London Rd. Obviously amendments would need to be made at Sackville Rd and Buckhurst Rd Reginald Rd Victoria Rd junctions. This would bring into play Wainwright Rd car park and extra parking along one side of London Rd and would mean traffic flow was better.
- "I feel that Option A for Town Hall Square would interfere with through traffic to the primary school and access to Sainsbury's from that end of town. A possible bottle neck on school day drop off and pick up times".

address all current congestion and static traffic during both normal and peak hours.

It should also be noted that illustrated upon the drawing above there are pedestrian crossing facilities provided on Buckhurst Place, with additional dropped kerb crossing facilities also provided on London Road in order to help navigate people safety within the area.

A number of design options have been investigated, including that of making London Road one-way. Sadly, the one-way arrangement wasn't taken forward with regard to a number of specific concerns. This involved access to current bus stops and the rerouting of a number of services all of which would not deem viable. In addition to this, traffic simulations using modelling software also confirmed that traffic would unfortunately cause local traffic congestion of neighbouring streets, i.e., Beeching Road as well cause long delay and delay times when trying to navigate onto the A259 King Offa Way.

Discussions have already taken place with National Highways with regard to the proposed traffic modelling with the current layouts put forward as part of this consultation offering the best solution in terms of network operation.

Additional traffic modelling will be undertaken post the pandemic (COVID-19) in order to see how traffic patterns have changed and if traffic and active travel flows have been reduced as result.

#### **Public Realm**

- "Option A will destroy a beautiful area that many use. Whilst road traffic is higher and needs to be better organised, I don't agree with ruining this beautiful, historical, widely pictured area of Bexhill Town. We must keep our history and beauty alive in the town."
- "Whilst I welcome Option A, I personally do not think the larger public space will be utilised to full potential people will amble to the seafront. I don't feel it would encourage more people into the town, but the traffic definitely wins out."

ESH envisage that these design proposals will indeed highlight the attractiveness of the area. Discussions have taken place between ESH and Rother District Council (RDC) Parks Development Officer, RDC Conservation Officer and ESCC Landscape Architect with regard to the landscaping options that have been implemented on the proposed plans.

#### Bus Infrastructure

- "Re-existing bus stop outside Town Hall, this is often used as a coach or minibus pick up & drop off point for holiday companies. Space for a coach to stop for a short period (10 minutes maximum) needs to be retained or built into new priority junction design. Make sure new road surfacing is robust and very long lasting."
- I think it's imperative that the bus stop outside the Town Hall is moved -due to it being very stressful and potentially dangerous when crossing from Amherst Road to Sainsbury etc.
- When buses are parked there, it is impossible to see the oncoming traffic without walking into the road -and as you are probably aware the traffic is very fast there - some buses stay in situ for a considerable time - and so it's not just a matter of waiting patiently for the buses to move.

Discussions have already taken place with John Stockdale (Planning Manager for National Express) with regard to the above design. From these discussions it was confirmed that should the gyratory be removed, then Service 023 could alternatively approach via Beeching Road and Terminus Road, serve the bus stop on the west side of Memorial Gardens and then depart via London Road. National Express have also confirmed that an alternative location would be that of the Marina outside the De La Warr Pavilion.

As mentioned previously, all design options presented within this package of works have been designed in accordance with the relevant design specifications as per Department for Transport (DfT) and Design Manual for Roads & Bridges (DMRB) guidance. In addition, all design options have also been audited by an independent road safety engineer as part of the RSA Stage 1 process.



	This doesn't just affect people living in Amherst Road and London Road - it also affects people who walk down from the other side of the A259. I would add that there are also people who have to use motorised disability scooters or walking frames who currently have a challenging time crossing when there is a bus parked outside the town hall and with the oncoming traffic moving too quickly".	
Electric Vehicle Charging Points	"While changing the infrastructure please consider electric vehicle charging points".	The provision regarding electric vehicle charging points will be undertaken during the later stages of the design process.
Highway Maintenance	<ul> <li>"I would prefer to see the money spent on repair of the potholes and poor road and pavement surfaces, before any money is spent on enhancement".</li> <li>"Instead of causing mayhem, the money should be used to upgrade pavements in and around the town and our roads are an appalling mess with so many pothole".</li> </ul>	All maintenance concerns regarding Bexhill or East Sussex that you may cycle, walk, or drive and believe require repair can be raised via the East Sussex Highways website: www.eastsussexhighways.com.  Once your comments are logged, a steward will be tasked with inspecting the site and will provide feedback to you via a customer service team. Alternatively, you can contact East Sussex Highways via phone on 0845 608 0193.
Cycling Infrastructure	"No cycle facilities, contrary to LTN 1/20?"	It should be noted that ESCC is developing a range of schemes across the county that aim to create safer, more sustainable communities, and align with the Government's commitment to encouraging more active travel. One of which involves looking to take forward a new cycling and walking route within Bexhill which will extend and improve the current network in the town.  The proposed route was identified through work carried out for ESCC's Local Cycling and Walking Implementation Plan and is funded by the Government's Local Growth Fund (LGF) which aims to introduce measures to improve conditions for those walking, cycling, and using public transport. Therefore, further comments regarding cycling within Bexhill should be reviewed in accordance with the information provided as part of the Bexhill Cycle Route consultation.
20-mph Zone	"OPTION 'A' has a great deal of merit in overall traffic flow and speed calming. However, without seeing the results of your traffic volume modelling it is difficult to believe that the flow on London Road in a southerly direction will not overwhelm its junction with Buckhurst Place without some form of additional traffic light control at this point. The addition of a raised platform Zebra Crossing on London Road to the North of Buckhurst Place, as is proposed in Option 'B' may help with such congestion. The whole of the Town Centre requires implementation of a 20-mph speed zone".	With regard to a 20-mph speed zone, further investigation can be undertaken if warranted, however it should be noted that London Road and the surrounding highway network does operate well within the current speed limits and that if further confirmed by the number of accidents that have occurred as a result of vehicles travelling at high speeds.



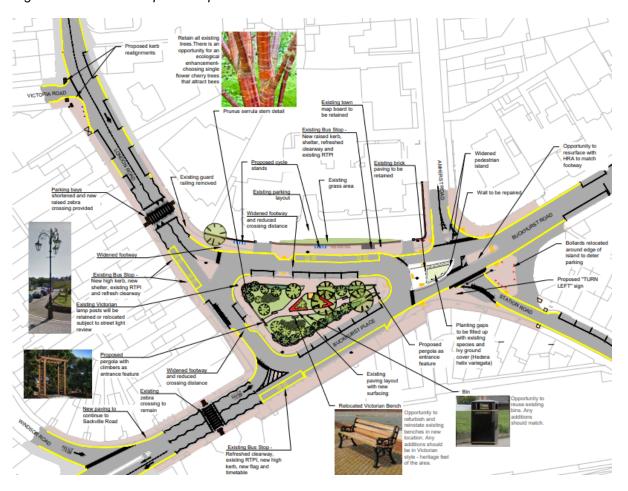
# 5.3 Town Hall Square – Option B

This is a simpler proposal which will retain the current gyratory arrangement and introduce a new zebra crossing at the southern end of London Road. This is currently proposed as a raised zebra crossing to help reduce speeds, however, it could be implemented as a standard zebra crossing.

Kerb works around the junctions will help to slow down traffic and reduced crossing distances will allow pedestrians to cross more safely. The footways will be resurfaced with a consistent red tarmac material (as used elsewhere in the town) and the gardens will benefit from enhanced landscaping helping to improve the public realm. The bus stops will remain in their current positions and be upgraded, and cycle parking facilities will be provided.

All 7 taxi spaces will remain as part of this design option, and 23 general parking spaces will be provided. This is an overall reduction of approximately 11 spaces. These bays will operate as per existing (Pay and Display Mon – Sat 8am – 6pm, max stay 2 hours). The proposed scheme layout is shown below upon Figure 5.2.

Figure 5.2 Town Hall Square - Option B





## 5.3.1 Scheme specific questions

The following summarises the responses to the remainder of the questions contained in the public consultation questionnaire.

# Responses to Q2: 'To what extent do you support the Town Hall Square – Option B proposed design?'

Respondent support to the proposed design scheme is noted in Table 5.3

Table 5.3 Survey Respondent view - Town Hall Square - Option B

View	Number	Percentage (%)
Strongly support	41	23
Support	33	18
Oppose	43	24
Strongly Oppose	41	23
No opinion/ Don't know	21	12
Total	179	100

The majority of respondents are again against the proposed design option with 47% either strongly opposing (23%) or opposing (24%) it. The remaining 41% were in favour the proposed design scheme, with 18% supporting and 23% strongly supporting.

## 5.3.2 Specific Themes and Trends in the Qualitative Responses

#### 5.3.2.1 Issues & concerns

As mentioned previously, numerous detailed responses were received from the general public regarding the proposed cycle routes. A brief outline of all the received feedback involving issues/concerns have been detailed below within Table 5.4 with an ESH design response also provided for clarification.

Table 5.4 Received Feedback and ESH Response – Town Hall Square – Option B

Theme	Issue	ESH Response
Theme Public Realm	<ul> <li>"Option B would not be of benefit. Having Zebra crossings so close to junctions is dangerous."</li> <li>The gyratory is a person unfriendly and old-fashioned traffic dominated system. Option B seems like a waste of money, with little benefit".</li> <li>"Option B Town Hall Square is preferable, in my opinion, to Option A which seems to be considerably reducing the number of parking spaces, thus creating more difficulties for local residents, as well as a number of the taxi spaces. Option B just seems to be a better and nicer plan</li> </ul>	The proposed design option put forward, introduces a new zebra crossing at the southern end of London Road. This is currently proposed as a raised zebra crossing to help reduce speeds. Kerb works around the junctions will help to slow down traffic and reduced crossing distances will allow pedestrians to cross more safely. The bus stops will be upgraded, and cycle parking facilities will be provided, therefore providing an overall benefit to the area.  The above-mentioned crossing has been designed using that of DfT Local Transport Note 1/95 "The Assessment of Pedestrian Crossing'. In addition to the design guidance used, the design
	Option B is the only option I would support but mainly for another crossing point. The addition of pergolas in the Town Hall Square garden is cosmetic and not required in my view."	has also been audited by an independent Road Safety Team to which all design matters were addressed before going to both stakeholder and general public consultation.



Cycle Infrastructure	"Cyclists have clearly not been considered in the road layout of either scheme. Both schemes require dedicated cycle lanes which have physical separation from motor traffic".	It should be noted that ESCC is developing a range of schemes across the county that aim to create safer, more sustainable communities, and align with the Government's commitment to encouraging more active travel. One of which involves looking to take forward a new cycling and walking route within Bexhill which will extend and improve the current network in the town.  The proposed route was identified through work carried out for ESCC's Local Cycling and Walking Implementation Plan and is funded by the Government's Local Growth Fund (LGF) which aims to introduce measures to improve conditions for those walking, cycling, and using public transport.  Therefore, further comments regarding cycling
		within Bexhill should be reviewed in accordance with the information provided as part of the Bexhill Cycle Route consultation.
Traffic Impact	"The problem with Option B is the possibility of blocking traffic in Town Hall Square when the zebra crossing is being used".	As part of the feasibility design process a number of specific checks/tests are required. Once, such check involves traffic modelling/simulation. This was undertaken using the design software PTV Vissim. Output files show that this design option put forward will operate sufficiently within all network peaks and that both congestion and static traffic will be kept to a minimum.

# 5.4 Buckhurst Place j/w Sackville Road

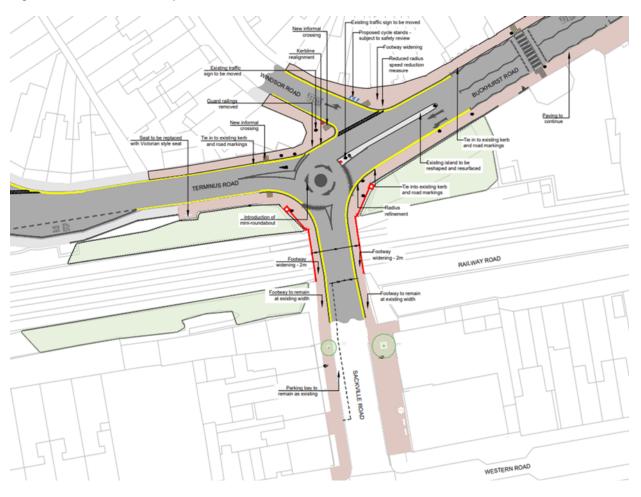
The proposed design incorporates a mini roundabout at this junction to improve the traffic management arrangements in this location.

The footways on both sides of the road under Sackville Road bridge are proposed to be permanently widened and resurfaced with a red tarmac material (as used elsewhere in the town). The junction of Windsor Road is to be squared up by introducing a kerb build-out on the eastern side and an informal pedestrian crossing point introduced. A new informal pedestrian crossing is also proposed in Terminus Road.

The pedestrian deterrent paving will be removed, guard railing rationalised and the whole area will be resurfaced with a consistent red tarmac footway material, improving the public realm. Cycle parking stands are also proposed in this location. The proposed scheme layout is shown overleaf upon Figure 5.3 overleaf.



Figure 5.3 Buckhurst Place j/w Sackville Road



# 5.4.1 Scheme specific questions

The following summarises the responses to the remainder of the questions contained in the public consultation questionnaire.

# Responses to Q2: 'To what extent do you support the Buckhurst Place/Sackville Road proposed junction?'

Respondent support to the proposed design junction is noted in Table 5.5.

Table 5.5 Survey Respondent view – Buckhurst Place/Sackville Road junction

View	Number	Percentage (%)
Strongly support	68	38
Support	48	27
Oppose	20	11
Strongly Oppose	22	12
No opinion/ Don't know	21	12
Total	179	100



A considerable number of respondents are in favour the proposed design junction with 65% either strongly supporting (38%) or supporting (27%) it. On the contrary, 23% of respondents were against the proposed design junction, with 11% opposing and 12% strongly opposing.

## 5.4.2 Specific Themes and Trends in the Qualitative Responses

#### 5.4.2.1 Issues & concerns

As mentioned previously, numerous detailed responses were received from the general public regarding the proposed cycle routes. A brief outline of all the received feedback involving issues/concerns have been detailed below within Table 5.6 with an ESH design response also provided for clarification.

Table 5.6 Received Feedback and ESH Response – Buckhurst Place/Sackville Road

Theme	Issue	ESH Response
Vehicle Speeds	• "I would be concerned that the direct route through from Buckhurst Road towards Terminus Road would encourage higher speeds and a new 20mph zone in this area might be a further enhancement."	As part of the overall study process, Personal Injury Collision data and vehicle speed data was collected during feasibility stage of the project. To determine if there is an existing problem of vehicles exceeding the speed limit, a traffic speed survey was commissioned and undertaken by ESCC between Wednesday 13th June till Saturday 23rd June 2018. The survey was conducted using technical guidance of DMRB TA 22/81 'Vehicle Speed Measurement on All Purpose Roads'. From the datasets collected, the mean vehicle speed was found to be in accordance with that of the 'Mean Speed'.  It should be noted that term "mean speed' is a statistical reference and to avoid being over technical, the term "average speed" is used instead. Hence, it is safe to say that the study area does not suffer from high vehicle speeds and as a result the current configuration put forward is therefore sufficient.  However, should further funding become available then a study could be commissioned in the future if warranted.
Public Realm	"Buckhurst Place area for mini roundabout is too small regardless of changes to footpaths and will promote more assertive attempts by drivers to get priority to turn. Just change signs to remind give way to right. Pavement alterations, no views apart from it looks like concrete city in Buckhurst Place, so if you widen the footpaths concentrate on wheelchair users/those that have buggies and partially sighted then think green i.e., flower planters or grass in middle reservation."	The scheme itself comprised of a brief from ESCC and RDC that looked at improving the current public realm, refining traffic circulation and improving pedestrian safety along Sackville Road, especially underneath the railway bridge given the very narrow footway widths. The proposed scheme achieves all of the above.  In addition to the roundabout size, all design options presented within this package of works have been designed in accordance with the relevant design specifications as per Department for Transport (DfT) and Design Manual for Roads & Bridges (DMRB) guidance. In addition, all design options have also been audited by an independent road safety engineer as part of the RSA Stage 1 process.
Traffic Impact	"The existing traffic flow round Town Hall Square has worked and will continue to EFFICIENTLY control the movement of traffic for years to come without the need to spend millions of pounds for the sake of change's sake. There is as such an imaginary roundabout already at the Sackville Road junction, so why spend so much revenue on a roundabout. The existing system works perfectly well when the highway code is implemented".	Unfortunately, this is not the case, the proposed design incorporates a mini roundabout at this junction in order to improve the traffic management arrangements in this location given the current poor road marking and infrastructure that is located here presently. This proposed roundabout arrangement will help navigate visitors and local residents' safety within this junction.



# 5.5 Beeching j/w London Road

The proposed design is to provide a mini roundabout at this junction to improve traffic management and issues of queuing traffic backing up along London Road onto the junction with the A259. In addition to this main design change, the proposed highway layout includes improving the pedestrian crossing point located across Beeching Road, resurfacing footways in a red tarmac material (as used elsewhere in the town) and including a red 'gateway' surfacing material on the carriageway in London Road. The proposed scheme layout is shown below in Figure 5.4.

Figure 5.4 Buckhurst Place j/w Sackville Road



## 5.5.1 Scheme specific questions

The following summarises the responses to the remainder of the questions contained in the public consultation questionnaire.

# Responses to Q2: 'To what extent do you support the Beeching Road/London Road proposed junction?'

Respondent support to the proposed cycle route is noted in Table 5.7 overleaf.



Table 5.7 Survey Respondent view – Beeching Road/London Road junction

View	Number	Percentage (%)
Strongly support	48	27
Support	49	27
Oppose	25	14
Strongly Oppose	31	17
No opinion/ Don't know	26	15
Total	179	100

Around 54% of respondents are in favour the proposed design junction with 27% both strongly supporting and supporting it. On the contrary, 31% of respondents were against the proposed design scheme, with 14% opposing and 17% strongly opposing.

## 5.5.2 Specific Themes and Trends in the Qualitative Responses

#### 5.5.2.1 Issues & concerns

As mentioned previously, numerous detailed responses were received from the general public regarding the proposed cycle routes. A brief outline of all the received feedback involving issues/concerns have been detailed below within Table 5.8 with an ESH design response also provided for clarification.

Table 5.8 Received Feedback and ESH Response –Beeching Road/London Road

Theme	Issue	ESH Response
Traffic Impact	<ul> <li>"Using the roundabout system at London Road/Beeching Road will reduce the cars on the A259 junction but increase the queue of traffic travelling past Aldi towards the A259"</li> <li>"A roundabout at Beeching Road/London Road would be a waste of taxpayers' funds, it would not improve any traffic coming down London Road during peak times as those waiting on Beeching Road would still have to give away to them as they would be coming from their right, would make no difference"</li> <li>"Removal of the existing yellow box would mean that northbound traffic could enter the roundabout blocking right turn traffic from Beeching Road without penalty. Entering the box junction carries a penalty which deters blocking the junction."</li> </ul>	The proposed design option has been modelled using a number of specific junction testing programmes. The results of which have demonstrated that the proposed layout will provide less congestion and improve vehicle movability at the London Road junction with Beeching Road  In addition, dialogue with Highways England (now known as National Highways) has been ongoing as part of the design/modelling process. In March 2021 National Highways approved the modelling work which confirmed that the proposed mini roundabout option would not contribute to additional congestion/traffic flow as result.  But will indeed show a reduction in both journey times and delay when compared to the current priority junction configuration.
	<ul> <li>"This could impact the fire brigade access to right turns"</li> <li>"London Road/Beeching Road certainly needs improvement, especially for vehicles coming out of Beeching Road onto London Road. Is a roundabout the best idea? Has the current traffic light system been looked at? Perhaps incorporating a second sets of lights by the blue anchor fish and chip shop to stop London Road traffic a bit sooner and allowing Beeching Road traffic out?"</li> <li>"Beeching Road junction needs improvement so people who want to turn right and left can both</li> </ul>	As part of the feasibility design process a number of specific checks/tests are required. One such method, includes that of a Road Safety Audit (RSA Stage 1). This has been undertaken by an independent road safety engineer that has reviewed the proposed design option and has confirmed that this has been designed in accordance with the relevant design specifications as per Department for Transport (DfT) as is indeed acceptable.



	turning left to join traffic lights hold those wanting to turn right! Don't think your solution will fix it"  • "Mini roundabouts at sections where the road junctions are far too small currently make no sense, unless wholesale major changes involving removal of properties to facilitate proper roundabout. That said the existing junctions are no issues at all. they merely become busy at peak travelling times that soon dissipates"  • "I agree that there is a need for some improvement at the Beeching Road/London Road junction but not convinced that a roundabout would be the answer due to the inability of a lot of drivers to fully observe the rules regarding right of way. Perhaps additional traffic lights controlling northbound traffic up London Road"	
Urban Realm	• "A mini roundabout at the Beeching road junction really isn't enough. The amount of Lorry traffic that will have to navigate that would surely hold up traffic. The parking on London road (from Beeching road to Aldi) needs looking at. The road is tight, and cars are always double parked. That part of the road and some of the parade of shops is an eyesore. The scrap metal place looks awful. Visitors to the town will use this route into Bexhill and London road is the first thing they see; and the impression it gives, is not a good one."	The scheme is limited to the improvement of Beeching Road junction only. The comments regarding the urban realm in this location are noted.  The introduction of civil parking enforcement (CPE) along London Road should provide the opportunity to reduce the incidences of double parking. This issue has been noted and passed onto the CPE team for monitoring



# 6. Conclusion

# 6.1 Summary

This Technical Note (TN02) sets out a comprehensive record, along with the approach and process, of East Sussex Highways (ESH) combined general public consultation for a series of public realm and traffic management improvements at three key junctions within the London Road area of Bexhill.

ESH and ESCC received 179 direct responses, which calculates at a 12% response rate. As is standard practise, a typical survey response rates can lie anywhere in the region between the 5% to 30% range. Therefore, this response could be classed as 'average' with regard to returns of feedback.

Overall, the main concerns raised throughout the public consultation were related to the implementation of further congestion and increased journey times. There are concerns that the existing issues around congestion in the area will not be resolved, if not exacerbated, with a knock-on impact on pollution.

Across the four design options, responses were mixed, with the majority of respondents having overall concerns with both Town Hall Square designs. Both the two-mini roundabout design options received the highest level of support, with 54% and 65% of respondents in favour of the two. Table 6.1 provides a summary of responses received is provided below for each of the proposed four schemes.

Table 6.1 Scheme response summary

Scheme	Issues and Concerns	Neutral / Unknown	Supportive
Town Hall Square- Option A	53%	7%	40%
Town Hall Square- Option B	47%	12%	41%
Beeching Road/ London Road Junction	31%	15%	54%
Buckhurst Place/Sackville Road Junction	23%	12%	65%

The options for the Town Hall Square however did not however receive similar support, with issues raised around junction operation and loss of parking for residents and taxis.

In light of the public consultation outcomes, and the time constraints of the funding, it is proposed that the London Road package of works is split into two works phases, allowing those schemes that have support to progress, and separating the Buckhurst Place scheme to undertake further design development.

ESCC and the county's highways team are grateful to all of those who took the time to give their views about the proposals. All feedback received during the public consultation period will be evaluated by both ESCC and ESH and will be considered when the scheme enters its detailed design phase.



# SCH-109: London Road, Bexhill Stakeholder Engagement Process

PREPARED FOR: Deborah Parker (ESCC)

PREPARED BY: Katerina Gida (ESH)

DATE: 25<sup>th</sup> October 2021

PROJECT NUMBER: B23738PG

TECHNICAL NOTE: 01-Rev C

APPROVED BY: Andy Mileham (ESH)

#### Introduction

#### 1.1 Purpose of this Note

This Technical Note (TN01) sets out a comprehensive record of our stakeholder engagement for SCH-109 which consists of a series of public realm and traffic management improvements at three key junctions within the London Road area of Bexhill.

TN01 will cover such topics as our engagement approach and process. It should be noted however that any design proposals will be shared more widely and be subject to a public consultation later in the year.

#### 1.2 Report Structure

TN01 is based upon the following sections.

- Section 1 Introduces the project and its current stage of development
- <u>Section 2</u> Describes the stakeholder engagement methodology for the proposed scheme and the methodology used for analysing feedback from stakeholders. This engagement process identifies the different groups engaged and what their functions are, as well as requesting technical input and suggestions.
- <u>Section 3</u> Outlines engagement to date to explain with whom we have engaged so far on the Project and how we have listened to their feedback, analysed it and communicated it back to them.

#### **Supporting Information:**

- Appendix A Proposed Scheme Designs
- Appendix B Stakeholder Consultation List
- Appendix C Engagement Communications 'ESCC Email Template'
- Appendix D Engagement Communications 'Stakeholder Responses'
- Appendix E Amended Scheme Designs, following Stakeholder Feedback

1



#### 1.3 Project Summary

East Sussex Highways (ESH) were commissioned by East Sussex County Council (ESCC) in conjunction with Rother District Council (RDC), to undertake a series of drawings which in turn would enhance the existing public realm as well as improve the current traffic management within the London Road area of Bexhill.

London Road (A269) acts as an important gateway for those visiting, running businesses and living in the town, the function and appearance of this area is considered crucial for the future vibrancy and commercial success of the town centre.

A successful public realm provides safe spaces for people to meet, encouraging people to come into the town more often and spend more time there. The proposals outlined in this consultation aim to create an inviting and safe environment, attracting more visitors to the town centre and facilitating economic growth.

Figure 1.1 displays the overall location of the study area and the surrounding highway network.

Figure 1.1 Study Area



The design proposals are described below with two options for Town Hall Square and one design option each for the Buckhurst Place/Sackville Road junction and the London Road/Beeching Road junction:

#### **Town Hall Square**

Improvement of the quality of the public realm around the Town Hall, making it more functional, financially maintainable and aesthetically pleasing. Two design options are proposed for this area;

- Option A consists of the removal of the current gyratory system around Memorial Gardens and provides a new priority junction in order to create a larger and enhanced public space. The footways will be resurfaced with a consistent red tarmac material (as used elsewhere in the town), additional pedestrian crossing facilities will be provided on Buckhurst Place and the landscaping of the gardens will be enhanced. Vehicle access to the Town Hall car park will be retained. However, it should be noted that in order to implement this design a reduction in both taxi and general parking facilities will be required.
- Option B consists of the retainment of the current gyratory arrangement with the
  introduction of a new zebra crossing at the southern end of London Road. This is
  currently proposed as a raised zebra crossing to help reduce speeds, however, it
  could be implemented as a standard zebra crossing. Kerb works around the
  junctions will help to slow down traffic and reduced crossing distances will allow
  pedestrians to cross more safely.

In addition, the gardens will benefit from enhanced landscaping helping to improve the public realm. The bus stops will remain in their current positions and be upgraded, and cycle parking facilities will be provided. All 7 taxi spaces will remain as part of this design option, and 24 general parking spaces will be provided. This is an overall reduction of approximately 10 spaces.

#### **Beeching Road/London Road Junction**

This concept design looks to provide a mini-roundabout arrangement at the existing junction in order to improve traffic management and the current issues of queuing traffic that has established itself along London Road onto the junction with A259.

In addition to this main design change, the proposed highway layout includes improving the pedestrian crossing point located across Beeching Road, resurfacing footways in a red tarmac material (as used elsewhere in the town) and including a red 'gateway' surfacing material on the carriageway in London Road.

#### **Buckhurst Place/Sackville Road Junction**

The proposed design option incorporates a mini roundabout arrangement at Buckhurst Place/Sackville Road junction in order to improve the traffic management arrangements in this location. The footways on both sides of the road under Sackville Road bridge are proposed to be permanently widened and resurfaced with a red tarmac material (as used elsewhere in the town) and the guard-railing removed.

The junction of Windsor Road is to be squared up by introducing a kerb build-out on the eastern side and an informal crossing point introduced. A new informal crossing is also proposed in Terminus Road. The existing pedestrian guard-railing and pedestrian deterrent paving will also be removed and the whole area will be resurfaced with a consistent red tarmac footway material, improving the public realm. Cycle parking stands are also proposed in this location.



### Stakeholder Engagement Process

#### 2.0 Methodology

The main focus of stakeholder engagement for this Project was to

- Give stakeholders an understanding of how the feasibility study for each design option has been developed (a stakeholder contact list is included within Appendix B of this TN.
- Give stakeholders the chance to provide feedback on the design option
- Review all feedback received and explain how this was taken into consideration for the final design.

#### 2.1 Feedback Analysis

On 28<sup>th</sup> July 2021, an invitation was issued to key stakeholders, asking them to provide feedback in the form of written representations on the four proposed design schemes. Organisations were asked to respond to an identified project mailbox by Friday 27<sup>th</sup> August 2021.

A copy of this written communication is included for reference within **Appendix C** with the responses received also being provided within **Appendix D**. All of the responses were documented and allocated a reference number.

The project team then sorted through all representations to highlight the key themes and provided these to the subjectmatter experts who would be responsible for analysing the issues in more detail. It should be noted that due to a lack of responses from the initial email correspondence, a secondary email was issued to some of the outstanding recipient's again asking for stakeholder feedback by the above mention deadline.

## Stakeholder Feedback Responses

#### 3.0 Feedback Received

The Project Team sent requests for written representations to 44 organisations as well as a handful of Rother Councillors that operate within the Bexhill ward. The invitations were sent to organisations within the Stakeholder Reference Group, a list that was provided by ESCC.

It should be noted however that from the 44 organisations contacted only 20 sent submissions back to the project team, thus calculating a response rate of only 45%. As mentioned previously, a copy of the written responses has also been included for further reference and is attached within **Appendix D** of this Technical Note. The below **Table 1.1** has illustrated if that individual stakeholder was either in support of the proposed scheme or was opposed.

Table 1.1.

Expression of Interest – Town Hall Square – Removal of the Gyratory System (Scheme A)

Support/Oppose	Frequency	% of total responses
Strongly support or support	8	40%
Neither support nor oppose	8	40%
Strongly oppose or oppose	4	20%
Total	20	100%

**Table 1.1** above depicts the number of responses who expressed a preference for the proposed Town Hall Square design (Scheme A). As **Table 1.1** above has identified, eight out of the nineteen respondents were in support of the scheme, while seven respondents neither supporting nor opposing the scheme at the same time. This was due to the comments received from the respondents that suggested that there were a number of both risks and merits for both design options, as discussed in subsection 3.2 of this TN.

However, it should be noted that four respondents opposed Scheme A by strongly supporting Scheme B (the mini roundabout arrangement). These responses were received by such organisations as, Surrey and Sussex Police, Paul Courtel (Rother District Councillor for Bexhill Central), Neil Maguire (Senior Passenger Technical Officer), Stuart Hardie (Managing Director of the Bexhill Community Bus Service), Dimitri Bridgland (Network Planning Manager of Stagecoach South East) and ESCC Road Safety Team.

In order to receive further feedback from Stakeholders an extension to for responses this TN was undertaken on the 16<sup>th</sup> September 2021, thus giving a further 20 days to receive any late replies from Stakeholders, however only one further corresponding email was received.

The project team received a wealth of detailed comments within the feedback which has been helpful in identifying the overall attitude from stakeholders as well as issues of importance. A brief outline of all the received feedback involving issues/concerns have been provided for each of the scheme designs below, with an ESH design response underneath in blue.

#### **Town Hall Square**

#### **Option A - Removal of gyratory system around Memorial Gardens**

#### Issues/Concerns

- Traffic management during peak times the proposal will cause congestion.
- ESH Response A detailed series of traffic models and microsimulations using the software PTV Vissim (which is a multi-modal traffic flow simulation programme) has identified that network operates within capacity in all identified peak hours.
- The increase in static traffic would increase Rother Council's carbon footprint.
- ESH Response As mentioned above, both congestion and static traffic will be kept to a minimum. The PTV Vissim output files show that the design option put forward will operate sufficiently within all network peaks. In addition, as part of the design stage an Environmental Impact Assessment (EIA) will be produced. This assessment will look at the likely significant environmental effects arising from a proposed development in a systematic way. It ensures that the environmental implications of decisions on development proposals are taken into account before the decisions are made. Additional traffic modelling will be undertaken post the pandemic (COVID-19) in order to see how traffic patterns have changed and if traffic and active travel flows have been reduced as result.
- The loss of parking spaces in the area would result in more traffic circulating to find a space.
- ESH Response This design option looks at proposing a total of around 17 general parking bays, therefore there will be a loss of around 17 parking spaces (50%). In addition, signage will be provided in order to promote the Wainwright Road Car Park which is located roughly 370 meters away. A distance that is in accordance with DfT guidance as a 400-meter distance is defined as 'walkable', thus being about a five-minute walk for most people. The guidance also states that "more important destinations, such as train stations or major centres, may serve a wider walkable catchment". In addition to the above the recent introduction of civil parking enforcement (CPE) within the area has enhanced the level of parking enforcement, which in turn will help improve 'turnover' of short-term parking spaces.



- A reduction in taxi spaces is not acceptable.
- ESH Response The proposed arrangement includes provision for 3 taxi bays, therefore a reduction of up to 4 spaces will occur as result of this proposed design option. Taxis by law are allowed to pick up or drop off on single and double yellow lines, in places where loading is not allowed (shown by the markings on the kerb) in parking bays and in bus lanes, therefore this reduction is not considered significant given the overall improvements to the area as part due to this scheme.
- How will 'Loading & Unloading' be achieved at the western side of Town Hall Square
- ESH Response At present London Road doesn't have any designated 'loading bays' hence loading is currently undertaken via the double yellow line adjacent to the Town House Pub. Following comments from Stakeholders, this drawing has now been updated and includes a designated loading bay adjacent to the Town Hall Public House.
- How will construction be implemented, i.e., traffic diversions
- ESH Response Currently the scheme is within the feasibility/preliminarily stage.
   The logistics regarding construction will be undertaken towards that of later stages of the design process. However, a Construction Traffic Management Plan (CTMP) will be prepared in advance to identify any potential risks regarding construction traffic generated by the site and construction operations that may impact upon the public highway.
- The current landscaping is dated, will there be engagement with the public regarding the type of planting, tress, etc. Will the water features be restored?
- ESH Response As mentioned previously, East Sussex Highways are currently still
  within the earlier stages of the overall development process. However, a number of
  discussions have already taken place with Rother District Council (RDC) Parks
  Development Officer, RDC Conservation Officer and ESCC Landscape Architect with
  regard to the type of landscaping that should be implemented. The plan illustrates the
  proposed planting and its specific location, and this planting scheme will also be
  provided as part of the public consultation.
- Who will be responsible for the maintenance of the future gardens/landscaping?
   ESH Response All future gardens/landscaping will be undertaken by Rother District Council.
- Widening the pavement opposite the Town Hall entrance will force the bus stop outwards towards the centre of the road. Overtaking vehicles will therefore be forced into the path of opposing traffic.
- ESH Response As part of the feasibility design process a number of specific checks/tests are required. One such method, involves using a software programme called AutoTrack, this is a vehicle 'swept path' analysis program used for analysing the movements of wheeled vehicles including cars, buses and large vehicles (HGV's) within the redesign layout. A revised series of 'swept paths' for the layout have now been undertaken with a range of different vehicles all of which have demonstrated that vehicles the minimum distance between an HGV and a car is 0.630m. Therefore, the provided 'gap' is sufficient to allow vehicles to passing each other safely within the revised layout.

- Locating the Town Hall exit near to the j/w London road means that vehicles exiting the Town Hall, may be in conflict and unsighted with vehicles turning left into Amhurst Road.
  - ESH Response As mentioned previously, all design options presented within this package of works have been designed in accordance with the relevant design specifications as per Department for Transport (DfT) and Design Manual for Roads & Bridges (DMRB) guidance. In addition, all design options have also been audited by an independent road safety engineer as part of the RSA Stage 1 process.
  - Rule 243 of the Highway Code states you must not park opposite or within 10 metres (32 feet) of a junction, this is also enforced by a series of double yellow lines on Amhurst Road which in turn gives adequate sightlines and visibility to all users.
- Why is the bus stop outside the Town Hall now been moved? This will now result in longer distance to / from the local shops, including Sainsbury's.
  - ESH Response In order to incorporate this level of public realm improvements to an area with limited/fix space a number of existing features will have to be relocated accordingly. Firstly, the revised westbound bus stop which has been relocated onto London Road is now positioned an additional 112 meters from its current location which is the equivalent walking time of around 1.41 minutes. The revised bus stop situated on Buckhurst Road is located 144 meters to that of the Sainsburys entrance which is in accordance with the DfT Inclusive Mobility guidelines which states "In residential areas bus stops should be located ideally so that nobody in the neighbourhood is required to walk more than 400 metres from their home". However, research that shows that for disabled people, bus use falls off sharply if the distance is more than 200 metres (250 metres for able-bodied people). Therefore, in terms of required distance the revised bus stops are deemed acceptable.
- Consideration should be given to a bus lane across the north of the extended green space, close to the current line of the Town Hall Square bus route.
- ESH Response A bus only route being located to the north of the gyratory would not be practical for a number of specific reasons, such as the negative impact this would cause to the proposed public realm space as well the highway safety implications of certain drivers using it as a potential cut through.
- The existing bus stop, located directly outside the town hall, is used by coaches for the London pick up and drop off. These coaches tend to be waiting for longer than is permitted by a standard clearway restriction. Is there adequate forward visibility at the proposed location (to the east of Amherst Road) to facilitate safe overtakes of these stationary vehicles and would they in any way impede on the sight lines exiting Amherst Road?
- ESH Response A response from John Stockdale (Planning Manager for National Express) has confirmed that Service 023 does indeed use the existing gyratory outside the Rother District offices to manoeuvre. But went onto to state that should the gyratory be removed, then Service 023 could alternatively approach via Beeching Road and Terminus Road, serve the bus stop on the west side of Memorial Gardens and then depart via London Road.
  - National Express have also confirmed that an alternative location would be that of the Marina outside the De La Warr Pavilion. It was also confirmed by National Express that "Bexhill has a good network of roads and I'm sure a suitable coach stop can be found if the previous stop was no longer available".
- The drawing annotation indicates a zebra crossing south west of Station Road, however there appears to be spacing to the east of the crossing which would suggest there is an intention to provide a parallel crossing here? If that is the case, is the intention to make the footways shared?



- ESH Response No parallel crossing will be provided. Unfortunately, a 'layer' issue has occurred on the drawing, thus the appearance of the spacing to the east of the crossing. This has now been rectified and the drawing updated accordingly.
- Is the entrance to the town hall intentionally designed to restrict right turns in? Will this be signed/ a formal TRO to support? If any large vehicles attempt this turn, the likelihood is that they will overrun the pedestrian areas.
- ESH Response No, the entrance to the town hall will not be restricted from right turners from London Road. A formal TRO will be required in addition to this a sign will also be positioned stating that stating that 'access only' will be for the town hall. The carpark itself will operate via a one-way approach with vehicles exiting onto Amherst Road. It should also be noted that a swept path assessment using that of an FTA 7.5t Rigid Vehicle (7.1m) has been tested that demonstrates that large vehicles can make the desired turning manoeuvre safety into the town hall carpark.
- Drivers may have difficulty in turning right out of London Road, as they will now need to be mindful of two approach lanes and the potential for buses (when present) pulling away from the stop located opposite. Vehicles in the nearside lane moving into the offside lane to pass a stationary bus ahead may not be mindful of also looking to the right for vehicles turning right out of London Road. There is a potential for conflict between taxis exiting the marked bays and drivers pulling away from the crossing. A driver is presented with an overload of potential hazards (between the two crossings) within a short length of road space. This may lead to mistakes being made.
- ESH Response All design options presented within this package of works have been designed in accordance with the relevant design specifications as per Department for Transport (DfT) and Design Manual for Roads & Bridges (DMRB) guidance. In addition, all design options have also been audited by an independent road safety engineer as part of the RSA Stage 1 process.

In addition, the above, a series of further RSA audits will also be undertaken as part of the Detailed Design process.

#### Support/Agreement

- The proposed zebra crossing between Sainsbury and the extended gardens
- Real Time Passenger Information being made to the wider public
- The scheme will enhance Rother District Councils plans for a new Town Hall and new office space
- Wainwright Road Car Park can be promoted to absorb the loss of car parking spaces in Town Hall Square

# Option B - Retainment of the current gyratory arrangement with the introduction of a new zebra crossing at the southern end of London Road

#### Issues/Concerns

- Traffic management during peak times the proposal will cause congestion.
- ESH Response As mentioned previously a series of traffic models have been built and tested, the results of which have demonstrated that traffic congestion would not

occur within peak travelling times and further modelling can be undertaken if required for the post pandemic environment.

- You can't have a bus stop on London Road immediately adjacent to the new zebra crossing. Bus stops should ideally be located on the trailing side of crossings; not the leading side.
- ESH Response A number of areas with the country provide bus stops immediately
  adjacent to a zebra crossing, therefore this proposed scheme is not something
  bespoke, many areas within London broughs have such a layout. In addition, the
  design itself has been audited by an independent road safety officer and will be
  subject to a number of further safety/design audits as part of the overall design
  process before being constructed.
- The road widths look very wide, can there be scope to increase the landscaping within the middle of Memorial Gardens.
- ESH Response Unfortunately space has been dictated by highway design guidance and analysis, which has also included significant widening to the footway areas. Therefore, further improvement to land intake as part of the Memorial Garden will not be investigated further.
- Opportunity missed to provide improvements for pedestrians on the south side of memorial roundabout. Pedestrians, exiting the gardens, still have to complete their crossing movement (towards Sainsburys) in two movements. The first crossing manoeuvre from the gardens to the central island being particularly difficult, as drivers round the memorial relatively quickly and do not necessarily signal their intentions (as it is a continuation of the road). Pedestrians have to look over their shoulder 180 degrees to make a judgement and react quickly during busy times. The width of the carriageway here is also over 6.5 metres. Given the demographics of this area (high percentage of elderly residents) there is an increased risk for conflict.
- ESH Response The above-mentioned crossing has been designed using that of DfT Local Transport Note 1/95 "The Assessment of Pedestrian Crossing'. In addition to the design guidance used, the design has also been audited by an independent Road Safety Team to which all design matters were addressed before going to Stakeholder Engagement.

In addition to the above, there is already an existing crossing present, though informal. As part of this Option B design, ESH have implemented tactile paving at this location thus helping those pedestrians who are vision impaired have a better place to navigate across.

Subject to the results and feedback received as part of the consultation with the general public, a pedestrian crossing can indeed be investigated. However, it should be noted that any form of introduction involving a pedestrian crossing arrangement would unfortunately have a further reduction in both general parking spaces and taxi bay provision.

#### Support/Agreement

- The approach from Station road into Buckhurst Place retains the give way lines which will moderate speeds on the approach to the gyratory system
- The taxi ranks are maintained to the potential benefit of those without access to vehicles, including those using the local facilities with mobility issues
- Retaining the bus stops outside the town hall, is a far safer option than relocating it onto London Road, consequently reducing the parking outside the nursery and potentially causing congestion on London Road.
- Retaining the exit from the town hall on London Road is far safer than that proposed in Option A.



- Option B will minimise the reduction in parking spaces and consequently the potential increase in inappropriate parking elsewhere.
- Additional pavement space would be a preference, as to reduce conflict with other passengers. We would prefer this instead of widening the footpath on the opposite east side of London Road.

#### **Beeching Road/London Road Junction - Mini-roundabout Design Option**

#### Issues/Concerns

- Will the mini-roundabout proposal improve traffic flow? The northern end of London Road is currently difficult to achieve, especially during the peak hours which results in delaying the traffic flow from Combe Valley Way.
- ESH Response The proposed design option has been modelled using a number of specific junction testing programmes. The results of which have demonstrated that the proposed layout will provide less congestion and improve vehicle movability at the London Road junction with Beeching Road.
- The incorporation of a right turn from London Road on to the A259 King Offa Way is a sensible proposal, however has a dialogue been open with Highways England?
- ESH Response Dialogue with Highways England (now known as National Highways) has been ongoing as part of the design/modelling process. In March 2021 National Highways approved the modelling work which confirmed that the A259 King Offa Way would not see additional congestion/traffic flow as result of the proposed mini-roundabout option.
- Can any landscaping be incorporated i.e.; some tree planting would help to soften the hard landscape of the area and mitigate pollution.
- ESH Response As part of the overall design process, ESH liaised with National Highways (formerly known as Highways England) regarding a number of parcels of land that fall outside of ESH road network/boundary, these landscaping options are currently ongoing.

It should also be noted that RDC are currently embarking on the Bexhill i-Tree study and a tree planting strategy. This is where a number of local volunteers surveying 200 plots generated randomly across the Bexhill urban area (150) and Combe valley Countryside Park (50), with a further 100 plots being located around the urban fringe of Bexhill. The project is supported internally by Environmental Health leading on air quality mitigation, Neighbourhood Services who look after trees in the Council's parks and open spaces, and Planning that will used the results of the study to inform the Local Plan review, allowing to set tree canopy targets for new developments.

In addition to the above, RDC is one of several partners working with Trees for Cities on the Forgotten Places project. This is where 55,000 trees will be planted across 83 locations in 7 coastal towns and cities, with Bexhill on Sea forming part of that planting programme. This is to celebrate the Queen's Green Canopy and will be delivered through community tree planting events designed to green and revitalise forgotten coastal urban areas, engage local communities with nature and inspire a new generation to plant and protect urban trees

Why hasn't the scheme been extended to include the public realm bus stop arrangements nearby?

- ESH Response The inclusion of upgrading the current footway surface near both bus stops on London Road, could form part of the study area if budget allows.
- The northbound bus shelter should be replaced with a design consistent with the new shelters in the Town Hall scheme area.
- ESH Response This can be investigated during the detailed design stage if budget allows.
- Seating and raised kerbs need to be provided, along with real time information signs, new bus stop poles and refreshing of the bus stop clearway markings.
- ESH Response All proposed bus stops associated with the design works will be 'upgraded' to comply with that of the Accessible Travel Policy (ATP) and East Sussex Design Guidance.
- Drivers turning right into Beeching Road will be positioned about two car lengths back from where they currently sit while waiting to turn. This may lead to blocking back at the signals on the main road. It is appreciated that (unlike now) northbound drivers on London Road will be required to give way to these right turning vehicles, which resolve this concern (it is noted that the predominant manoeuvre out of Beeching Road is a left turn, therefore vehicles turning right into Beeching Road are likely to have rare cause to give way to their right). We trust that National Highways (formally Highways England) are included in this consultation and that the relevant modelling has been undertaken on the proposed arrangement?
- ESH Response As mentioned previously all design options have been modelled with their results proving favourable in all scenarios tested. In addition to this in March 2021 National Highways approved all the design options and modelling work.

## <u>Buckhurst Place/Sackville Road Junction - Mini-roundabout Design Option</u>

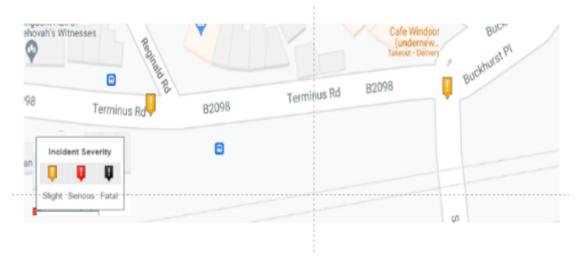
#### Issues/Concerns

- Can the scheme not include a pedestrian crossing on Terminus Road to enable pedestrians who want to access Wainwright Road Car Park a safer crossing route?
- ESH Highways The scheme itself comprised of a brief from ESCC and RDC that looked at improving the current public realm, refining traffic circulation and improving pedestrian safety along Sackville Road, especially underneath the railway bridge given the very narrow footway widths. The proposed scheme does incorporate a set of dropped kerbs at both Terminus Road and Windsor Road therefore improving the main pedestrian desire line to the town centre and the railway station.
  - Nevertheless, should further funding become available and if a crossing route is deemed warranted in terms of number of people crossing or pedestrian safety then a study could be commissioned.

It should be noted that the Personal Injury Collision (PIC) record shows one slight accident being recorded within the last five years (2015-2020) which did not involve a pedestrian as Figure 1 overleaf illustrates.



Figure 1 – Accident Location Plan (2020-2015)



- Can a reduction in signage be investigated?
- ESH Highways This can be investigated during the detailed design stage.
- Can the mini roundabout have a raised profile to deter approaching vehicle speeds?
- ESH Highways As part of the overall study process, Personal Injury Collision data and vehicle speed data was collected during feasibility stage of the project.

To determine if there is an existing problem of vehicles exceeding the speed limit, a traffic speed survey was commissioned and undertaken by ESCC between Wednesday 13th June till Saturday 23rd June 2018. The survey was conducted using technical guidance of DMRB TA 22/81 'Vehicle Speed Measurement on All Purpose Roads'. Table 1 below indicates the results that were collected opposite No. 43 on Terminus road.

Table 1 - Recorded Speed (Mph)

Network	Network Link (Direction)	Recorded Speed (Mph)		
	(Birodion)	Designated Speed Limit	85th Percentile Speed (Mph)	Mean Speed (Mph)
Terminus Road (By No.43)	Westbound	30mph	33	28
	Eastbound	30mph	35	30

From the datasets collected, the mean vehicle speed was found to be in accordance with that of the 'Mean Speed'. It should be noted that term "mean speed' is a statistical reference and to avoid being over technical, the term "average speed" is used instead. Hence, it is safe to say that the study area does not suffer from high vehicle speeds and as a result the current configuration put forward is therefore sufficient.

- Why have these improvements not been extended to include the public realm of the bus stop stops to the west of the junction in Terminus Road?
- ESH Highways Terminus Road was not part of the commissioned study area. However, should further funding become available then a study could be commissioned in the future if warranted.
- A new bus shelter and seating should be incorporated south side of Terminus Road, therefore replace the current brick one.

- ESH Highways Terminus Road was not part of the commissioned study area.
   However, should further funding become available then a study could be commissioned in the future if warranted.
- Why hasn't the provision of a new bus shelter and seating been incorporated on the north side of Terminus Road, which is likely to be used by far more waiting passengers.
- ESH Highways Terminus Road was not part of the commissioned study area.
   However, should further funding become available then a study could be commissioned in the future if warranted.
- Removal of the existing guard rail to the south eastern and northern corners of the
  junction will likely encourage inappropriate crossing movements across the mini
  roundabout. Pedestrians will likely utilise the central island on Buckhurst Place arm to
  cross north to south- currently intentionally restricted (using anti-pedestrian paving
  and guard rail).
- ESH Highways The existing guard railing has been reinstated, however only on that of the south-eastern site. This is required in order to support and deter pedestrians from crossing at this location. A further review can also be undertaken after the public consultation stage.
- The guard rail on the east side of Sackville Road is intentional to restrict crossing movements under the bridge where inter-visibility is restricted. Risk to pedestrians would be increased with the mini-roundabout facilitating improved free-flow of traffic.
- ESH Highways The guard railing north of Sackville Road has now been retained.

#### 4.0 Next Steps

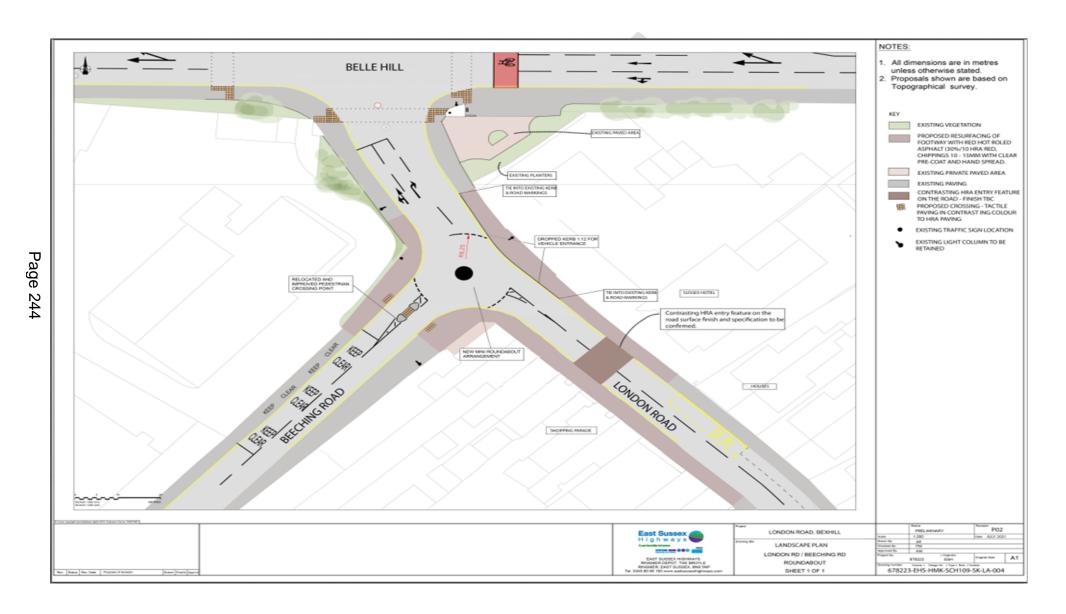
This report provides a detailed analysis of the feedback received during the stakeholder engagement. The next step will be sharing the design proposal to the general public via consultation later during the year. This report however will be circulated to the project and design teams in order to inform the detailed design and further planning stages of the scheme

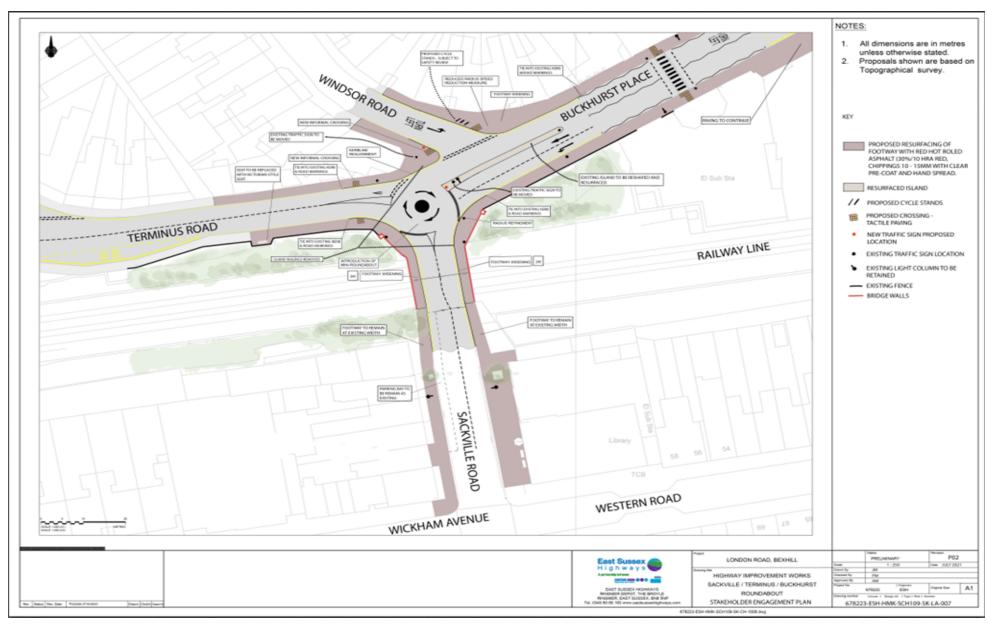
# Appendices

# Appendix A

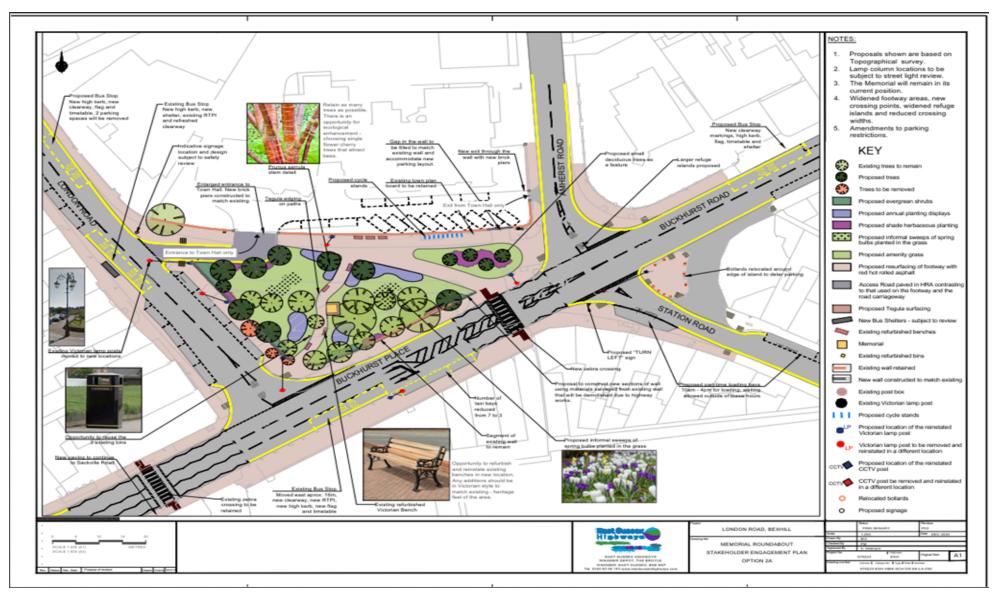
Proposed Design Schemes

#### MEMORANDUM



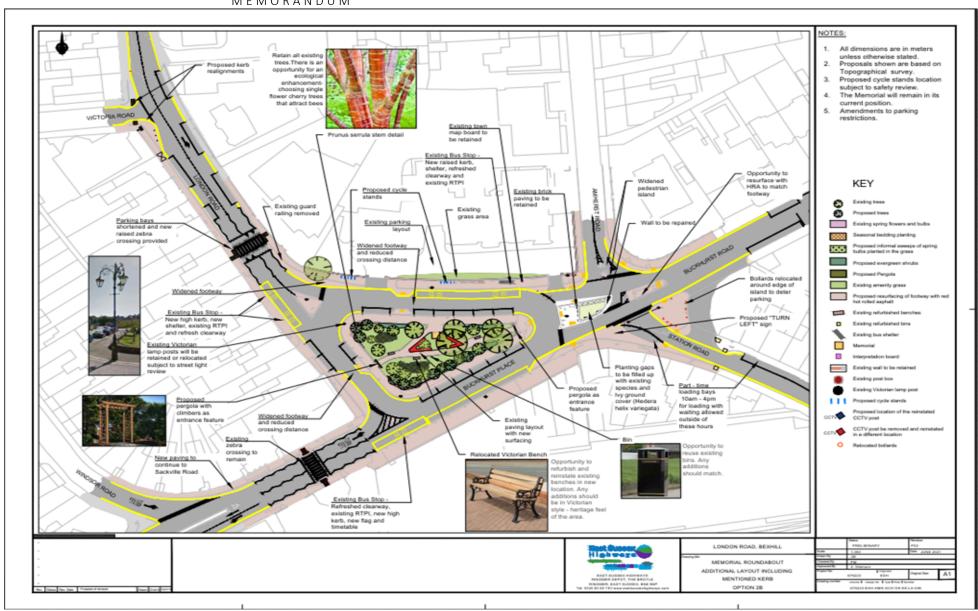








#### MEMORANDUM



# Appendix B

Stakeholder Consultation List

Stakeholder	Contact Details	To include as part of Statutory Consultation Process
ESCC Departments		
Road Safety Team	<u>Traffic.Safety@eastsussex.gov.uk</u>	Yes
Passenger transport group	publictransport.pts@eastsussex.gov.uk	Yes
Parking Team	Parking.escc@eastsussex.gov.uk	Yes
Transport Development Control Asset Management	<u>DevelopmentControl.Transport@eastsussex.gov.uk</u> <u>Contracts.ManagementGroup@eastsussex.gov.uk</u>	Yes Yes
County Ecologist	kate.cole@eastsussex.gov.uk	Yes
County Archaeologist	County.Archaeology@eastsussex.gov.uk	Yes
County Arboriculturist	james.newmarch@eastsussex.gov.uk	Yes
Landscape Group	virginia.pullan@eastsussex.gov.uk	Yes
Planning Team	Development.Control@eastsussex.gov.uk	Yes
County Councilors	Used link: <a href="https://democracy.eastsussex.gov.uk/mgMemberIndex.aspx?bcr=1">https://democracy.eastsussex.gov.uk/mgMemberIndex.aspx?bcr=1</a>	Yes
District and Boroughs		
Bexhill & Rother District Council	cllr.charles.clark@eastsussex.gov.uk	Yes, to all
	cllr.keith.glazier@eastsussex.gov.uk	
	cllr.eleanor.kirby-green@rother.gov.uk	
	irhollidge@icloud.com	
	paul4northernrother@gmail.com	
	cllr.Nuala.Geary@eastsussex.gov.uk	
	cllr.Abul.Azad@eastsussex.gov.uk	
Rother District Council Officers		
Conservation Officer	Diane.Russell@rother.gov.uk	Yes
Rother Transport Action Group	Marie.Kennedy@rother.gov.uk	Yes
Rother Parks Development Officer	Rebecca.Owen@rother.gov.uk	Yes
Head of Service – Acquisitions, Transformation, and Regeneration	Ben.hook@rother.gov.uk	Yes
Environmental Health - Licensing	catherine.beaumont@rother.gov.uk	Yes
Towns and Parish Counci	ils	
Town & Parish councils	Bexhill Town Council - <u>Bexhillclerk@gmail.com</u>	Yes
Other Authorities		
Highways England	Peter.phillips@highwaysengland.co.uk Peter Phillips – Route Sponsor for East Sussex	Yes
	John.Farnaby@highwaysengland.co.uk	Yes
Network Rail	Mike.smith5@networkrail.co.uk Mike Smith - Head of Strategic Planning, South East Route	Yes
Train Operating Companies		
South East	Nina.Peak@southeasternrailway.co.uk	Yes
South East	Taman Cak@SouthCasternrainway.co.uk	100



h Downs National Park  planning@southdowns.gov.uk  Allison Thorpe @southdowns.gov.uk  Liz.Pollard@HistoricEngland.org.uk  Louise.Forsyth@HistoricEngland.org.uk  Pup.upton@esfrs.org  Simon.neill@esfrs.org  Pup.upton@esfrs.org  Pup.upton@esfr	Environment Agency South Downs National Park    South Downs National Park   planning@southdowns.gov.uk	Yes
h Downs National Park  planning@southdowns.gov.uk  Allison Thorpe@southdowns.gov.uk  Liz.Pollard@HistoricEngland.org.uk Louise.Forsyth@HistoricEngland.org.uk  Louise.Forsyth@HistoricEngland.org.uk  Louise.Forsyth@HistoricEngland.org.uk  Louise.Forsyth@HistoricEngland.org.uk  President Park Park Park Park Park Park Park Park	Danning@southdowns.gov.uk	
Allison Thorpe Allison, Thorpe@southdowns.gov.uk  Diz Pollard@HistoricEngland.org.uk  Louise, Forsyth@HistoricEngland.org.uk  Dissex Fire and Rescue  Borough Commander for Rother  Sugh Commander for Wealden & Eastbourne  Pup. upton@esfrs.org  Pup. upton@esfrs.org  Pup. upton@esfrs.org  Pup. upton@esfrs.org  Christopher, Cannon@surrey, pnn, police.uk  Pes  This and City of Brighton areas  Lim. fellows@secamb.nhs.uk  Eastbourne, Wealden (Inc. Newhaven), Hastings, Rother  Wiscole barrow@secamb.nhs.uk  Stagecoach (for east Sussex)  Dimitri Bridgland, Business Development Officer  dimitri.bridgland@stagecoachbus.com  Krystian Kaczala, Operations Manager  Yes  Ves	Allison Thorpe Allison.Thorpe@southdowns.gov.uk  Liz.Pollard@HistoricEngland.org.uk Louise.Forsyth@HistoricEngland.org.uk  Emergency Services  East Sussex Fire and Rescue Borough Commander for Rother Borough Commander for Wealden & Eastbourne Borough Commander for Brighton & Hove and Lewes  Borough Commander for Brighton & Nigel.Cusack@esfrs.org  Borough Commander for Brighton & Hove and Lewes  Police  Christopher.Cannon@surrey.pnn.police.uk  South East Coast Ambulance Service  Lewes and City of Brighton areas  Eastbourne, Wealden (Inc. Newhaven), Hastings, Rother  Nicole.barrow@secamb.nhs.uk  Nicole.barrow@secamb.nhs.uk  Stagecoach (for east Sussex)  Dimitri Bridgland, Business Development Officer dimitri.bridgland@stagecoachbus.com  Krystian Kaczala, Operations Manager  krystian.Kaczala@stagecoachbus.com  Stagecoach (for Eastbourne)  Sarah.Dyer@stagecoachbus.com Operations Manager	
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Louise_Forsyth@HistoricEngland.org.uk	East Sussex Fire and Rescue  Borough Commander for Rother  Borough Commander for Wealden & Eastbourne  Borough Commander for Brighton & Hove and Lewes  Borough Commander for Brighton & Hove and Lewes  Police  Christopher Cannon@surrev.pnn.police.uk  South East Coast Ambulance Service  Lewes and City of Brighton areas  Eastbourne, Wealden (Inc. Newhaven), Hastings, Rother  Road User Groups  Bus companies  Used link to ESCC website  https://www.eastsussex.gov.uk/roadsandtransport/public/buses/routes/  Stagecoach (for east Sussex)  Dimitri Bridgland, Business Development Officer  dimitri.bridgland@stagecoachbus.com  Krystian Kaczala, Operations Manager  krystian kaczala@stagecoachbus.com  Stagecoach (for Eastbourne)  Sarah.Dyer@stagecoachbus.com Operations Manager	
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Eastbourne Prough Commander for Brighton & Hove and Lewes  Christopher.Cannon@surrey.pnn.police.uk  Yes  Christopher.Cannon@surrey.pnn.police.uk  Yes  Christopher.Cannon@surrey.pnn.police.uk  Yes  Lewes and City of Brighton areas  Lewes and City of Brighton areas  Eastbourne, Wealden (Inc. Newhaven), Hastings, Rother  Wicole.barrow@secamb.nhs.uk  Yes  Add User Groups  Companies  Used link to ESCC website  https://www.eastsussex.gov.uk/roadsandtransport/public/buses/routes/  Stagecoach (for east Sussex)  Dimitri Bridgland, Business Development Officer  dimitri.bridgland@stagecoachbus.com  Krystian Kaczala, Operations Manager  Yes	Borough Commander for Brighton & Hove and Lewes  Police  Christopher.Cannon@surrey.pnn.police.uk  South East Coast Ambulance Service  Lewes and City of Brighton areas  Eastbourne, Wealden (Inc. Newhaven), Hastings, Rother  Wicole.barrow@secamb.nhs.uk  Road User Groups  Bus companies  Used link to ESCC website  https://www.eastsussex.gov.uk/roadsandtransport/public/buses/routes/  Dimitri Bridgland, Business Development Officer  dimitri.bridgland@stagecoachbus.com  Krystian Kaczala, Operations Manager  krystian.kaczala@stagecoachbus.com  Stagecoach (for Eastbourne)  Sarah.Dyer@stagecoachbus.com Operations Manager	Yes
Eastbourne Prough Commander for Brighton & Hove and Lewes  Christopher.Cannon@surrey.pnn.police.uk  Yes  Christopher.Cannon@surrey.pnn.police.uk  Yes  Christopher.Cannon@surrey.pnn.police.uk  Yes  Lewes and City of Brighton areas  Lewes and City of Brighton areas  Eastbourne, Wealden (Inc. Newhaven), Hastings, Rother  Wicole.barrow@secamb.nhs.uk  Yes  Add User Groups  Companies  Used link to ESCC website  https://www.eastsussex.gov.uk/roadsandtransport/public/buses/routes/  Stagecoach (for east Sussex)  Dimitri Bridgland, Business Development Officer  dimitri.bridgland@stagecoachbus.com  Krystian Kaczala, Operations Manager  Yes	Borough Commander for Brighton & Hove and Lewes  Police  Christopher.Cannon@surrey.pnn.police.uk  South East Coast Ambulance Service  Lewes and City of Brighton areas  Eastbourne, Wealden (Inc. Newhaven), Hastings, Rother  Wicole.barrow@secamb.nhs.uk  Road User Groups  Bus companies  Used link to ESCC website  https://www.eastsussex.gov.uk/roadsandtransport/public/buses/routes/  Stagecoach (for east Sussex)  Dimitri Bridgland, Business Development Officer  dimitri.bridgland@stagecoachbus.com  Krystian Kaczala, Operations Manager  krystian.kaczala@stagecoachbus.com  Stagecoach (for Eastbourne)  Sarah.Dyer@stagecoachbus.com Operations Manager	
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Ves	krystian.kaczala@stagecoachbus.com  Stagecoach (for Eastbourne) Sarah.Dyer@stagecoachbus.com Operations Manager	
krystian.kaczala@stagecoachbus.com  Yes	Stagecoach (for Eastbourne) Sarah.Dyer@stagecoachbus.com Operations Manager	
	Stagecoach (for Eastbourne) Sarah.Dyer@stagecoachbus.com Operations Manager	Yes
Stagecoach (for Eastbourne)   Sarah.Dyer@stagecoachbus.com Operations Manager		
Stagecoach (for Eastbourne) Sarah.Dyer@stagecoachbus.com Operations Manager		
	nenown coaches christian.harmer@btinternet.com	
Stagecoach (for Eastbourne)  Sarah.Dyer@stagecoachbus.com Operations Manager  Renown Coaches  christian.harmer@btinternet.com		
Renown Coaches christian.harmer@btinternet.com	Compass Travel (Sussex) Ltd office@compass-travel.co.uk	
Renown Coaches christian.harmer@btinternet.com		
Renown Coaches christian.harmer@btinternet.com	Bexhill Community Bus info@bexhillcommunitybus.co.uk	
Renown Coaches christian.harmer@btinternet.com		Yes
Stagecoach (for Eastbourne)   Sarah.Dyer@stagecoachbus.com Operations Manager		
Stagecoach (for Eastbourne) Sarah.Dyer@stagecoachbus.com Operations Manager		
Stagecoach (for Eastbourne) Sarah.Dyer@stagecoachbus.com Operations Manager	Renown Coaches   christian.harmer@btinternet.com	
	Compass Travel (Sussex) Ltd   office@compass-travel.co.uk	
Renown Coaches christian.harmer@btinternet.com		
Renown Coaches christian.harmer@btinternet.com	Bexhill Community Bus info@hexhillcommunityhus co.uk	
Renown Coaches  christian.harmer@btinternet.com  Compass Travel (Sussex) Ltd  office@compass-travel.co.uk		Yes

Bexhill Hackney Carriage Association	ddsmithy@freeuk.com	Yes
Road Haulage Association	L.white@rha.uk.net	Yes
Freight Transport Association	traffic@fta.co.uk (Attn: Lucy Humphries)	Yes
Access and Cycle Groups		
Disability Groups	Scheme specific – As agreed with ESCC Client team through Comms Plan	
Hastings and Rother	Hastings and Rother Disability Forum enquiries@hrdf.org.uk  de cham@hotmail.com	Yes Yes
Wealden	Scheme specific – As agreed with ESCC Client team through Comms Plan	
Eastbourne and Lewes	Eastbourne Access Group (Chair Ian Westgate) devan.briggs@lewes-eastbourne.gov.uk	
	Age UK – <u>customerservices@ageukeastsussex.org.uk</u>	Yes, to all
	Bexhill Caring Community – <u>info@bexhillcaringcommunity.org</u>	
	Hastings and Rother Voluntary Action for the Blind (HRVAB) - <a href="mailto:hrvab@freeuk.com">hrvab@freeuk.com</a>	
	Hastings & Bexhill Mencap – hello@hastings-bexhill-mencap.org	
	East Sussex Vision Support – <u>info@eastsussexvisionsupport.org</u>	
District Access Group		
Hastings Borough Council	Liaise with HBC	
Lewes District Council	Liaise with LDC	
Wealden District Council	Liaise with WDC	
Rother District Council	Debbie.Peters@rother.gov.uk	Yes
Eastbourne Borough Council	Devan Briggs, Corporate Development Support Officer <u>devan.briggs@lewes-eastbourne.gov.uk</u>	
Cycling & Walking Groups	Scheme specific – As agreed with ESCC Client team through Comms Plan	
Hastings Area	Walking Groups	
	Hastings Ramblers: Mike Riley - mike.134@btinternet.com	
	Cycling Groups	
	Hastings Urban Bikes: Ian Sier iansier@yahoo.co.uk & Tim Godwin - tim@mkmd.co.uk	
	Hastings The Greenway Group: info@hastingsgreenway.org	
	Hastings Sustainable Transport Forum: Ian Sier iansier@yahoo.co.uk	
Bexhill Area	Walking Groups	
	As agreed with ESCC Client team through Comms Plan	
	Rother Ramblers: Bev Marks - <u>bevm@hollyblue.net</u>	Yes
	Cycling Groups	
	Bexhill Wheelers: johnking7twin@talktalk.net	Yes



		1
	1066 Cycle club: Sue Burton - sue@1066cycleclub.org.uk	Yes
D. I.I. A	W III	
Rother Area	Walking Groups Rother Ramblers: Bev Marks - bevm@hollyblue.net	-
	Cycling Groups	
	1066 Cycle club: Sue Burton - sue@1066cycleclub.org.uk	-
	Sussex Greenways Group - Nick Hanna nick@nickhanna.co.uk	Yes
Eastbourne Area	Cycling	
	Bespoke: Paul Humphrey's - <u>paulOhumphreys@gmail.com</u>	
	Walking	
	Afoot: ESCC Client team to confirm details	
Southern Wealden Area	Active Hailsham: Steve Wennington - <a href="mailto:steve.wennington@pro-eco.co.uk">steve.wennington@pro-eco.co.uk</a>	
Lewes Area	Walking Groups	
	Living Streets Lewes: ESCC Client team to confirm details	
	Cycling Groups	
	Cycle Lewes: Sheila O'Sullivan - <u>saosullivan1@icloud.com</u>	
Peacehaven/Newhaven/Seaford	Walking Groups	
Area	As agreed with ESCC Client team through Comms Plan	
	Cycling Groups Cycle Seahaven: Guy Reynolds - Guy@cycleseahaven.org.uk	
Statutory Undertakers		
Statutory undertakers	C2Stats@eastsussexhighways.com	
Other		<u>'</u>
Schools	Scheme specific – As agreed with ESCC Client team through Comms Plan	
Local businesses/shops	Scheme specific – As agreed with ESCC Client team through Comms Plan	
Local Chamber of Commerce	info@bexhillchamber.co.uk	Yes
Federation of Small Businesses	alexandra.douglas@fsb.org.uk	Yes
Resident groups/associations	Scheme specific – As agreed with ESCC Client team through Comms Plan	
Residents	Scheme specific – As agreed with ESCC Client team through Comms Plan	
	Bexhill Heritage Group – info@bexhillheritage.org.uk	Yes, to all
	Discover Bexhill – <u>bexhilltic@rother.gov.uk</u>	
	Bexhill Environment Group (BEG) – <u>bexhilleg@yahoo.com</u>	
<del>.</del>		

# Appendix C

Engagement Communications - ESH Email



**Subject:** London Road, Bexhill – Traffic Management & Public Realm

Consultation

**Attachments:** 687223-ESH-HMK-SCH109-SK-LA-004.pdf; 687223-ESH-HMK-SCH109-

SK-LA-007.extended to Wickham Avenue.pdf; working doc A2 – PREFERED OPTION – stakeholder drawing – Layout 1.pdf; working

doc B2 PREFERED OPTION - additional layout that includes

mentioned kerb.pdf

Importance: High

Sensitivity: Confidential

Sensitivity: Confidential

Dear Sir or Madam,

I am contacting you on behalf of East Sussex Highways (ESH) and East Sussex County Council (ESCC) who are proposing several changes to the highway in order to create an attractive, welcoming and safe environment, drawing more visitors to the town centre and facilitating economic growth.

The overarching vision is to enhance a key approach to Bexhill Town Centre and the proposals include changes to Town Hall Square at the junction with London Road, the Beeching Road/London Road junction and the Buckhurst Place/Sackville Road junction.

The proposals will be subject to a public consultation, however before that, we are seeking your views.

The details of the proposed design options are located on the ESCC Citizen Space website under the link <u>https://consultation.eastsussex.gov.uk/economy-transport-environment/a02a9813</u>

Please note that these are draft plans, and this is a key stakeholder consultation, therefore we would appreciate you not sharing the link or any of the associated material. As illustrated on the drawings provided, you will see that we are proposing to:

- · Improve the quality of the public realm around the Town Hall, making it more functional, financially maintainable and aesthetically pleasing. Two design options are proposed for this area.
  - Option A is to remove the current gyratory system around the Memorial Gardens and create a priority junction in order to increase the public space and landscaping, as well as providing additional pedestrian crossing facilities along Buckhurst Place.
  - Option B is to retain the current gyratory arrangement and introduce kerb works to slow down traffic in the vicinity and allow pedestrians to cross more safely. The landscaping in the Gardens would be enhanced and an additional zebra crossing provided at the southern end of London Road.

- · Improve the traffic management arrangements, pedestrian facilities, and public realm at the Buckhurst Place/Sackville Road junction through the provision of a mini-roundabout, informal crossing points and realigned and resurfaced footways.
- Introduce a mini roundabout at the Beeching Road/London Road junction, improve the pedestrian crossing on Beeching Road and create a 'gateway' on London Road through coloured carriageway and footway surfacing.

The proposals also include bus stop upgrades, cycle parking and widened footways. It should be noted however that as a result of these changes a number of existing parking bays will be lost.

The scheme is being funded using Local Growth Fund (LGF) monies secured through the South East Local Enterprise Partnership (SELEP) together with Community Infrastructure Levy funding.

The feedback received through this stakeholder engagement process will be considered during the detailed design stage and will help with the refinement and development of the scheme.

We would welcome your views on any or all of these details by Wednesday 25<sup>th</sup> August 2021 you can email us at <a href="mailto:customer@eastsussexhighways.com">customer@eastsussexhighways.com</a>.

If you would like to discuss this further with a member of the project team, please let us know and we would be happy to set up an online meeting to do so.

**Kind Regards** 

Andy Mileham

Customer Contact Centre | East Sussex Highways

Tel: 0345 60 80 193 | Email: customer@eastsussexhighways.com |

Website: <u>www.eastsussexhighways.com</u>

# Appendix D

Engagement Communications
Stakeholder Responses

From: Cannon, Christopher 12785 [christopher.cannon@surrey.pnn.police.uk]

**Sent:** 29/07/2021 14:34

**To:** customer@eastsussexhighways.com

Subject: RE: IN CONFIDENCE: London Road, Bexhill – Traffic Management & Public Realm

Consultation

Good afternoon.

Thank you for consulting with Sussex Police on these proposals.

#### Option A.

- Making Buckhurst Place wider, when approaching from the Station Road direction, and then in that widened section placing a pedestrian crossing may be problematic.
   Widening and removing the give way will facilitate higher speeds. That is not what needs to be done when placing a new zebra crossing.
- 2. I am concerned about taking the majority of the taxi spaces. Do you know how often taxis are utilised by the elderly, those without vehicles and those potentially disabled persons, who use taxis to get access to the town hall and the supermarket? Potentially depriving such people of access is something that needs to be considered, if not already done.
- 3. Without seeing the traffic flow figures, is this proposal likely to cause congestion at the new proposed T junction (junction with London Road and Buckhurst Place). Stacking traffic back to the pinch point created by the two nearly opposing bus stops in London road is undesirable.
- 4. Widening the pavement opposite the Town Hall entrance will force the bus stop outwards towards the centre of the road. Overtaking vehicles will therefore be forced into the path of opposing traffic. This may be problematic if buses remain at this location for a substantial period of time. In any case, locating bus stops opposite junctions or entrances is problematic.
- 5. Locating the Town Hall exit near to the j/w London road means that vehicles exiting the Town Hall, may be in conflict and unsighted with vehicles turning left into Amhurst Road.

#### Option B

From a road safety perspective, this is my preferred option.

- 1. The approach from Station road into Buckhurst place retains the give way lines which will moderate speeds on the approach to the gyratory system. Moderating speeds into a hazard will always be the preferred option.
- 2. The taxi ranks are maintained to the potential benefit of those without access to vehicles, including those using the local facilities with mobility issues.
- 3. Retaining the bus stops outside the town hall, is a far safer option than relocating it onto London Road, consequently reducing the parking outside the nursery and potentially causing congestion on London road. Congestion leads to impatience and poor decision making.
- 4. Retaining the exit from the town hall on London Road is far safer than that proposed in Option A.
- 5. This scheme seems to minimise the reduction in parking spaces and consequently the potential increase in inappropriate parking elsewhere.



6. The only minus point I can see is having a bus stop on London Road immediately adjacent to the new zebra crossing. Bus stops should ideally be located on the trailing side of crossings; not the leading side.

Those are my initial thoughts. Always happy to discuss.

Is it possible that I can be included in this consultation, as the scheme progresses.

Thank you

#### **Chris Cannon**

BSc (Hons) Social Sciences (Open), BSc (Open), Cert HSC (Open), Cert Mngt Care (Open).

Surrey and Sussex Police - Operations Command Road Safety and Traffic Management Team (Surrey- Strategic Road Network, Tandridge, Reigate and Banstead, Mole Valley, )

(Sussex -Rother, Lewes, Eastbourne, Hastings, Wealden)

Christopher.Cannon@surrey.pnn.police.uk

Mobile: 07967987390

Roads Policing Unit, Fosterdown, Godstone, Surrey, RH9 8BQ

www.surrey.police.uk

From: Virginia Pullan [virginia.pullan@eastsussex.gov.uk]

Sent: 20/08/2021 13:50

To: customer@eastsussexhighways.com

Subject: London Road, Bexhill - Traffic Management & Public Realm Consultation

Dear Andy,

Have the following comments on the consultation.

- Town Hall Square. I would support Option A over B as this would provide a high-quality area of public realm at the front of the town hall and would maximise the benefits for pedestrians. The hard and soft open spaces created would create a more sustainable and attractive offer than Option B.
- Buckhurst/ Sackville junction. I have no comments
- London Road / Beeching. If there is any space in the grass areas or pavements some tree planting would help to soften the hard landscape of the area and mitigate pollution.

Regards,

Virginia

Virginia Pullan
County Landscape Architect
Environment Team, Communities, Economy and Transport My working hours are
Tuesday to Friday
01273 482639 | 07786171433
eastsussex.gov.uk



**From:** David Beales [planning@bexhillheritage.org.uk]

**Sent:** 24/08/2021 12:13

**To:** <a href="mailto:customer@eastsussexhighways.com">customer@eastsussexhighways.com</a> **Cc:** <a href="mailto:committee@bexhillheritage.org.uk">committee@bexhillheritage.org.uk</a>

**Subject:** London Road, Town Hall Sq. Bexhill, Traffic Management & Public Realm consultation.

Good morning Mr Mileham,

I am advisor to Bexhill Heritage, you have consulted us on the draft scheme options, our response, agreed unanimously at a recent Committee meeting, is as follows. We wholeheartedly endorse Option A. It presents wonderful opportunity to improve townscape, public realm usability, pedestrian safety and a significant gateway announcement on the main approach to our town. It will help improve the economic prospects for the area.

We think Option B is very much an "also ran". I was asked to put before you the following points for your consideration - \* The present garden though well-tended, looks dated. The cherry trees have never really thrived here, and their blossom period is brief. Now it is the time to review the whole existing and expanded garden area to explore how it might better serve as an outstanding civic space. Floorscape, new planting, walls, paths will all need a full design exercise, with good public engagement. The responsibility between Rother and ESCC for construction and maintenance should be clearly defined but should not be apparent " on the ground". \* The Lane memorial, in remarkably good condition is ready for cleaning. We would like to see the water features restored.

\*The mini roundabout at Sackville/Buckhurst Place needs a raised profile to deter approaching speedsters from passing through thoughtlessly or selfishly, to the detriment of safe passage for pedestrians and cyclists. \*Would you please look carefully at pedestrian safety at the southern end of London Road? This has the potential to be hazardous. We look forward to further opportunities to help you refine the option, as you progress it. Thank you for consulting us.

David Beales BSc Dip T.P. (Planning Officer) Bexhill Heritage

planning@bexhillheritage.org.uk bexhillheritage.org.uk 01424 843585

c/o St. Barnabas Church, Sea Road, Bexhill-on-Sea, East Sussex TN40 1JG

Conservation, protection and improvement of the Bexhill built environment; caring for the past, present and future.

Bexhill Heritage is recognised as a charity by HM Revenue & Customs: EW83530

**From:** Cllr Christine Bayliss [cllr.christine.bayliss@rother.gov.uk]

Sent: 25/08/2021 09:43

To: <a href="mailto:customer@eastsussexhighways.com">customer@eastsussexhighways.com</a>

**Cc:** <u>cllr.paul.courtel@rother.gov.uk</u>; <u>ben.hook@rother.gov.uk</u>

Subject: IN CONFIDENCE: London Road, Bexhill - Traffic Management & Public Realm Consultation

For the attention of Andy Mileham

I am responding to the consultation on plans to improve London Road. I am one of the local councillors and also the Chair of the Town Centre Steering Group which covers London Road.

My preference is to adopt Option A. The creation of an open and green space in front of the Town Hall will create new public facilities and make the current island more accessible to residents. You may know that RDC is about to submit plans to enhance the town hall with new offices and public enquiry facilities. Option A will mutually support and enhance both projects. Wainwright Road Car Park can be promoted to absorb the loss of car parking spaces in Town Hall Square.

In relation to the Buckhurst Place / Sackville Road junction - I support the proposals but would urge that these a prioritised within the plan so that the current pavement widening jungle of signage (Covid related) can be replaced within the next 12 months. They are a significant eyesore and are no longer needed. I would also request that if a mini roundabout is indeed incorporated into the plan that County consider installing a pedestrian crossing in Terminus Road to enable pedestrians who want to access Wainwright Road Car Park safer crossing route.

Beeching Road / London Road junction - I support the proposed mini roundabout.

**Best Wishes** 

**Cllr Christine Bayliss** 

#### **Councillor Christine Bayliss**

Bexhill Central Ward
Chair of Bexhill Town Centre Steering Group
01424 218250 / 07904 953255
Twitter @bayliss4rother
Facebook https://www.facebook.com/BexhillCampaigns/



From: James Newmarch [james.newmarch@eastsussex.gov.uk]

Sent: 02/08/2021 11:54

To: customer@eastsussexhighways.com

**Subject:** RE: IN CONFIDENCE: London Road, Bexhill – Traffic Management & Public Realm Consultation

Hi

Many thanks for the opportunity to comment.

My preference would be for option A in the area of the town hall. It is a much bolder option rather than option B which offers comparatively little change. My concerns would be around ongoing maintenance – presumably this would fall to Rother DC and do they have the necessary resources to maintain this area? In addition to the proposed bulb planting, could a wild flower mix be incorporated to provide succession and a longer seasonality to this aspect of the planting? And should a wider range of tree species be chosen to 'future-proof' the planting? It has been shown that reliance on one variety can be a problem if that variety is then subject to disease. I'm assuming there are no implications for highway maintenance.

I have no particular comments on the modifications to the road layouts proposed elsewhere, apart from to ask whether there is any opportunity for increased street tree planting in both areas? Both would benefit from additional trees if this were to be technically possible.

Happy to engage further if appropriate.

Many thanks

James

James Newmarch MSc CMLI | Senior Asset Engineer (Soft Estate) | Asset Management

Contracts Management | Communities, Economy & Transport Department

**Tel:** 01273 481838 | **Mob:** 07712 841433 | **Email:** 

james.newmarch@eastsussex.gov.uk | Website: www.eastsussexhighways.com

Please note that I work three days a week, normally Monday, Tuesday and Wednesday

From: Neil Maguire < Neil.Maguire@eastsussex.gov.uk >

**Sent:** 03 September 2021 08:15

To: Deborah Parker < Deborah.Parker@eastsussex.gov.uk >

Subject: FW: IN CONFIDENCE: London Road, Bexhill – Traffic Management & Public

**Realm Consultation** 

Hi Debbie

Thanks for chasing me on this.

I'd forgotten I had already asked for comment from Stagecoach when I was initially contacted for feedback at the end of the July. They gave me the response below.

I didn't contact Bexhill Community Bus (BCB) and I fear it is unlikely that we will be able to obtain their feedback in the necessary timescale due to their reliance on volunteers.

I will follow up with my comments later today, which will take into account BCB services. My comments will however be similar to Stagecoach's, but with emphasis on the requirements of the Government's national bus strategy.

Thanks again Neil

#### **Neil Maguire**

Senior Technical Officer Transport Hub

Mobile: 07966 103643 | Team: 01273 335080

Team email: <a href="mailto:passenger.transport@eastsussex.gov.uk">passenger.transport@eastsussex.gov.uk</a>

eastsussex.gov.uk







From: Dimitri Bridgland < <u>Dimitri.Bridgland@stagecoachbus.com</u> >

Sent: 03 August 2021 12:08

**To:** Neil Maguire < Neil.Maguire@eastsussex.gov.uk > Cc: John Pugh < John.Pugh@stagecoachbus.com >

Subject: Re: IN CONFIDENCE: London Road, Bexhill - Traffic Management & Public

**Realm Consultation** 

Hi Neil,

The design where the road layout is effectively like-for-like compared with the current layout is something we can generally work with pending the finer detail. Initial thoughts on these benefits the traffic flow better than the other drawing. Could this be something to suggest air quality would be not as bad if traffic flow is not as congested?

Dare I say road widths on the one-way sections still look quite generous. Perhaps there is scope to 'fatten up' the green space in the middle?

The other drawing where the road immediately outside the Town Hall is closed off is a concern.

- Route 98 coming in from Sidley would suffer a time penalty.
  - It would have to join an expectedly busy junction entering Buckhurst Place.
  - The manoeuvre requires a sharper left 90-degree turn. This would be slower due to the expected queue and also having less space to enter Buckhurst Place.
  - Although the current arrangement requires southbound vehicles to give way, this is generally free flowing, typically with little time penalty and lighter steering wheel action.
- Where there is a bus stop directly outside the Town Hall, the plan shows the bus stop further north.
  - Most passengers alighting / boarding would have to walk a longer distance to / from the local shops, including Sainsbury's to the south of the area we're looking at.
  - To make bus travel as attractive as possible the bus stop should be placed more conveniently to where people go to. In this case the supermarket and local shops.
- Would it be feasible to place a bus lane across the north of the extended green space close to the current line of route?

Cheers.

#### **Dimitri Bridgland**

Network Planning Manager Stagecoach South East

**T**: 01227 828104

From: Bexhill Community Bus <info@bexhillcommunitybus.co.uk>

**Sent:** 07 September 2021 11:27

**To:** Deborah Parker < <u>Deborah.Parker@eastsussex.gov.uk</u>> **Subject:** Re: London Road highway proposals consultation

Deborah

Thanks for contacting me. I can confirm that I have already sent a response to this.

Our service uses this roundabout quite extensively in order to serve Sainsbury's. In addition, there is a large bus stop outside the Town Hall which we use to park the bus whilst our volunteers have a break. Other bus operators also use this as well.

We would object to this roadway being closed to traffic.

Thank You,

Stuart Hardie
Managing Director
Bexhill Community Bus

From: Deborah Parker

Sent: Monday, September 6, 2021 8:52 AM

To: info@bexhillcommunitybus.co.uk

Subject: London Road highway proposals consultation

Dear Sir/Madam,

I understand from my colleague Neil Maguire that a response has been sent on behalf of the Bexhill Community Bus regarding the highways proposals for the London Road area of Bexhill. Unfortunately, we do not appear to have received this. Would it be possible to re-send the comments via email to me today? Apologies for the short notice but I have only just learned that a response was sent.

Kind regards,

#### **Deborah Parker**

Project Manager, Strategic Economic Infrastructure Economic Development, Skills and Infrastructure Service Communities, Economy and Transport

01273 336685 | eastsussex.gov.uk

Please note I work three days per week - usually Monday, Tuesday and Thursday.







From: Bexhill-on-Sea Town Council

To: <customer@eastsussexhighways.com>

Subject: Response from Bexhill-on-Sea Town Council

Dear sirs,

Please find attached our response on the London Road proposals and the cycling.

TO CONSIDER STAKEHOLDER RESPONSE TO TRAFFIC MANAGEMENT AND PUBLIC REALM CONSULTATION

- Option A is to remove the current gyratory system around the Memorial Gardens and create a priority junction in order to increase the public space and landscaping, as well as providing additional pedestrian crossing facilities along Buckhurst Place.

Add zebra crossings on London Road/Station Road/Buckhurst Road.

Could be enhanced with removing car park outside the town hall and increasing park area, green wall at Sainsbury's.

Investigate resident parking bays in Sainsbury's car park.

- Option B is to retain the current gyratory arrangement and introduce kerb works to slow down traffic in the vicinity and allow pedestrians to cross more safely. The landscaping in the Gardens would be enhanced and an additional zebra crossing provided at the southern end of London Road.

Improve the traffic management arrangements, pedestrian facilities, and public realm at the Buckhurst Place/Sackville Road junction through the provision of a mini-roundabout, informal crossing points and realigned and resurfaced footways.

The council supports the roundabout. Need another crossing on Terminus Road to cope with footfall from Wainwright Road car park.

Introduce a mini roundabout at the Beeching Road/London Road junction, improve the pedestrian crossing on Beeching Road and create a 'gateway' on London Road through coloured carriageway and footway surfacing.

The council supports the roundabout. Re-open the public toilets in Sainsbury's. More trees along London Road.

The proposals also include bus stop upgrades, cycle parking and widened footways. It should be noted however that as a result of these changes a number of existing parking bays will be lost.

00151. TO CONSIDER RESPONSE TO SCH-0026 – BEXHILL CYCLING AND PEDESTRIAN ROUTE FEASIBILITY ALIGNMENT

Route (A) – This route runs between the existing seafront NCN2 cycle route, via Collington Station, to Bexhill Enterprise Park in Worsham. It is proposed that this route will connect to existing provision in Mount View Street via a new development in the North Bexhill Residential Development area. The route also passes through a proposed mixed-use development site off Down Road and interim measures are planned whilst this site is progressed.

Too disjointed, not utilised the existing paths. Needs to be a separation between cycles and vehicles.

Parking in the cycling lanes needs to be addressed first. Cooden cars parked in them.

Route (B) – This route runs between the existing NCN2 cycle route to Bexhill Station and connects to St Richard's Catholic College, ending at the Ravenside Retail and Leisure Park. (Please note that as part of this consultation we are unable to provide more detailed design drawings as a section of the route is currently at feasibility stage, however we would like to seek your early views on the proposed alignment. A separate consultation for Route (B) will be conducted at a later date when the full alignment has progressed to preliminary design stage.)

Support this route.

Regards,

Julie

Julie Miller

Town Clerk to Bexhill-on-Sea Town Council

07769 254176

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# Appendix E

Amended Scheme Designs - Stakeholder Feedback

# Appendix 8 - Stakeholder and Public Consultation Summary: Key concerns and route specific comments and responses

#### <u>General</u>

Comment/Issue raised	Response
Could the cost of the scheme be better spent repairing the existing infrastructure?	The Local Growth Fund monies available to deliver this scheme was secured as part of the wider Hastings and Bexhill Movement and Access Package. The business case for package set out that the funding would be used to deliver walking, cycling, public transport and traffic management schemes in the Hastings and Bexhill area and is not available for repairing existing infrastructure.
The scheme will reduce the capacity for motorists leading to increased queues	The proposed design options put forward have been modelled using a number of specific junction testing programmes. The results of which have demonstrated that the proposed layouts will provide less congestion and improve vehicle movability.
	With regard to the design proposals specific to Buckhurst Place/Sackville Road junction, the proposed mini roundabout arrangement at this junction will improve the traffic management, given the current poor road marking and infrastructure that is currently located here. This proposed roundabout will in turn help navigate visitors and local resident's safety.
The scheme will encourage higher vehicle speeds	The aim of the scheme is to improve the pedestrian environment and traffic management in the London Road corridor and thereby help to reduce rather than encourage vehicle speeds.
	As part of the feasibility design process a number of specific checks/tests are required.
	One such method, includes that of a Road Safety Audit (RSA Stage 1). This has been undertaken by an independent road safety engineer who has reviewed the proposed design option, which has confirmed this has been designed in accordance with the relevant design specifications as per Department for Transport (DfT) as is acceptable.
The scheme will create traffic impacts elsewhere within Bexhill, especially for emergency services, could traffic signals be installed instead of mini roundabouts.	All design options have been modelled with their results proving favourable in all scenarios tested.
	Because of the close proximity to the A259/A269 junction, National Highways approved all the design options and modelling work for the Beeching Road/London Road mini roundabout in March 2021.
	The results of which concurred that the proposed roundabout design option operates within capacity in all identified peak hours.
General maintenance and inadequate highway infrastructure issues around the Bexhill area.	General maintenance issues have been passed onto our Highways team.
	Requests for improving highway infrastructure in Bexhill will need to be assessed through our scheme prioritisation process to determine whether they should be considered for inclusion in a future year of the Capital Programme of Local Transport Improvements

#### Beeching Road/London Road mini roundabout

At the Beeching Road / London Road junction, the proposed design is to provide a mini roundabout to improve traffic management and reduce the risk of queued traffic extending to London Road's junction with the A259.

In addition to this main design change, the proposed highway layout includes improving the pedestrian crossing point located across Beeching Road, resurfacing footways in a red tarmac material and including red 'gateway' surfacing material on the carriageway in London Road.

Comment/Issue raised	Response
Have alternative design options been looked at? i.e., traffic signals	During the feasibility stage, the proposed design option was modelled using a number of specific junction testing programmes. The results of these have demonstrated that the proposed layout will provide less congestion and improve vehicle movability at the London Road junction with Beeching Road. Due to the proximity of the A259/London Road junction, these modelling results have been discussed and validated with National Highways (formerly Highways England).
Will the mini-roundabout proposal improve traffic flow?	
The right turn into Beeching Road from the northern end of London Road is currently difficult to achieve, at times delaying the traffic flow from Combe Valley Way. If the proposed mini roundabout assists this, thereby improving the flow of traffic down London Road in a southerly direction, that is to be welcomed	
Could additional landscaping be incorporated within the proposed design?"	The County Council have liaised with National Highways concerning a number of parcels of land that fall outside of the County Council's Road network/boundary, however these landscaping options are currently ongoing

#### Buckhurst Place/Sackville Road mini roundabout

The proposed design is to provide a mini roundabout at this junction to improve traffic management and issues of queuing traffic backing up along London Road onto the junction with the A259.

In addition to this main design change, the proposed highway layout includes improving the pedestrian crossing point located across Beeching Road, resurfacing footways in a red tarmac material (as used elsewhere in the town) and including a red 'gateway' surfacing material on the carriageway in London Road.

Comment/Issue raised	Response
Can the mini roundabout have a raised profile to deter approaching vehicle speeds	As part of the design process, a number of individual studies are undertaken, using such data sources as personal injury collision data and vehicle speed data. This helped determine if there is an existing problem of vehicles exceeding the speed limit.
	From the datasets collected, the study area does not suffer from high vehicle speeds and as a result the current configuration put forward (e.g., not a raised profile) is therefore sufficient.

## Agenda Item 8

Report to: Lead Member for Transport and Environment

Date of meeting: 21 February 2022

By: Director of Communities, Economy and Transport

Title: Application to de-register and replace a Town & Village Green

on land known as The Triangle, Hailsham - VG 35

Purpose: To seek approval to join the Wealden District Council

application under Section 16 of the Commons Act 2006

#### Recommendations:

#### The Lead Member is recommended to:

- (1) agree to East Sussex County Council becoming a joint applicant in the Wealden District Council application already submitted to the Secretary of State under Section 16 of the Commons Registration Act 2006 for the deregistration and replacement of Town & Village Green VG35 to allow highway improvement works for further housing; and
- (2) delegate authority to the Director of Communities, Economy and Transport to take all necessary steps in connection with the application, including but not limited, to signing the application form, providing evidence in support of the application and any further requirements of the Secretary of State.

#### 1 Background Information

- 1.1 Section 16 of the Commons Act 2006 allows an applicant to de-register land that is registered as Town & Village Green (TVG) in the Register of Towns and Village Greens. That Section also allows for land to be provided to 'replace' the land that has been de-registered.
- 1.2 To enable highway improvements and residential development, Wealden District Council (WDC) wishes to de-register a section of existing TVG land in Hailsham parish. The de-registered land is needed for an improved road junction and will be replaced with a new, larger area of TVG, also in Hailsham parish.
- 1.3 WDC have therefore applied to the Secretary of State for the Environment, Farming and Rural Affairs (DEFRA) under Section 16 of the Commons Act 2006. This application has been made via the Planning Inspectorate.
- 1.4 The Planning Inspectorate have advised that East Sussex County Council (ESCC), as Highway Authority, should be a joint-applicant in this case. This is due to a Public Footpath (maintained by ESCC) running through the proposed 'replacement' TVG land.
- 1.5 During consultation by WDC, one objection was received. However, this is resolved and withdrawn on the condition that ESCC joins the WDC application.

#### The Release Land

- 1.6 The land to be de-registered ("the Release Land") is known as 'The Triangle' located at the junction of A295 South Road and B2104, Ersham Road lying to the south-east of South Road and west of Ersham Road. It is owned by Hailsham Town Council. See Plans 1 & 2 at Appendix 1. The land is 0.2 hectares (2,000 square metres) and is currently used for recreation for example, dog walking and occasional ball games. There are no registered common rights on this land.
- 1.7 ESCC is not aware of any access rights under Section 193 of the Law of Property Act 1925 affecting the existing village green. There is a pedestrian access to the land from the footway of Ersham Road via a gate. There are no known archaeological finds or sites within or in the vicinity of the Release Land.
- 1.8 The northern end of the Release Land has an electricity sub-station constructed on a small part of the village green. According to the East Sussex County Council Register of Town and Village Greens, the former South Eastern Electricity Board and its successors claim to have acquired, on 27 February 1970, rights to route underground cables into their substation for the purposes of carrying on their undertaking. There is also a bus shelter constructed on the rear of the footway of South Road which may slightly impinge onto the Release Land.
- 1.9 There are existing hedges forming the eastern and north-western boundaries of the area (that is on the two sides abutting public roads). The southern boundary abutting private housing is a mixture of hedges and wood panel and chain link fencing. There is access through the Ersham Road boundary via vehicle and pedestrian gates.

#### The Replacement Land

- 1.10 The 'Replacement Land', to be given as TVG in exchange for the Release Land, is land to the west of the Cuckoo Trail approximately 220 metres north of the junction with Ersham Road, forming plot number 8900 on the 1971 Ordnance Survey 1:2,500 map. It is not already registered as common land nor town/village green. See Plans 2 & 3 at Appendix 2.
- 1.11 The Replacement Land is owned as freehold by Wealden District Council. There are no leaseholders, other occupiers or known easements which would interfere with the public's rights to use the Replacement Land. Public Footpath Hailsham 50 runs east to west through the Replacement Land, just inside the northern boundary. The existence of the footpath facilitates access to the proposed TVG. The proposed TVG does not interfere with the public's rights to use the footpath.
- 1.12 There are no access rights under Section 193 of the Law of Property Act 1925 affecting the Replacement Land. Wealden District Council, as owner, has constructed an access ramp from the adjacent Cuckoo Trail (used by cyclists, equestrians, and pedestrians) to facilitate safe and convenient access to the Replacement Land.
- 1.13 There are no known archaeological finds or sites within or in the vicinity of the Replacement Land.

- 1.14 In agricultural terms, the Replacement Land was used until recently as occasional low-grade summer grazing for sheep and cattle. This use only ceased with its transfer to Wealden District Council.
- 1.15 The Replacement Land is already open to the public and anecdotally appears to be mainly used by Cuckoo Trail users for example resting or having picnics. However, as the land has been opened to the public for less than a year and is not advertised as such, there has not been time for a clear pattern of use to emerge.
- 1.16 There are no structures on the Replacement Land.
- 1.17 The Replacement Land is fenced on the east adjoining the Cuckoo Trail with wire stock fencing on wooden posts. The southern and western boundaries comprise a hawthorn and blackthorn hedge. The northern boundary is defined by a row of mature trees and an ordinary watercourse. There is access along the public footpath from the east (Cuckoo Trail) via a gap in the boundary fence/hedge and from the west (Ersham Road) via a stile. There is also access from the Cuckoo Trail via a gap in the boundary fence/hedge and the recently constructed ramp.
- 1.18 A disability-compliant access ramp into the replacement land from the adjacent Cuckoo Trail has already been constructed. The access steps on the statutory public footpath have been rebuilt and the stile between the Trail and the Replacement Land replaced with a more accessible gap. Stock use outside the Replacement Land prevents the western public footpath stile being made into a gap, but a self-closing gate will be provided here. Following a tree survey by the District Council's arboriculturist, all urgent tree works have been carried out at this location.
- 1.19 These works have enabled the Replacement Land to be opened to the public for recreational use in advance of any possible village green exchange. Further works may comprise more native tree planting, provision of picnic benches etc., but these will be held in abeyance until it is seen if any particular use patterns or user suggestions emerge over time.

#### 2. Supporting Information

- 2.1 The existing Release Land is sited at the junction of the A295 South Road and the B2104 Ersham Road, with the actual junction being controlled by a mini roundabout. There is a staggered junction into the Town's main industrial Estate, Diplocks Way, 40-metres south-west of the mini roundabout. Between these two points is the entrance and exit from a petrol station and there are further turnings into a narrow domestic road (Gordon Road) and a builder's merchants within 30-metres to the north-east of the mini roundabout. Statistics provided by the highway authority (East Sussex County Council) show that between 2009 and 2019 (last available figures) average vehicle use per day rose from 10,470 to 11,140 on South Road, 5153 to 5872 on Ersham Road and 9,680 to 10,460 on Diplocks Way.
- 2.2 The town of Hailsham is taking a proportion of the housing required to meet the central government housing targets for the Wealden District with 450 new houses accessed from Ersham Road either granted planning permission or under construction. A further 800 new houses have either been granted planning permission or are under construction within the overall town of Hailsham.

- 2.3 Existing traffic flows are projected to increase, therefore, the existing road junction at this location needs to be redesigned to provide further capacity and to reduce the environmental and pollution problems caused by slow or static vehicles on the approach to the junction. To achieve this, the only undeveloped land available for highway improvement works at the junction is that forming the Release Land. The requirement for highway intervention at this junction was recognised by the Secretary of State in a recovered appeal decision relating to land at Oaklands, Ersham Road. This was further endorsed by an Appeal Inspector in relation to the same site. (This decision is contained within the consultation documents in Appendix 2 from Page 37 onwards.)
- 2.4 The present Release Land sees little use due to its small size and unattractive location adjacent to such busy roads. The Replacement Land is in a quiet, rural location and does not abut any roads. It is over twice the size of the existing Release Land. Whilst further from the town centre, it can be accessed by foot, horse and cycle from the immediately adjacent Cuckoo Trail (and by an existing public footpath from Ersham Road). The new replacement space has a stand of mature trees on the northern and western boundaries and an adjacent pond, accessed by the public footpath. It is thus considered to be more attractive to both locals and visitors to the town. It should also prove to be a useful area for the 250,000+ annual users of the Cuckoo Trail.

#### **Consultations and representations:**

- 2.5 Consultation was carried out by Wealden District Council, which included advertising the proposal in a local paper, on site and informing the statutory consultees. (See Appendix 2 for consultation documents.)
- 2.6 One objection from the Open Spaces Society (OSS) was received. The OSS has confirmed, however, that their objection will be withdrawn on the condition that ESCC joins the WDC application. (See Appendix 3.)

#### 3. Conclusion and reasons for Recommendation

- 3.1 Improvements to the road junction next to the Release Land have been endorsed by the Secretary of State's decision in relation to land at Oaklands, Ersham Road.
- 3.2 These junction improvements can only be carried out by de-registering the existing TVG at that location.
- 3.3 The de-registered TVG would be replaced with a larger area of TVG with greater amenity value. Due to the existence of a Public Footpath ESCC is required to join WDC's application as a 'joint-applicant.'
- 3.4 Following consultation, the only public objection has been resolved on the condition that ESCC joins WDC's application.
- 3.5 Lead Member is therefore recommended to:
  - a. agree to East Sussex County Council becoming a joint applicant in the Wealden District Council application already submitted to the Secretary of State under Section 16 of the Commons Registration Act 2006 for the de-registration and

replacement of Town & Village Green VG35 to allow highway improvement works for further housing; and

b. delegate authority to the Director of Communities, Economy and Transport to take all necessary steps in connection with the application, including but not limited to, signing the application form, providing evidence in support of the application and any further requirements of the Secretary of State.

#### RUPERT CLUBB

Director of Communities, Economy and Transport

Contact Officer: Natalie Mclean, Legal Order Officer

Contact Number 01273 482628

Email address: Natalie.mclean@eastsussex.gov.uk

Mary Wise, Principal Officer, Asset Management & Definition

Contact Number 01273 335617

Email address: Mary.wise@eastsussex.gov.uk

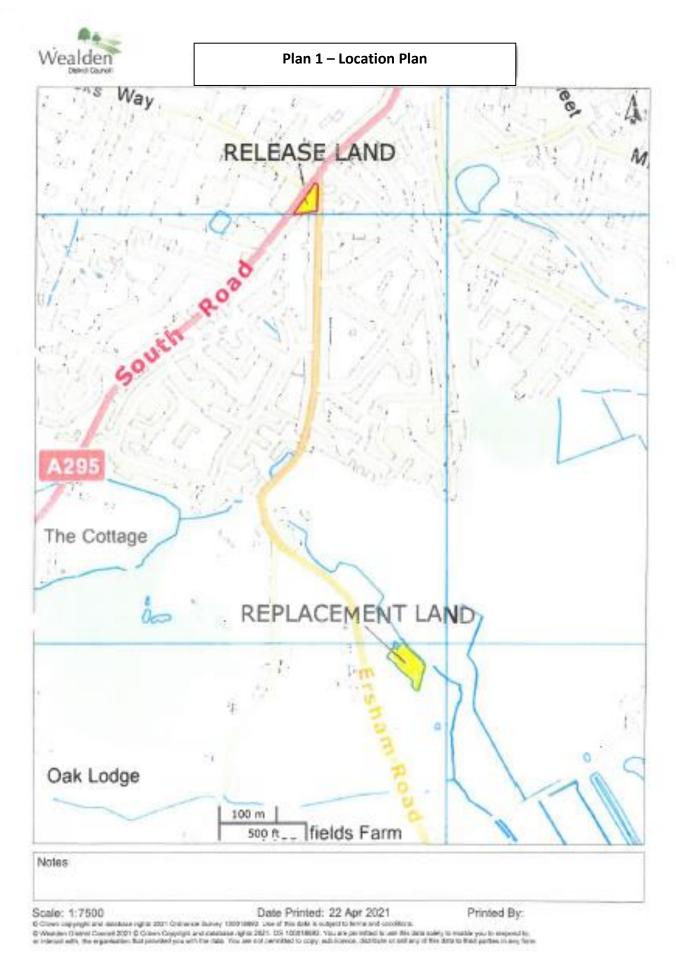
#### LOCAL MEMBER:

Councillor Gerard Fox

#### **BACKGROUND DOCUMENTS:**

None

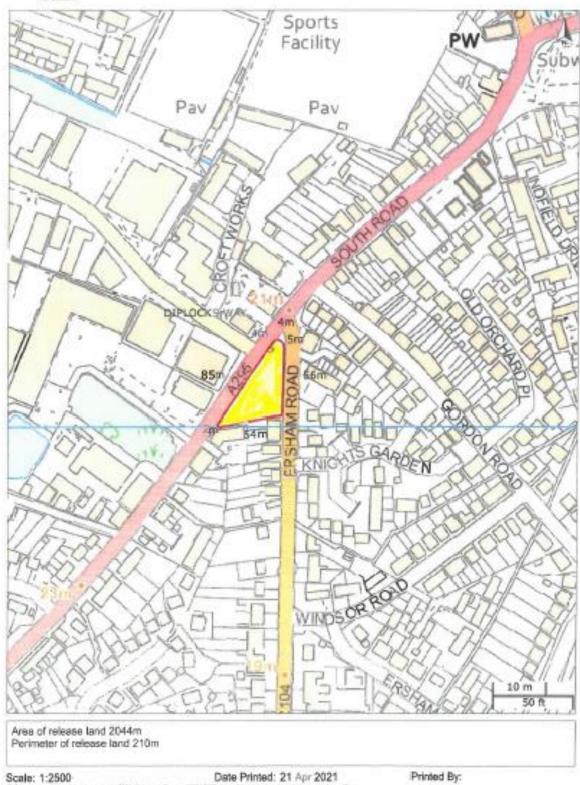




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#### Plan 2 - Release Land



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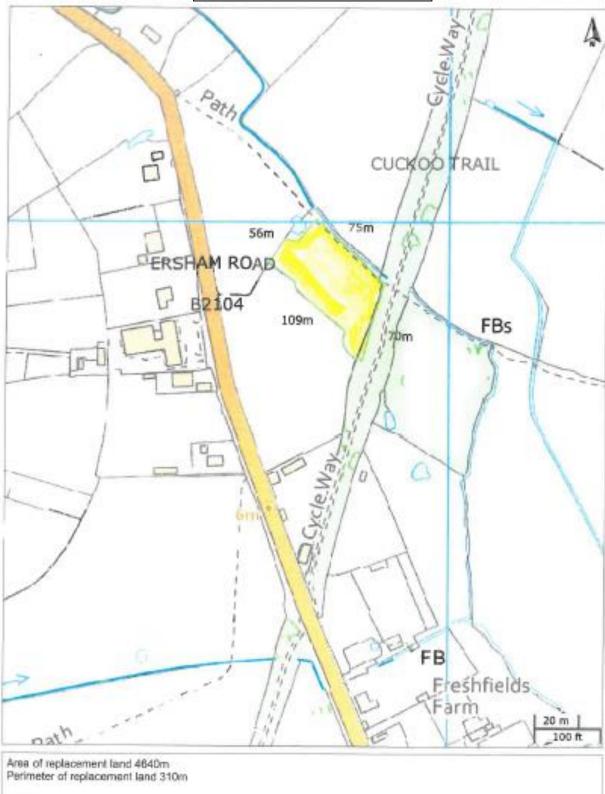
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#### Plan 3 - Replacement Land



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my reference - GK/JT2300

ask for Graham Kean

date 18 October 2021

The Commons Team
The Planning Inspectorate
3A Temple Quay House
Temple Quay
Bristol BS1 6PN

Wealden District Council
Council Offices, Vicarage Lane
Hailsham
East Sussex BN27 2AX

e-mail : graham.kean@wealden.gov.uk website : www.wealden.gov.uk

Your reference

Dear Sir or Madam

COMMONS ACT 2006 – SECTION 16 Application dated 22 October 2021 The Triangle Village Green, Hailsham, East Sussex, VG 35

I enclose an application for a Village Green Exchange in Hailsham, East Sussex. The joint applicants are Hailsham Town Council, owners of the release land and Wealden District Council, owners of the replacement land. I enclose the completed application form, the maps, the documents referred to in the application form and the health and safety questionnaire.

#### I confirm that:

- A). I have published the notice in the Sussex Express Newspaper on 22 October 2021. A copy of the extract from the newspaper is enclosed.
- B). I have sent a letter based on the one at Annex C of the guidance notes to all those listed in Section H of the application form. A copy of the letter sent is attached. Those consulted were as follows:

Natalie McLean, East Sussex County Council (as commons registration authority) John Harrison, Clerk to Hailsham Town Council (who are joint applicants for the exchange)

Natural England Consultation Service

Historic England Customer Services Department

**Open Spaces Society** 

Neil Griffin, County Archaeologist, East Sussex County Council

As it is not a common there is no commons council or active commoners, There are no tenants or occupier. The village green is not in a National Park or AONB.

- C). I have posted notices at the main points of entry to the lands, and will maintain them there until the end of the objection period.
- D). I have placed a copy of the complete application, including the notice and map, at the inspection point given in the notice. These documents will remain there until the end of the objection period.

I have arranged for payment of the £4,900.00 fee by BACS transfer from Wealden District Council to yourselves at:-

PINS Main Account Sort code: 60-70-80

Account Number: 10014489

IBAN: GB51NWBK60708010014489

Bank Address: The Royal Bank of Scotland, 9th Floor, 280 Bishopsgate, London,

EC2M 4RB

Please contact Graham Kean on <a href="mailto:graham.kean@wealden.gov.uk">graham.kean@wealden.gov.uk</a> or at the above address if you require further information.

Kind Regards

Engineer and Countryside Officer

# APPLICATION TO DEREGISTER, OR TO DEREGISTER AND EXCHANGE, COMMON LAND OR TOWN OR VILLAGE GREENS

Commons Act 2006: Section 16

#### **CORONAVIRUS**

In view of the Government's advice on Coronavirus some of the requirements about advertising the application have changed. Before completing this form please email <a href="mailto:commonlandcasework@planninginspectorate.gov.uk">commonlandcasework@planninginspectorate.gov.uk</a> or phone 0303 444 5408 for more details.

Return completed application to:

The Commons Team
The Planning Inspectorate
3A Temple Quay House
Temple Quay
Bristol
BS1 6PN

Tel: 0303 444 5408

E-mail: commonlandcasework@planninginspectorate.gov.uk

### PLEASE READ THE FOLLOWING CAREFULLY BEFORE COMPLETING THIS FORM:-

- Section 16(9) of the Commons Act 2006 requires that an application to deregister and exchange common land or town or village greens may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over, the release land and any replacement land. When completing this form you will be asked to confirm that such consent has been obtained and that you have consulted any relevant leaseholder of, and the proprietor of any relevant charge over, the release land/any replacement land about the application.
- Answer all the questions on this form in full and only use a separate sheet where there is insufficient space for your answer.
- Refer to "Notes on completing an application to deregister, or to deregister and exchange, common land or town or village greens" (the "Notes") when completing this form.
- References throughout this form to 'common land' apply equally to 'town or village green'.
- A non-refundable fee of £4,900 is payable for all applications under section 16 to deregister/exchange common land. A cheque for this amount, payable to "The Planning Inspectorate", must accompany every application. Alternatively, if you wish to pay by BACS the Planning Inspectorate's bank details are available on request.

## **SECTION A** – The common land to be deregistered (i.e. the release land)

#### Section A1 - The Village Green

#### 1. Name and full address of village green

The Triangle South Road Hailsham East Sussex

There is no postcode allocated to this land but it is close to BN27 3JP

#### CL no or VG no VG 35

#### **Commons Registration Authority**

East Sussex County Council County Hall St Anne's Crescent Lewes East Sussex BN7 1UE

#### Section A2 - The Owner of the Release Land

2. Organisation Hailsham Town Council

#### **Full Postal Address**

Inglenook

Market Square

Hailsham

East Sussex

Postcode BN27 2AE

**Telephone No** 01323 841702

E-mail address john.harrison@hailsham-tc.gov.uk

- 3. Do you prefer to be contacted by e-mail.
- **4.** Please send all correspondence to the owner of the replacement land named in section B1.

#### Section A2a - The Agent (where applicable)

4a. Not applicable

#### Section A3 - Area of Village Green

- 5. What is the total area of village green land registered?
- 0.2 hectares = 2000 square metres

If the land is a town or village green, what kind of recreation is it used for?

Dog walking and occasional ball games.

6. If there are common rights are they exercised? Not applicable

If yes, please give details e.g. what commoners are active, which rights are exercised and how often.

Not applicable. This is a village green so there are no common rights.

#### Section A4 - Description of the Release Land

7. Area of release land in m<sup>2</sup> 2000 square metres

Description (including location) of the release land.

The piece of land known as The Triangle located at the junction of A295 South Road and B2104, Ersham Road, lying to the south-east of South Road and the west of Ersham Road.

## **SECTION B** – The land to be given in exchange (i.e. the replacement land)

8. Are you proposing to provide replacement land in exchange for the release land? You must propose replacement land if the area of the release land is more than 200m<sup>2</sup>.

Yes

If **Yes**, go to Question 9. If **No**, please explain why you are not providing replacement land and then go to question 14.

#### Section B1 - The owner of the replacement land

9. Forename Graham

Surname Kean

**Organisation** Wealden District Council

**Full Postal Address** 

Council Offices

Vicarage Lane

Hailsham

East Sussex

Postcode BN27 2AX

**Telephone No** 01323 443126 **Mobile** 07985 812045

E-mail address graham.kean@wealden.gov.uk

Only complete Question 10 if question 4 has been ticked.

10. Do you prefer to be contacted by E-mail.

#### Section B2 - Description of the Replacement Land

11. Name of replacement land (if any) None known.

Area of proposed replacement land (in m²) 4,300 square metres

#### Description (including location) of the replacement land.

Land to the west of the Cuckoo Trail approximately 220 metres north of Ersham Road crossing forming plot number 8900 on the 1971 edition Ordnance Survey 1:2,500 map.

## 12. Please confirm that the proposed replacement land is not already registered as common land or town or village green.

I confirm that the proposed replacement land is not already registered as common land or town or village green.

13. Give details of any relevant leaseholders, other occupiers, rights of access and easements, those holding any relevant charges over the replacement land, or any other rights or easements. Explain why such rights will not materially interfere with the public's right to use the land (should the application be successful). (See Note 8.)

The replacement land is owned as freehold by Wealden District Council. There are no leaseholders, other occupiers or known easements which would interfere with the public's rights to use the land. Public footpath Hailsham 50 runs east to west through the replacement land, just inside the northern boundary, but this will facilitate access rather than interfere with the public's right to use the land.

# **SECTION C - Access arrangements and current features of the lands**

### Section C1 - Access to the lands:

- 14. To what extent is there existing public access over the land(s) e.g. public rights of access under section 193 of the Law of Property Act 1925
  - (a) The release land. I am not aware of any access rights under section 193 of the Law of Property Act 1925 affecting the existing village green. There is a pedestrian access to the land from the footway of Ersham Road via a gate.
  - (b) The replacement land (including any existing informal public access). There are no access rights under section 193 of the Law of Property Act 1925 affecting the replacement land. Public footpath Hailsham 50 runs east to west through the replacement land, just inside the northern boundary, providing statutory public access to the land. Wealden District Council, as owner, has also constructed an access ramp from the adjacent Cuckoo Trail licensed cycle path Hailsham 4 (used by cyclists, equestrians and pedestrians) to facilitate safe and convenient access to the replacement land.

# 15. What are the intended access arrangements for the replacement land?

The existing public footpath Hailsham 50 running east to west through the replacement land, provides statutory access to the land from the Cuckoo Trail to the east and Ersham Road to the west. This will be retained on its present line. In addition, an access ramp from the adjacent Cuckoo Trail licensed cycle path Hailsham 4 (used by cyclists, equestrians and pedestrians) has already been constructed to facilitate safe and convenient access to the replacement land.

# Section C2 - Current condition of the lands

# 16. Describe the current condition and use of the lands, including any biodiversity, landscape, archaeological, agricultural and recreational interests:

# (a) The release land

In terms of biodiversity, a walk-over survey was undertaken in March 2021 with the following species recorded. The grassland area included Cuckoo Pint, Dandelion, Red Deadnettle, Lesser Celandine, Cleavers (Goosegrass), Common Dock, Daisy, Greater Plantain and Cow Parsley. The hedges bordering the site contained Hawthorn, Ivy, Bramble, Field Maple, Honeysuckle, Privet, Ash, Holly, Domestic Plum and Grey Willow. There are 11 semi-mature trees of species Beech, London Plane, English Oak, Field Maple, Horse Chestnut, Grey Alder, European Plum and Common Lime.

In landscape terms the earliest available large scale mapping of the area is by Yeakell and Gardner at 2 inches to 1 mile surveyed between 1778 and 1783. This shows the release land as part of the large, Hailsham common, which occupied an extensive area to the west of the town. (Fragments only of this exist today as another small village green forming the towns's recreation ground and a small area of registered common around the common pond.) The South Road/Ersham Road junction is shown on this map but with the latter as the dominant route at this point in time. On the "Plan of the Waste Lands in the Manor of Michelham Park Gate, 1811" the land is still unenclosed as part of the common. The first available Ordnance Survey mapping of 1875 shows the area forming the release land now enclosed as a defined plot, with housing to the south and a blacksmiths and extensive nursery to the east on the opposite side of Ersham Road. The area to the north-west of South Road is mostly fields, but with one of the town's rope works on the site of part of the future Diplocks Industrial Estate. By 1910 there is housing on the west side of Ersham Road abutting the land to the south and by 1928 building has occurred on the opposite side of South Road to the site. The present landscape is obviously extremely urban with the site surrounded by a mixture of housing and industrial buildings with a petrol station opposite and busy roads on two sides.

There are no known archaeological finds or sites within or in the vicinity of the release land.

There is an unproven suggestion that the release land was used to grow vegetables during World War II, but it has seen no agricultural use since that time.

The recreational use of the release land appears to be mainly for dog walking and limited ball games.

# (b) The replacement land

In terms of biodiversity, a walk-over survey was undertaken in March 2021 with the following species recorded. The grassland area included Meadow Buttercup, Creeping Buttercup, Cuckoo Pint, Common Dock, Dandelion, Nettle, Lesser Celandine, Marsh Thistle, Cuckoo Flower, Hemlock Water-Dropwort, Cow Parsley, Common Sorrel, Common Dog Violet, Fern and Pendulous Sedge with some species reflecting the damper areas of this site. The hedges bordering the site comprised Dog Rose, Goat Willow, Grey Willow, Hawthorn, Blackthorn, Holly, Honeysuckle, Ivy and Bramble. There are mature trees along the northern boundary comprising English Oak, Ash, Hawthorn and Elder and semi-mature Ash and Oak along the eastern boundary. There is mature Goat Willow surrounding the pond just outside the north-west corner of the replacement land. This pond obviously provides an additional habitat type, immediately adjacent to the land. A steep-sided stream is located to the north of the site, the banks of which support Ferns and Pendulous Sedge.

In landscape terms the earliest available large scale mapping of the area is by Yeakell and Gardner at 2 inches to 1 mile surveyed between 1778 and 1783. This shows the replacement land already enclosed into small fields in the same pattern as today. The boundary lines probably reflect the earlier systematic enclosure of this land at an unknown date. The first available Ordnance Survey mapping of 1875 shows the same field pattern cut through by the Polegate to Hailsham railway, which had opened in 1849. The plot forming the replacement land is already defined, with the railway embankment to the east and a row of mature trees shown along the southern boundary. The pond which is adjacent to the land is already defined. There is almost no change across the remaining historic Ordnance Survey maps, the main alteration being the closure of the railway in 1968 and its replacement with the Cuckoo Trail in the early 1990s. The present landscape remains rural with the Cuckoo Trail to the east and open fields to the other three sides.

There are no known archaeological finds or sites within or in the vicinity of the replacement land.

In agricultural terms, the replacement land was used until recently as occasional, low grade summer grazing for sheep and cattle. This use only ceased with its transfer to Wealden District Council.

The recreational use of the release land appears to be mainly for Cuckoo Trail users resting and having picnics. However, as the land has been opened up to the public for less than a year and is not advertised as such, it is unwise to make generalisations until a use pattern has time to emerge.

# 17. What structures (e.g. buildings, roads, bridleways, footpaths, walls, fences) are currently on the land?

### (a) The release land

The northern end of the area has an electricity sub-station constructed on a small part of the village green. According to the East Sussex County Council Register of Town and Village Greens, the former South Eastern Electricity Board and its successors claim to have acquired, at 27 February 1970, rights to route underground cables into their substation for the purposes of carrying on their undertaking. There is also a bus shelter constructed on the rear of the footway of South Road which may slightly impinge onto the release land.

### (b) The replacement land

There are no structures on the replacement land.

# 18. What boundary features e.g. fences, hedges, walls (and access points such as stiles and gates) are currently on the perimeter of (or on land immediately adjoining) the land?

# (a) The release land

There are existing hedges forming the eastern and north-western boundaries of the area (that is on the two sides abutting public roads). The southern boundary abutting private housing is a mixture of hedges and wood panel and chain link fencing. There is access through the Ersham Road boundary via vehicle and pedestrian gates.

# (b) The replacement land

The land is fenced on the east adjoining the Cuckoo Trail with wire stock fencing on wooden posts. The southern and western boundaries comprise a hawthorn and blackthorn hedge, which is patchy in places. The northern boundary is defined by a row of mature trees and an ordinary watercourse. There is access along the public footpath from the east (Cuckoo Trail) via a gap and from the west (Ersham Road) via a stile. There is also access from the Cuckoo Trail via a gap and a recently constructed ramp.

# 19. What, if any, boundary or other features are proposed to be removed from or erected on the replacement land as part of the exchange?

As described above, an easy access ramp has already been provided to the land from the adjacent Cuckoo Trail. It is proposed to replace the existing stile where public footpath Hailsham 50 passes through the western boundary with a self-closing pedestrian gate.

# 20. What, if any, works are to be carried out on the replacement land as part of the exchange?

A disability compliant, access ramp into the replacement land from the adjacent Cuckoo Trail has already been constructed. The access steps on the statutory public footpath have been rebuilt and the stile between the Trail and the replacement land replaced with a gap in line with the BS 5709:2018 "gates, gaps and stiles" advice note. Stock use outside the replacement land prevents the western public footpath stile being made into a gap, but a self-closing gate will be provided here. Following a tree survey by the Council's arboriculturalist, all urgent tree works have been carried out at this location.

These works have enabled the site to be opened to the public for recreational use in advance of any possible village green exchange. Further works may comprise more native tree planting, provision of picnic benches etc., but this will be held until it is seen if any particular use patterns or user suggestions emerge over time.

# **SECTION D – Details of the exchange or deregistration**

# 21. What are the reasons for the exchange or deregistration?

The existing, release land is sited at the junction of the busy A295 South Road (the main road through Hailsham) and the B2104 Ersham Road, with the actual junction being controlled by a mini-roundabout. There is a staggered junction into the town's main industrial Estate, Diplocks Way, only 40 metres south-west of the mini-roundabout. Between these two points is the entrance and exit from a petrol station and there are further turnings into a narrow domestic road (Gordon Road) and a builder's merchants within 30 metres to the north-east of the mini-roundabout. Statistics provided by the highway authority (East Sussex County Council) show that between 2009 and 2019 (last available figures) average vehicle use per day rose from 10,470 to 11,140 on South Road, 5153 to 5872 on Ersham Road and 9,680 to 10,460 on Diplocks Way.

The town of Hailsham is taking a proportion of the housing required to meet the central government housing targets for the Wealden District with 450 new houses accessed from Ersham Road either granted planning permission or under construction at the time of writing. A further 800 new houses have either been granted planning permission or are under construction within the overall town of Hailsham at the time of writing. There is further previously developed land within the urban centre which is being promoted for regeneration to include housing, retail and commercial redevelopment as part of the Hailsham Aspires Project.

The road junction badly needs redesigning and to have further capacity added to better cope with existing and future traffic flows and to reduce the environmental and pollution problems caused by slow or static vehicles standing on the approaches to this junction. To achieve this, the only undeveloped land available for highway improvement works at the junction is that forming the release land. The requirement for highway intervention at this junction was recognised by the Secretary of State in a recovered appeal decision relating to land at Oaklands, Ersham Road (see attachment 1A and 1B). This was further endorsed by an appeal Inspector in relation to the same site (see attachment 2).

As discussed in question 16 above, the present, release land sees little use due to its small size and unattractive location, adjacent to such busy roads and there is nothing to make users linger here and enjoy the green space. The replacement land is in a quiet, rural location and does not abut any roads. It is over twice the size of the existing, release land. Whilst further from the town centre, it can be accessed by foot, horse and cycle from the immediately adjacent Cuckoo Trail (a disability compliant access ramp between the two has already been constructed) and by an existing public footpath from Ersham Road. The new, replacement space has a stand of mature trees on the northern and western boundaries and an adjacent pond, accessed by the public footpath. It is thus more attractive to both locals and visitors to the town, both using the Cuckoo Trail which sees use in excess of 250,000 people per year.

# **SECTION E - Designations**

- 22. Are any of the lands subject of this application in or near a Site of Special Scientific Interest (SSSI), National Nature Reserve, a Special Area of Conservation (SAC), a Special Protection Area (SPA), or Wetland listed in accordance with the Ramsar Convention?
- (a) the release land No

If Yes, please give details and identify the location on the map Not applicable

- (b) the replacement land No
- If Yes, please give details and identify the location on the map Not applicable
- 23. Do any of the lands contain a Scheduled Ancient Monument?
- (a) the release land No
- If Yes, please give details and identify the location on the map Not applicable
- (b) the replacement land No
- If Yes, please give details and identify the location on the map Not applicable
- 24. Are any of the lands in a National Park or Area of Outstanding Natural Beauty?
- (a) the release land No
- If Yes, please give details and identify the location on the map Not applicable
- (b) the replacement land No
- If Yes, please give details and identify the location on the map Not applicable
- 25. Are any of the lands subject of this application covered by any local designations, e.g. local nature reserve, area of special landscape value, heritage coast, conservation area or public open space?
- (a) the release land No
- If Yes, please give details and identify the location on the map Not applicable
- (b) the replacement land No
- If Yes, please give details and identify the location on the map Not applicable

# **SECTION F - Adjacent Common Land**

26. Does any area of common land with a different registration number adjoin the common land subject of this application? No

If Yes, give details and identify them on the map. Not applicable

# **SECTION G - Procedure**

27. Most applications are determined by the written representation procedure. This involves an exchange of written evidence and a site inspection by an Inspector.

Do you wish to be present or be represented at the site inspection? No

If Yes, please suggest a suitable meeting point. Not applicable

# **SECTION H - Advertisement and Consultation**

28. You must advertise your proposal in one main local newspaper and at the main points of entry to the common (or, if there are none, at a conspicuous place on the boundary of the common). Please advertise your proposal at the same time as you make your application. Use the draft notice at Annex B of the Notes.

A notice has been prepared following the format at Annex B.

# 29. You must also send a copy of the notice (using the letter at Annex C of the Notes) to the following:

the commons council or commoners' association (if there is one)
all active commoners
others with a legal interest e.g. tenants, those with easements, or other rights over the land and any other person occupying the land
the relevant Commons Registration Authority (usually the county council or unitary authority), District or Borough Council
Parish Council (where known)
Natural England (Please send only to enquiries@naturalengland.org.uk)
Historic England
National Park Authority (if the proposal is in a National Park)
AONB Conservation Board or Joint Advisory Committee (if the proposal is in an AONB)
Open Spaces Society
The local authority archaeological service

Even if have consulted any of these bodies before making this application you still need to send them a copy of the notice.

30. Which newspaper has the advertisement appeared in? Sussex Express

On what date?

On what date will the representation period end?

This date must be at least 28 days from the date the application is advertised. Incorrect notices are a common problem and may result in you having to readvertise, so please read Section H of the Notes carefully.

# **SECTION I - Maps**

# 31. Please enclose two copies of the map that meet the requirements set out in Note 19.

Two copies of the maps are enclosed.

# **SECTION J – Checklist (tick to confirm)**

### 32. I have read the Notes in full. Yes

33. I have answered all the questions (where appropriate) on this form in full. Yes

I have enclosed two copies of the map that meets the requirements of Note 19. Yes

I have enclosed a copy of the commons register or register of town and village greens. This should include details of the land, rights, ownership and the register map. Yes

I have obtained the consent to this application of any relevant leaseholder of, and the proprietor of any relevant charge over, the release land and any replacement land. Yes

I have enclosed a copy of any document mentioned in answering the questions on this form. Yes

I have completed and enclosed a copy of the health and safety questionnaire. Yes

I understand that any of the application papers may be copied to interested parties on request and have informed people as necessary. Yes

I have enclosed my application fee of £4,900.00. Yes

### 34. I have:

Advertised the proposal in one main local newspaper. Yes

Posted a copy of the notice at the main entry points to the lands. Yes

Sent a copy of the notice to all those listed at Section H. Yes

Placed a copy of the notice, map and application at the inspection point. Yes

Enclosed the letter based on the example at Annex D of the Notes confirming that the advertising requirements have been met. Yes

# **SECTION K - Declaration**

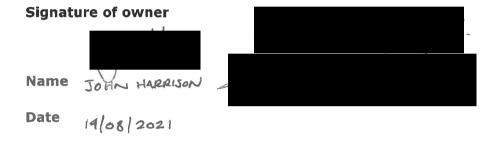
I/we hereby declare that:

All the owner(s) of the land(s) to be deregistered or deregistered and exchanged subject of this application have completed this Section.

No person is a relevant leaseholder, or holds a relevant charge, over any of the land(s) to be deregistered/exchanged.

The contents of this application are true and complete to the best of my/our knowledge and belief.

### Release Land:



Position and name of organisation (where appropriate).

TOWN CLERK, HAILSHAM TOWN COUNCIL

MAYOR OF HAILSHAM

Replacement Land:

26500

Signature of owner

Name AVEYLL PLICE

Date 21/7/21

Position and name of organisation (where appropriate). DIRECTOR OF COMMUNITY + CUSTOMER SERVICES

WEALDEN OICTRICT COUNCIL You should keep a copy of the completed form

# **General Data Protection Regulation**

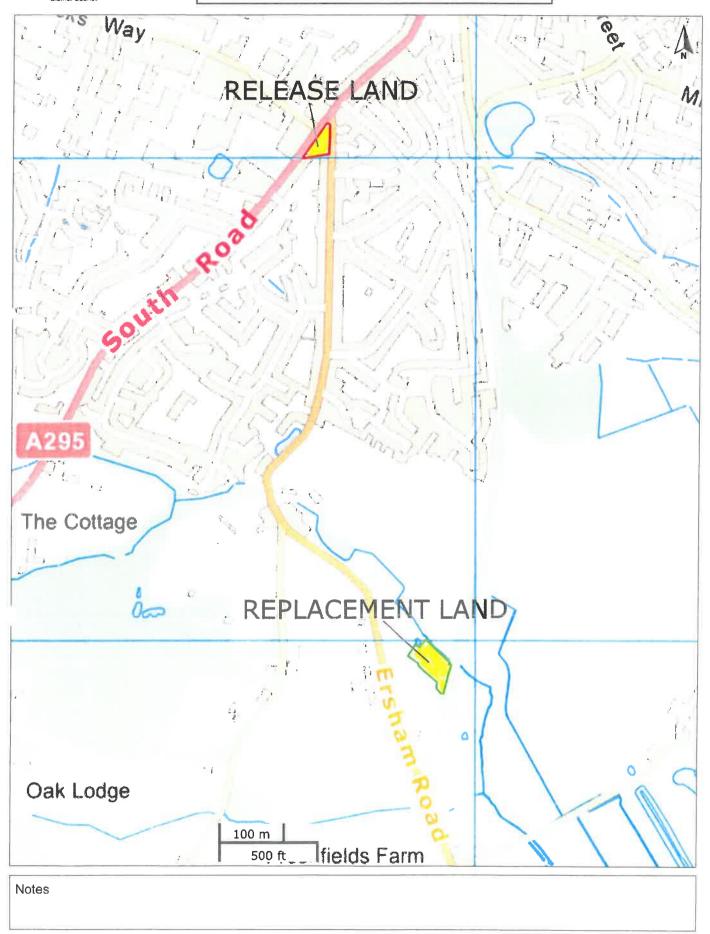
Your application will be in the public domain. Therefore all documents (both paper and electronic) associated with it may be disclosed during the application process to others, including other Central Government Departments, public bodies, local authorities, other organisations and members of the public.

# How we use your information

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our <u>privacy notice</u>.



# Release and Replacement Land



Scale: 1:7500

Date Printed: 22 Apr 2021

Printed By:

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Page 300

559250E

Scale 1:5000 locations Cuckoo Trail and Hailsham Village Green

Date Printed: 09/06/2020

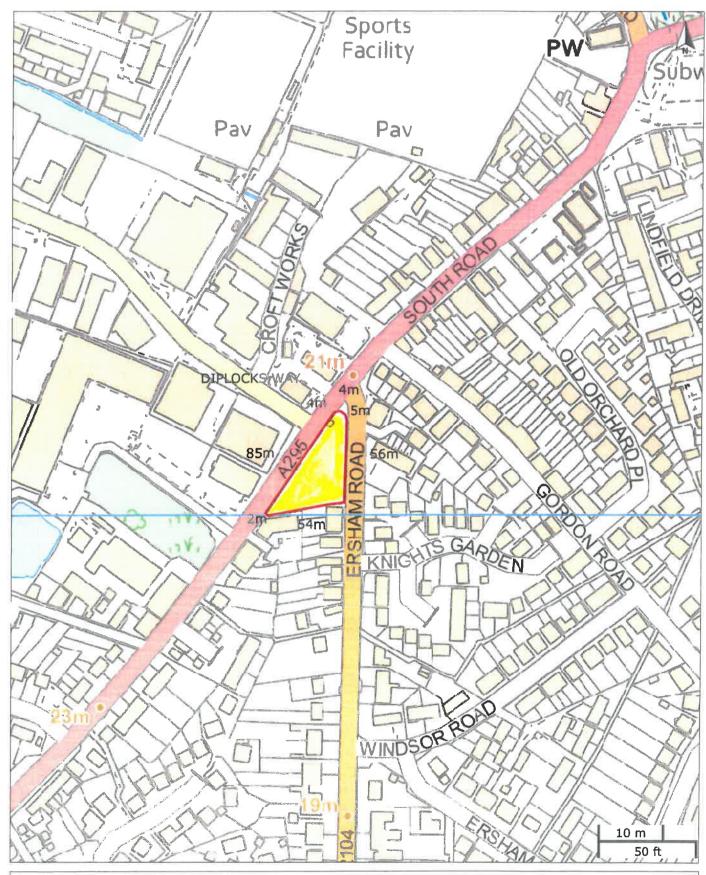
Wealden

District Council





# Release Land



Area of release land 2044m Perimeter of release land 210m

Date Printed: 21 Apr 2021 Scale: 1:2500

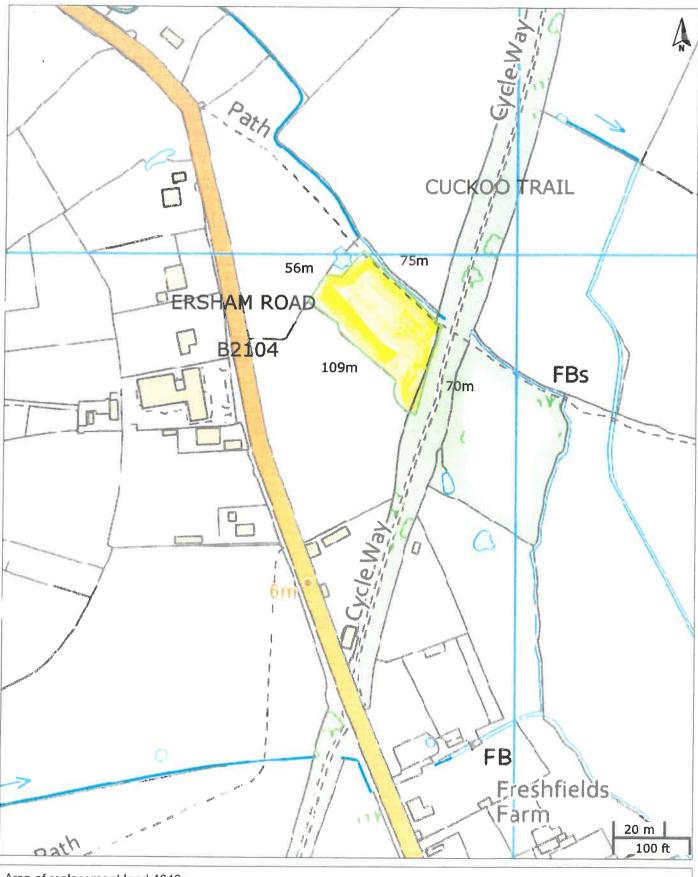
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# Replacement Land



Area of replacement land 4640m Perimeter of replacement land 310m

Scale: 1:2500 Date Printed: 21 Apr 2021 Printed By:

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© Wealden District Council 2021 © Crown Copyright and database rights 2021. OS 100018692. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Page 303

# **Section 16 of the Commons Act 2006**

# **Proposed Deregistration of Village Green at:**

# THE TRIANGLE VILLAGE GREEN, HAILSHAM, VG 35

Hailsham Town Council and Wealden District Council have applied to the Secretary of State for Environment, Food and Rural Affairs under section 16 of the Commons Act 2006 for land forming part of the above-mentioned registered village green (the "release land") to cease to be so registered. The Planning Inspectorate will decide the application on behalf of the Secretary of State.

The purpose of this application is to enable highway improvements to be carried out at the junction of the A295 South Road, the B2104 Ersham Road and Diplocks Way.

It is proposed that land (the "replacement land") be registered as village green in place of the release land.

The release land is described in the First Schedule to this notice and the replacement land is described in the Second Schedule.

A copy of the application form and accompanying documents can be inspected at Hailsham Town Council Offices, Inglenook, Market Square, Hailsham, East Sussex BN27 2AE between 10.00am and 3.00pm on Mondays to Fridays inclusive until 19 November 2021. A copy of the application may be obtained by writing to Engineer and Countryside Officer, Wealden District Council, Council Offices, Vicarage Lane, Hailsham, East Sussex, BN27 2AX or <a href="mailto:graham.kean@wealden.gov.uk">graham.kean@wealden.gov.uk</a>.

Any representations in respect of the proposed deregistration [and exchange] should be sent in writing ON or BEFORE that date to: Common Land Team, The Planning Inspectorate, 3A Temple Quay House, Temple Quay, Bristol BS1 6PN or commonlandcasework@planninginspectorate.gov.uk.

Representations sent to The Planning Inspectorate **cannot be treated as confidential**. They will be copied to the applicant and possibly to other interested parties. To find out more about how the Planning Inspectorate uses and manages personal data, please go to the <u>privacy notice</u>.

# **FIRST SCHEDULE** - (The release land)

The piece of land being approximately 2000 square metres in extent, known as The Triangle, located at the junction of A295 South Road and B2104 Ersham Road, lying to the south-east of South Road and the west of Ersham Road in the parish of Hailsham.

# **SECOND SCHEDULE -** (The replacement land)

The piece of land being approximately 4,300 square metres in extent lying to the west of the Cuckoo Trail approximately 220 metres north of Ersham Road crossing forming plot number 8900 on the 1971 edition Ordnance Survey 1:2,500 map in the parish of Hailsham.

Dated 22 October 2021 Head of Planning & Environmental Services, Wealden District Council, Vicarage Lane, Hailsham, East Sussex, BN27 2AX

my reference GK/JT2300

ask for

Graham Kean

date

18 October 2021

Natalie McLean East Sussex County Council County Hall St Annes Crescent Lewes East Sussex BN7 1UE

Wealden District Council Council Offices, Vicarage Lane Hailsham East Sussex BN27 2AX

e-mail: graham.kean@wealden.gov.uk website: www.wealden.gov.uk

Your reference

Dear Natalie

# **COMMONS ACT 2006 – SECTION 16**

Hailsham Town Council and Wealden District Council are applying to the Secretary of State for Environment, Food and Rural Affairs (Defra) under section 16 of the Commons Act 2006 to deregister an area of The Triangle Village Green, Hailsham, VG35 and to provide replacement land in exchange for the land to be deregistered. The Planning Inspectorate will decide the application on behalf of the Secretary of State.

We are required to you give notice of our proposals and are sending you a copy of the attached notice in order to comply with that requirement.

Section 16 of the Commons Act 2006 enables the owner of land registered as a village green to apply to Defra for the land or part of the land to be released from registration. If the "release land" is more than 200 square metres in area, an application must be made at the same time to register "replacement land" as a village green in its place. If the release land is smaller than 200 square metres, a proposal for replacement land may (but need not) be included.

The decision will be based on the merits of the proposal, and will balance all the interests in the village green, taking account of all views expressed. Regard must be given to the criteria set out in section 16 of the Act. These are:

- (a) the interests of persons having rights in relation to, or occupying, the release land (and in particular persons exercising rights of common over it);
- (b) the interests of the neighbourhood;

- (c) the public interest, which includes the public interest in:
  - > nature conservation
  - > the conservation of the landscape
  - > the protection of public rights of access to any area of land, and
  - > the protection of archaeological remains and features of historic interest;
- (d) any other matter considered relevant.

These criteria will be viewed in the light of the overriding objective of protecting, maintaining or improving the village green, and of ensuring that the overall stock of village green is not diminished. This will enable the diversity, variety, and overall extent, of village green to be safeguarded.

Any objections or representations about the proposal should be sent to The Planning Inspectorate by the closing date specified in the notice.

Yours Sincerely

Engineer and Countryside Officer

my reference GK/JT2300

ask for Graham Kean

date

18 October 2021

John Harrison Clerk to Hailsham Town Council Inglenook Market Square Hailsham East Sussex BN27 2AE

Wealden District Council Council Offices, Vicarage Lane Hailsham East Sussex BN27 2AX

e-mail: graham.kean@wealden.gov.uk website: www.wealden.gov.uk

Your reference

Dear Mr Harrison

# **COMMONS ACT 2006 – SECTION 16**

Hailsham Town Council and Wealden District Council are applying to the Secretary of State for Environment, Food and Rural Affairs (Defra) under section 16 of the Commons Act 2006 to deregister an area of The Triangle Village Green, Hailsham, VG35 and to provide replacement land in exchange for the land to be deregistered. The Planning Inspectorate will decide the application on behalf of the Secretary of State.

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Yours Sincerely

Engineer and Countryside Officer

John I am aware that you already know about this as a joint applicant, but I am still obliged to send the Town Council the standard letter.

my reference

GK/JT2300

ask for Graham Kean

date

18 October 2021

Natural England Consultation Service Hornbeam House Electra Wav Crewe Business Park Crewe Cheshire CW1 6GJ

Wealden District Council Council Offices, Vicarage Lane Hailsham East Sussex BN27 2AX

e-mail: graham.kean@wealden.gov.uk website: www.wealden.gov.uk

Your

Dear Sir or Madam

# **COMMONS ACT 2006 - SECTION 16**

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Yours Sincerely

Engineer and Countryside Officer

my reference

GK/JT2300

ask for

Graham Kean

date

18 October 2021

Historic England Customer Services Department PO Box 569 Swindon Wiltshire SN2 2YP Wealden District Council
Council Offices, Vicarage Lane
Hailsham
East Sussex BN27 2AX

e-mail : graham.kean@wealden.gov.uk website : www.wealden.gov.uk

Your reference

Dear Sir or Madam

# **COMMONS ACT 2006 - SECTION 16**

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Yours Sincerely

Engineer and Countryside Officer

my reference

GK/JT2300

ask for

Graham Kean

date

18 October 2021

Open Spaces Society 25a Bell Street Henley on Thames Oxon RG9 2BA Wealden District Council
Council Offices, Vicarage Lane
Hailsham
East Sussex BN27 2AX

e-mail : graham.kean@wealden.gov.uk website : www.wealden.gov.uk

Your reference

Dear Sir or Madam

# **COMMONS ACT 2006 - SECTION 16**

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Yours Sincerely

Engineer and Countryside Officer

my reference GK/JT2300

ask for Graham Kean

date

18 October 2021

Neil Griffin, County Archaeologist East Sussex County Council County Hall St Anne's Crescent Lewes East Sussex BN7 1UE

Wealden District Council Council Offices, Vicarage Lane Hailsham East Sussex BN27 2AX

e-mail: graham.kean@wealden.gov.uk website: www.wealden.gov.uk

reference

Dear Mr Griffen

# **COMMONS ACT 2006 – SECTION 16**

Hailsham Town Council and Wealden District Council are applying to the Secretary of State for Environment, Food and Rural Affairs (Defra) under section 16 of the Commons Act 2006 to deregister an area of The Triangle Village Green, Hailsham, VG35 and to provide replacement land in exchange for the land to be deregistered. The Planning Inspectorate will decide the application on behalf of the Secretary of State.

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Yours Sincerely

Engineer and Countryside Officer

# **Attachment 1A**



# Report to the Secretary of State for Communities and Local Government

by Christina Downes BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government Date 16 April 2013

# TOWN AND COUNTRY PLANNING ACT 1990 WEALDEN DISTRICT COUNCIL Appeal made by MASMA LTD

**TOWN AND COUNTRY PLANNING ACT 1990** 

Inquiry held on 12-15 February and 7 March 2013

Oaklands, Ersham Road, Hailsham, East Sussex BN27 3PL

File Ref: APP/C1435/A/12/2186147



CONTENTS		
Abbreviations List	<b>Page</b> 2	
Procedural Matters	3	
The Site and Surroundings	4	
The Proposal and the Council's Decision	5	
Planning Policy	5	
The Case for Wealden District Council	7	
The Case for Masma Ltd	18	
Other Oral Representations to the Inquiry	28	
Written Representations	30	
Conditions	31	
Planning Obligation by Unilateral Undertaking	32	
Conclusions	34	
Recommendation	49	
Annex One: Appearances	50	
Annex Two: Documents	51	
Annex Three: List of Conditions	54	

# **ABBREVIATIONS LIST**

Term	Acronym	
Community Infrastructure Levy	CIL	
Development Plan Document	DPD	
Environment Impact Assessment	EIA ·	
Conservation of Habitats and Species Regulations 2010	The Habitats Regulations	
Housing Land Supply	HLS	
Interim Supplementary Planning Guldance	ISPG	
Non-Statutory Wealden Local Plan	NSWLP	
Package Sewage Treatment Works	PTW	
South East Plan	SEP	
Statement of Common Ground	SCG	
Strategic Development Area	SDA	
Strategic Housing Land Availability Assessment	SHLAA	
Waste Water Treatment Works	WWTW	
Wealden Core Strategy Local Plan	WCS	
Wealden Local Plan	WLP	
2		

# File Ref: APP/C1435/A/12/2186147 Oaklands, Ersham Road, Hailsham, East Sussex BN27 3PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Masma Ltd against the decision of Wealden District Council.
- The application Ref WD/2012/0942/MAO, dated 25 April 2012, was refused by notice dated 20 August 2012.
- The development proposed is a residential development incorporating access arrangements and a doctor's surgery.

# Summary of Recommendation: That the appeal be dismissed

### PROCEDURAL MATTERS

- Government (the Secretary of State) announced that he would be partially revoking the South East Plan following consideration of the consultation responses to the Strategic Environmental Assessment. The parts that will remain relate to the Thames Basin Heaths Special Protection Area and the former air base at Upper Heyford in Oxfordshire. Neither has any bearing on the present appeal. The Order came into force on 25 March. Furthermore on 19 February 2013 the Wealden Core Strategy was adopted following consideration by the South Downs National Park Authority. The main parties' views on both matters were submitted prior to the close of the Inquiry and have been taken into account (*Documents AD/5; AD/10*).
- 2. The Council gave a Screening Opinion under Regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011 and determined that due to the size and nature of the development there was the potential for a significant environmental effect on the landscape setting of Hailsham and on the Pevensey Levels site of international nature conservation importance. However following a request by the Appellant for a Screening Direction under Regulation 5(7) the Secretary of State determined that there was unlikely to be any significant effects on the environment and that the development would not be Environmental Impact Assessment (EIA) development (Document AD/2).
- 3. The appeal was recovered by the Secretary of State for his own determination on 22 November 2012. The reason for this direction was that it involved a proposal for residential development of over 150 units and was on a site of over 5 ha, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.
- 4. There was concern expressed by the local councillors present at the Inquiry that it was held too far away from Hailsham for local people to attend. This was a reasonable point as the first four days were held near Halland which is a considerable distance away. I was told that the Council had been unable to secure a suitable venue closer to the town. This was remedied to some degree by the fifth sitting day which was held just outside Hailsham. This was very well attended and local residents were able to give their views which are recorded later in the Report. Whilst the arrangements were not ideal I am satisfied that an acceptable opportunity was made available for those who wished to participate in the Inquiry process to do so.

### THE SITE AND SURROUNDINGS

5. There is an agreed site description in the Statement of Common Ground (SCG) (Document AD/12) and Plan A/17 is a site survey showing existing contours, hedges and trees. Plan A/6 shows the site in relation to Hailsham and its footpath network whereas Plan A/7 shows it in relation to the town's community facilities. The location of the adjoining ancient woodland and remnant brickworks is show on Plan A/13 and there are some useful pictures of the Landscape Strategy (Document APP/5). There are also some photographs of Ersham Road and the vicinity of the site in Document AD/4, Appendix G. The surrounding road network is shown in the Transport Assessment (Document APP/1, Appendices B, C). The location of the Pevensey Levels relative to Hailsham is shown at Document AD/4, Appendix K, Annex WW-1, Page 8.

# The main points are:

- 6. The appeal site is located on the southern side of Hailsham. It comprises two parcels of mainly open pasture and paddock land on the western side of Ersham Road and separated by Coldthorn Lane. To the south west is an extensive area of ancient woodland whilst to the south is an area formerly used as brickworks. This contains remnant buildings, hard surfaces, ponds and regenerating woodland. The site has an undulating topography and is reasonably well contained by trees and hedgerows. The vicinity is not protected by any special designations but nevertheless has an attractive semi-rural ambience.
- 7. Ersham Road is a relatively busy route leading towards the centre of Hailsham. To the south of the site it is edged with mainly residential properties which face towards open countryside. A short distance to the east is the 14 mile long Cuckoo Trail which is a pedestrian and cycle route that follows a disused railway line between Polegate to the south and Hailsham and Heathfield to the north. At the northern end of the site is the junction of Ersham Road and Coldthorn Lane. Ersham Road at this point has a wide grass verge fringed with hedges on its eastern side whilst Coldthorn Lane is a narrow country lane that runs south through the appeal site eventually joining the A22. There is sporadic housing along this lane. To the north-west is the residential Sandbanks estate of houses and bungalows and a narrow area of low lying land separates this from the northern boundary of the appeal site. To the north-east is Ersham Farm on which permission has been granted for residential development.
- 8. Hailsham is one of the main towns in the district and lies on the eastern side of the A22. The town offers shops and services to meet day to day needs. It also includes employment areas, primary schools, community and recreational facilities and most of these services are within 1.5 km of the appeal site. Ersham Road is a bus route carrying services between Hailsham and Eastbourne. The nearest railway stations are in Polegate or Eastbourne where there are good main line services to Ashford, London and the coastal towns.
- 9. The Pevensey Levels lies a short distance to the east of the town. It is a wetland habitat that supports a range of aquatic flora and invertebrates and has been designated a Ramsar site and a Candidate Site of Special Nature Conservation.

# THE PROPOSAL AND THE COUNCIL'S DECISION

- 10. The application was made in outline form with all matters save for access reserved for future consideration. Whilst the description of the proposal does not mention a specific number of dwellings the supporting information indicates a proposal for around 195 residential units including 69 affordable homes. There was various illustrative material, including a layout showing how this might be achieved within the site. This shows two residential areas intersected by Coldthorn Lane known as Oaklands East and Oaklands West. It is proposed to upgrade the Ersham Road junction with a mini-roundabout, provide kerbing and pavements and realign and upgrade the northern section of Coldthorn Lane. Two new access points would be provided on each side of Coldthorn Lane to serve the two areas of development.
- 11. A doctor's surgery is indicated on the northern part of the site close to the new road junction. Areas of open space are shown within the development and it is also proposed to manage the section of ancient woodland that is within the control of the Appellant. The existing public footpath that runs across Oaklands East would be diverted along the southern edge of the site.
- 12. The proposal also includes a new roundabout junction to serve Ersham Road, Diplocks Way and South Road. This would include a small area of land owned by Hailsham Town Council and so their approval would be necessary before these works could go ahead.
- 13. The Council refused planning permission for the scheme on 20 August 2012. One of the reasons for refusal concerned the impact on heritage assets. This concerned possible harm to the archaeological remains on the brickworks land to the south. However following a further survey it was agreed that the matter could be dealt with by a planning condition. The Council did not call further evidence on the matter in connection with the appeal (*Document AD/9, Appendix 4*). There was also a reason for refusal concerning adverse impacts on local infrastructure and the highway network. The Council agreed in the SCG that this could be resolved through a Planning Obligation (*Document AD/12, Paragraph 3.10*). Further information on the infrastructure requirements is at *Documents AD/4, Appendix N; ID/13 and ID/20*.

# **PLANNING POLICY**

- 14. The policies in the South East Plan (SEP) that apply to Wealden District have been revoked and are therefore no longer part of the development plan. This now comprises the saved policies of the Wealden Local Plan adopted in 1998 and the Wealden Core Strategy Local Plan. Although Wealden District Council resolved to adopt the latter document on 30 October 2012 it was not formally adopted until 19 February 2013 following consideration by the Full Council of the South Downs National Park Authority. A list of the relevant development plan policies are set out in the SCG (Document AD/12, Section 12). Extracts can be found in Documents AD/4, Appendix E and AD/9, Appendix 9).
- 15. Set out below are those policies which are the most pertinent to the main considerations in this appeal. However the Conclusions and Recommendation in this Report have taken account of all relevant policies.

# Wealden Core Strategy Local Plan (CS)

- 16. The CS contains a number of spatial planning objectives. Policy SPO1 seeks to manage countryside resources whilst protecting internationally important sites such as the Pevensey Levels. Policy SPO3 states that at least 9,400 homes will be provided between 2006 and 2027 with an average delivery of 450 a year. The majority of new development is to be delivered as sustainable extensions and focused in and around several areas including Hailsham and Hellingly. Policy SPO4 aims to ensure the long term viability of the 5 main towns through a range of improvements with more substantial investment in Uckfield and Hailsham, which are 2 of the 3 District Centres in Wealden. Policy SPO15 requires that infrastructure to support the spatial strategy is identified and that development contributes to its provision. Phasing of development may be necessary to ensure delivery of necessary infrastructure to support growth.
- 17. Policy WCS1 deals with the provision of homes and jobs and includes a requirement to review the plan in 2015 or when a preferred solution to the capacity of the Hailsham North and Hailsham South Waste Water Treatment Works (WWTW) has been identified whichever is the earlier. This is in order to ensure an adequate supply of development land in the longer term. Policy WCS2 sets out the distribution of housing growth with 1,300 additional houses in Hailsham and Hellingly between 2006 and 2027. The broad locations for development are shown on the various insets to the Key Diagram. Policy WCS4 identifies 11 Strategic Development Areas (SDA), including two to the north and east of Hailsham. The former would accommodate around 700 homes with employment, retail and education floorspace (SD3). The latter would accommodate about 600 homes (SD2). Policy WCS8 sets the affordable housing requirement for sites of 5 or more dwellings at 35% with 80% to be social rented units and 20% to be intermediate housing.

# **Emerging Development Plan Documents (DPD)**

18. The Strategic Sites DPD is presently at an early pre-submission stage. It will set out in detail how the SDAs are to be developed. A Delivery and Site Allocations DPD will also be produced in due course. These documents and the CS will eventually comprise the district's Local Plan.

# Wealden Local Plan (WLP)

19. It is to be noted that since the adoption of the CS Policy HG3 referred to in the Council's decision has been superceded. Saved Policies GD2 and DC17 seek to restrict development outside the development boundaries shown on the Proposals Map. Saved Policy TR3 requires development to provide a satisfactory means of access and not to create or perpetuate unacceptable traffic conditions. Saved Policy CS1 seeks to ensure that community services needed to service the development are provided at the appropriate time. The plan covers the period 1986 to 2004.

# The Non-Statutory Wealden Local Plan (NSWLP)

20. This document is dated December 2005 and has an end date of 2011. It was never formally adopted but is used by the Council for development control purposes. Relevant extracts can be found in the Questionnaire (Document AD/2). Policies GD2 and DC15 have similar provisions about development

boundaries as saved Policies GD2 and DC17 in the WLP. Policy HG5 is an affordable housing "exceptions" policy. Policy CS1 requires adequate infrastructure to be provided to meet the direct needs arising from development. Policy BE12 seeks an assessment of archaeological implications for proposals affecting sites of archaeological interest. Policies TR1 and TR2 seek to reduce the need to travel, locate new development in accessible locations, maximise the potential for journeys by non-car modes and meet its travel demands. The NSWLP includes 3 additional sites allocated for housing in Hailsham and Isfield.

### The National Planning Policy Framework (March 2012) (the Framework)

- 21. The Framework has the presumption in favour of sustainable development at its heart and this has three dimensions: economic, social and environmental. It is confirmed that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is one such material consideration. Development plans should be consistent with it and since 26 March 2013 there is no longer the provision under Paragraph 214 to allow those development plans adopted under the 2004 Planning and Compulsory Purchase Act to have a limited degree of conflict with its policies. Paragraph 215 makes it quite clear that the Framework can override development plan policy that is not consistent with its provisions.
- 22. Paragraph 49 indicates that relevant policies for the supply of housing will not be considered up-to-date if the Council is unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances Paragraph 14 indicates that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole or unless specific Framework policies indicate development should be restricted. Paragraph 119 indicates that the presumption in favour of sustainable development will not apply to development requiring Appropriate Assessment under the Habitats Directive.

### THE CASE FOR WEALDEN DISTRICT COUNCIL

The main points are:

### Introduction

23. This appeal relates to a windfall proposal which is fundamentally at odds with the CS. The Appellant took issue with this policy approach in objections to the emerging CS. It promoted the appeal site for development through those objections and its representations were rejected by the Examining Inspector. At the heart of this appeal is a misconceived attempt to undermine now the primacy of the development plan process which dismissed this site as unacceptable for housing. This has involved arguments relating to policy interpretation, housing land supply, and the proper approach to constraints on discharges from the Waste Water Treatment Works (WWTW), which simply do not bear proper scrutiny.

### Effect on character and appearance of the area

24. The development of the appeal site and the associated access works would be at odds with the increasingly rural and sylvan character of the area, as

- perceived on a journey away from the town. From a point around Ersham Cemetery the road starts to meander and the development becomes more sporadic with dwellings being well set back from the road. The streetscene becomes less dominated by built form and trees and hedgerows become more important.
- 25. Whilst the appeal site itself is well contained from longer views the surroundings clearly have a countryside character. The opening up of the low key junction between Ersham Road and Coldthorn Lane and the insertion of a mini roundabout with associated footway improvements would urbanise this rural approach to Hailsham. Even though the harm would be localised it would be significant, detrimental and contrary to saved Policies GD2 and DC17 of the WLP and Paragraph 17 of the Framework (*Documents AD/3, Paragraphs 5.12-5.24; AD/4, Appendix G*).

# Whether the proposal is necessary to meet the housing needs of the district Policy approach to housing provision

- 26. The revocation of the SEP removes a central theme of the Appellant's approach to housing provision which was that it was the only part of the development plan which sought to address the demographically assessed housing needs of the district. However that approach was flawed because the SEP did not anticipate that districts would necessarily provide for such needs.
- 27. Neither does the Framework require authorities to meet the full, objectively assessed needs for market and affordable housing in their areas. Needs are to be provided for as far as is consistent with policies set out in the Framework which include those aimed at protecting European sites from breaches of the Habitats Directive and Regulations. There is no requirement in the Framework to simply provide for housing needs at all costs. The CS is in accordance with the Framework otherwise the Inspector could not have found it to be sound.
- 28. The CS Examining Inspector accepted that the Council's projections did not provide a robust demographic basis to justify moving away from higher figures for housing provision that were then set out in the SEP (*Document AD/4*, *Appendix D*, *Paragraph 15*). There is no dispute that he properly considered policies in the SEP and the Framework, which allowed for housing provision at lower levels. There is also no dispute that he accepted the evidence about the potential effect of additional discharges on the Pevensey Levels resulting from the provision of housing above the available capacity. It was clearly acknowledged that the need to avoid a breach of the Habitats Directive and Regulations should justify lower housing numbers for the district, consistent with extant policy¹ (*Document AD/4*, *Appendix D*, *Paragraphs 18*, *20*, *22*). That evidence was detailed and substantiated the concerns of the statutory bodies (*Document AD/4*, *Appendix K*, *Annex WW3-7*). It was preferred to the representations of others, including the Appellant, who were arguing for higher levels of provision.

 $<sup>^{\</sup>scriptscriptstyle 1}$  Inspector's Note – These points were agreed by Mr Hughes in cross-examination by Mr Lyness.

- 29. It cannot therefore be argued now that less weight should be given to the CS housing policies on the grounds that they do not address demographically based housing needs. Similarly it cannot be argued that the appeal proposal should be viewed positively because it assists in meeting housing needs which would otherwise be unmet by the CS. The appeal site lies outside those areas of housing provision which have been tailored specifically to meet waste water treatment capacity issues in accordance with historic and extant policy. To argue that the development of the site should nonetheless be considered favourably ignores policy reality.
- 30. The Examining Inspector concluded that there was a limit on the scale of development in south Wealden that could be served by the Hailsham South WWTW. This cannot be interpreted to mean that there is scope for further significant housing development to be served, even in the short term, beyond the particular works referred to. If that had been the Inspector's conclusion he would have found the CS unsound for failing to make further provision when there was an opportunity to do so, through the use of Package Sewage Treatment Works (PTW) as is being suggested at the appeal site.
- 31. The approach in the CS, which was accepted by the Inspector, is that a review of housing provision will take place by 2015 in order to see if the potential for a breach of headroom capacity at the two WWTWs can be overcome (*Document AD/4, Paragraphs 20-25*). It is clear from the evidence that the Council had to be influenced by the Environment Agency undertaking a review of discharge consents for the two WWTWs, the outcome of which is not yet known. Southern Water is also considering alternative options to address the capacity constraints at the works. OFWAT funding would need to follow. In these circumstances the approach taken by the CS is obviously correct whereby provision for as much housing as possible is made in advance of the review, which then allows for that to be increased in the event that a solution which protects the integrity of the Pevensey Levels can be found.
- 32. Policy WCS1 therefore provides for housing needs as far as possible over the period 2006-2027. It does not provide for housing for 2 years and nothing thereafter. The review is intended to establish whether there is an opportunity to come closer to SEP levels of provision in the event that a solution to the infrastructure issue comes forward. The Appellant is therefore incorrect in contending that this means it does not act as a strategic document. If it is right that strategic housing provision greater than that envisaged in the plan cannot come forward without harm to the integrity of the Pevensey Levels, then that review process is beyond reproach. Until that stage is reached, there is no justification at all for qualifying the weight to be given to the CS, particularly given the acceptance that it is sound.

### Policy approach to the appeal site

33. The environmental constraints which informed the approach to housing provision in the CS preclude this site from being supported for development. During the Examination the Appellant sought to have the land included within a SDA for Hailsham. The Inspector did not regard it as an appropriate location for housing development whether as an alternative to the Stone Cross SDAs or otherwise. He concluded that the areas promoted by the Council in both Hailsham and Stone Cross had been selected through a robust process and

- were the proper responses to further housing development in those settlements (*Document AD/4, Appendix D, Paragraphs 75, 81*). Those conclusions, as reflected in the CS should again be given significant weight<sup>2</sup>.
- 34. The CS envisages SDAs as the appropriate mechanism to provide substantial levels of housing whilst respecting the environmental constraints facing this part of the district. Windfall development will not be allowed to conflict with this strategy of ensuring that discharge capacity at the WWTWs is not breached so as to lead to conflict with the Habitats Directive and Regulations (*Document AD/4, Paragraph 5.9*). These proposals are the very form of development which the CS is seeking to protect against.
- 35. There is no dispute that the proposals conflict with saved WLP Policies GD2 and DC17, which seek to guide development within designated development boundaries. The function of development boundaries was originally to make clear a distinction between areas where development was regarded as appropriate and the rural area where the protection and enhancement of the countryside was of paramount importance. These boundaries were not defined merely to identify appropriate locations for housing but were concerned with restricting development generally to those areas where it could be suitably accommodated (*Document AD/9, Appendix 9, Paragraph 3.4, 3.6*).
- 36. The Appellant argues that these policies are out-of-date and inconsistent with the Framework because they were promulgated at a time when the development plan was not seeking to provide for current housing needs. However their age does not undermine their materiality or weight. Paragraph 211 of the Framework confirms that just because a policy was adopted and then saved before its publication does not mean that it should be regarded as out-of-date. The Framework still allows for the different roles and characters of different areas, along with the intrinsic character and beauty of the countryside, outside protected areas, to be recognised. The policies therefore accord with Paragraph 215 of the Framework.
- 37. The CS specifically endorses the continued application of development boundaries. It acknowledges that generally the saved policies of the WLP will only be replaced once the full suite of DPDs has been progressed (*Document AD/4, Appendix E, Paragraphs 1.2, 9.1*). Paragraph 3.6 addresses the provision of development boundaries and confirms that they are used to distinguish the built-up areas from the countryside and that development outside the boundary is restricted in principle. The CS also recognises that there may be an opportunity to consider extending development boundaries and that this will be addressed in later DPDs. This is clearly a reference primarily to SDAs which are identified as broad locations for development lying beyond development boundaries. The strategy for rural areas identifies specific instances where development boundaries will be removed but the supporting text confirms that it seeks to retain development boundaries around the towns (*Document AD/4, Appendix E, Paragraph 6.47*).
- 38. It is clear that there is no prospect of the development boundary altering so as to include the appeal site. For any Site Allocations DPD to be consistent with the CS it could only contemplate an extension that was consistent with the

<sup>&</sup>lt;sup>2</sup> Inspector's Note – This was agreed by Mr Hughes in cross-examination by Mr Lyness.

- SDAs, which exclude the appeal site. Extant policy only supports appropriate development within the Hailsham development boundary.
- 39. The boundaries are not based on an outdated assessment of housing need because they were never devised to address housing needs alone. A similar conclusion was reached in the appeal decision for housing development at Widham Farm, Swindon (*Document ID/10, Paragraph 57*). In any event the CS is based on an up-to-date assessment of housing need and only anticipates potential expansion of the development boundaries to address SDAs of which the appeal site does not form any part.

### Housing land supply

- 40. The Appellant's argument that there is no 5 year housing land supply (HLS) involves the allegation that the housing requirement and supply figures on which the CS is based should be discarded as out-of-date. This is despite it being clear that the evidence on sites with planning permission and allocated sites was before the Examining Inspector who concluded that those figures were sound. Furthermore the advice in Paragraph 47 of the Framework is intended to direct decision makers towards applying the presumption in favour of sustainable development. However Paragraph 119 makes clear that the presumption does not apply where development requiring Appropriate Assessment under the Habitats Directive is being considered or determined.
- There is no justification for any allegation that the Council cannot demonstrate an adequate HLS (*Documents AD/4, Appendix Q; AD/13, Appendix SSG2; ID/2*). The Framework seeks to provide for housing to meet identified needs and the CS has sought to achieve this as far as possible albeit with the exclusion of the appeal site.
- 42. Since the revocation of the SEP the housing targets in the CS are the only basis for undertaking a HLS assessment (*Document AD/5*, *Section 3*). The proper basis for assessing performance is against the current development plan and there is no sensible reason for looking back to old Structure Plan requirements. This approach is reflected in other appeal decisions (*Documents AD/7*, *Appendix 14*; *AD/7*, *Appendix 9*, *Paragraph 12*). Since the commencement of the plan period in 2006 there has only been a shortfall of 41 dwellings and this does not of itself indicate persistent under-delivery of housing. The Examining Inspector for the CS concluded that whilst there had been under delivery in the past this was not the case over the last five years (*Documents AD/4*, *Appendix D*, *Paragraph 31*; *AD/4*, *Appendix Q*, *Annex HLS-1*, *Paragraph 6.4*; *AD/6*, *Page 27*, *Table 6.1*). There is no dispute that significant weight should be attached to his resulting conclusion that only the 5% buffer should be applied on this basis.
- 43. Nothing hinges on whether the shortfall of 41 units is spread across the lifetime of the CS or within the next five years but the proper approach is to spread it across the period of the plan. This is reflected in several appeal decisions (*Documents AD/4, Appendix Q, Annex HLS-2, Paragraph 24; Document ID/9, Paragraph 14*).
- 44. There was dispute about the meaning of Footnote 11 to Paragraph 47 of the Framework and the Appellant contended that to warrant inclusion a site should have outline planning permission at the very least. However the advice in

Footnote 11 can be simply divided. Sites should be available and suitable "now" and they should be achievable with a reasonable prospect of delivery within 5 years. In any event the availability of land has nothing to do with whether it has been granted a planning permission. Furthermore a site with outline permission would not meet the "now" test given the need to apply for reserved matters approval. The approach is also inconsistent with the manner in which the flexibility allowance is to be applied according to the Framework, which involves the buffer being moved forward from later in the plan period. This suggests that allocations can be taken into account when assessing supply.

- 45. Footnote 11 advises that sites with permission should be presumed to be deliverable in the absence of clear evidence to suggest otherwise. However there is nothing in the guidance to say that sites without planning permission should not be regarded as deliverable. Such an interpretation would exclude sites that are the subject of a resolution to grant permission. It would be inconsistent with the recognition that windfalls can form part of the housing land supply. There is no reason on a proper interpretation of Footnote 11 why a site without planning permission now cannot be regarded as deliverable within a 5 year time period. This was recognised in the Swindon appeal decision which took into account allocated sites where there was a reasonable prospect of delivery within five years (*Document ID/10, Paragraphs 21-5*).
- 46. The housing provision figures in Policy WCS1 of the CS include those allocated sites from the NWSLP assessed as being deliverable or developable. If the Examining Inspector had had any concern about their inclusion within the overall numbers he would have raised it especially as these sites were relevant to infrastructure requirements. The three sites in question are all deliverable within the next 5 years. Detailed information on each site is provided in *Documents AD/13, Appendix SSG2 and ID/23, Paragraphs 147-151*. There would be 113 dwellings from this source.
- 47. The Framework require that sites with planning permission should be considered deliverable unless there is clear evidence that schemes will not be implemented within 5 years. Information on each of the large sites of 6 or more dwellings is provided at *Document AD/13, Paragraph 6 and Appendix SSG2*and Document 1D/23, Paragraphs 154-161. There would be 2060 dwellings from this source.
- 48. There is nothing in Footnote 11 that supports a 10-15% discount applied to the inclusion of the 454 dwellings on small sites with planning permission. No appeal decisions have been identified that support such an approach. Footnote 11 requires clear evidence that permissions will not come forward and there is no such evidence. Applying a generalised assertion based on past experience is inappropriate.
- 49. The Framework allows windfalls to be taken into account if there is compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. The evidence confirms that the average number of units coming forward annually over the past 10 years is 232. To demonstrate the extent to which windfalls will continue to provide a reliable source of supply the Council has taken into account all factors which will tend to reduce the delivery of such sites in the future and

has only relied upon a heavily discounted rate of 59 dwellings per annum (Document AD/4, Appendix Q, Paragraphs 3.11-3.22). If the risk of double counting meant that all windfalls should be excluded in principle the Framework would not have countenanced their inclusion in the supply figures. Although the historic windfall rate includes developments which came forward during a period where there was no development plan in place (2004-8) windfall levels remained consistent with the overall average (Document AD/9, Appendix 12, Page 29).

50. The difference between the Council and the Appellant relates to a supply of 6.08 years and 4.48 years respectively (*Document AD/6, Tables 7.2b and 7.3b*). The evidence clearly establishes that the overall supply figure should be far nearer the Council's assessment which shows a surplus of over 500 units against the CS requirement. This is plainly adequate, as is to be expected with such a recently tested CS. This resilience is underscored by the fact that the supply does not include the potential for the SDAs to deliver housing within the next five years. Pre-application discussions are already taking place in relation to land which is anticipated to deliver around 1,500 dwellings, which suggests a timescale for delivery which could well yield further provision beyond that allowed for in the Council's calculations.

### Effect of the proposal on the Pevensey Levels site of international importance for nature conservation

51. The Appellant now accepts that there would be no capacity for the appeal scheme to be connected to the Hailsham South WWTW and relies on the use of a proposed PTW to avoid any adverse effect on the Pevensey Levels. The Pevensey Levels supports an outstanding assemblage of important communities of wetland flora and fauna. It is a Ramsar site and a candidate Special Area of Conservation. Concern for its protection throughout the preparation of the CS has related to discharges from the Hailsham South and Hailsham North WWTWs which serve development across a wider area including Hailsham. That concern constitutes a clear reason for permission to be refused in this case.

### Legal and policy background

- 52. Special Areas of Conservation are sites designated pursuant to the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations), which implement the Habitats Directive. Designation is intended to provide a strict level of protection in recognition that the habitats in question are of particular conservation value in a European context. Once a site is proposed to the European Commission as a candidate Special Area of Conservation, it is regarded as a "European site" for the purposes of the Habitats Regulations. Ramsar sites are wetlands of international importance, designated under the Ramsar Convention, which was ratified by the UK in 1976. As a matter of policy they are to be regarded as "European sites" for the purposes of the Habitats Regulations.
- 53. The Habitats Regulations set out the procedure to be followed by the decision maker when dealing with plans or projects that are likely to have a significant effect on a European site. This matter is dealt with under the precautionary principle following the *Waddenzee Judgement* (*Document ID/23, Appendix C*).

There are various stages in assessment identified in Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their impact on the Planning System (Document ID/5). When considering whether a plan or project either alone or in combination with other plans or projects is likely to have a significant effect Waddenzee acknowledges that there is no particular method for carrying out the Appropriate Assessment (Document ID/23, Paragraphs 49-58).

### Capacity constraints and the integrity of the Pevensey Levels

- An Appropriate Assessment was carried out in relation to the CS which considered the potential effects of developing the proposed level of housing on the Pevensey Levels. In particular this addressed the growth of waste water which would necessitate increasing discharges from the WWTWs. It concluded that the allocations in the CS had responded to concerns expressed by the Environment Agency that it would not be possible to provide further development above the current consented capacity of the Hailsham North and Hailsham South WWTWs such that no adverse effect would arise. Natural England agreed with that conclusion (Document APP/4, Appendix K, Annex WW1, Section 8).
- The Environment Agency, Natural England, Southern Water and the Council 55. made representations to the Examination into the CS. These confirmed that no housing development should be provided for above the level set out in the CS in order to protect the integrity of the Levels (Document APP/4, Appendix K, Pages 2-10 and Annexes 3-7). The remaining available discharge capacity at the WWTW was calculated and the result was translated into a headroom capacity for homes based on anticipated rates at which dwellings would return waste water to the sewers. Once capacity to be taken by extant planning permissions, completions and suitable and available allocations in the WLP had been taken into account this produced an upper limit of strategic provision which was reflected in the CS. Whilst this did not meet all housing needs, the CS includes a review mechanism to be carried out in 2015 or earlier if a preferred solution can be identified. As matters stand it is not known what the result of the work by the Environment Agency and Southern Water will be. Although there is a small amount of capacity remaining at the Hailsham South WWTW for about 65-70 dwellings this is needed for future windfall development on a first come first served basis.
- 56. At the Examination into the CS objectors queried the capacity calculations and argued that in any event PTWs could be employed in association with specific developments to enable waste water to be treated outside the public sewer system, thereby avoiding the constraints at the two Hailsham WWTWs. Such an approach was rejected as an option by the Council, Southern Water and the Environment Agency who considered that a mains connection is always the most sustainable and certain way of dealing with waste water from new development. Development should be timed to coincide with necessary mains infrastructure improvements and a proper long term approach to the issue should not be compromised by the short term expediency of the use of PTWs along with the uncertainty about their long-term maintenance and management (Documents AD/4, Appendix K, Annex WW7, Paragraph 14; AD/4, Appendix L).

- 57. Natural England supported the approach taken by the other bodies, stating that the approach taken in the CS was essential for the water quality in the Pevensey Levels to be protected. It considered however that the Environment Agency and Southern Water were better placed to respond in detail (Document AD/4, Appendix K, Annex WW6).
- 58. The Inspector to the Core Strategy examination accepted this analysis and concluded that under Circular 3/99: Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development the first presumption must always be to provide a system of foul drainage discharging into a public sewer. He referred to a recent appeal decision where an Inspector was satisfied that PTWs would be a technical solution if issues of connection to the existing foul sewer network could not be resolved. He noted however that this proposal did not involve possible discharges affecting a European site. He considered that there was insufficient evidence to be confident that PTWs would be acceptable in terms of their environmental impacts or effects on flood risk and that at this point they should not be seen as a long-term planned approach for the CS (Documents AD/4, Appendix D, Paragraph 23; AD/13, Appendix SSG4).
- 59. The Environment Agency's position is that whilst there is remaining capacity at the Hailsham South WWTW they would be unlikely to grant a discharge consent for a PTW. They do not consider it their role to comment on how any headroom at the WWTWs should be allocated between different proposals. Given the environmental sensitivities of the Pevensey Levels any discharge from a private PTW is likely to require thorough assessment and at this stage no confirmation can be given as to whether a permit would be granted. Southern Water did not raise a formal objection but confirmed that the appeal site was not included in the headroom capacity calculations, noting that without the up-to-date position regarding planning permissions it could not comment on the level of headroom remaining.
- 60. The Appellant considers that the Council did not carry out an Appropriate Assessment when determining the application. The Council considers that it did, by relying upon the work which had previously been undertaken and the evidence submitted at the CS Examination. That analysis may not have followed the detailed form of Appropriate Assessments carried out in respect of other examples but there is no particular form required in law and the approach was clear. No issue is taken with the Appropriate Assessment of the CS.

### Appropriate Assessment

61. The Appellant initially sought to knock out some of the sites which had been taken into account in the in combination assessment and assumed to take up capacity. However it is no longer alleged that there would be capacity at the Hailsham South WWTW to allow the appeal development to come forward through a mains sewer connection. Subject to the issue of PTWs the Secretary of State cannot therefore be certain that granting permission for this site would avoid a significant adverse effect on the Pevensey Levels because there is still the possibility or risk that the sites with planning permission in particular will be delivered.

- 62. The Appellant contends that no Appropriate Assessment is required because mitigation in the form of a PTW could be provided as part of the proposals to bypass a mains waste water connection to the Hailsham South WWTW. Such a plant is argued to be technically feasible and to deliver water quality even better than that discharged from the WWTW thereby avoiding any significant effect even in combination with the other projects and plans relied upon by the Council. The Appellant has proposed a Grampian style condition preventing development until a scheme for the proposed plant has been agreed.
- 63. It is not disputed that as a matter of law proposed mitigation measures secured by condition should be taken into account when deciding whether a project will have a significant effect on a European site<sup>3</sup>. However this is subject to the competent authority being satisfied that the proponents of a project have fully recognised, assessed and reported the effects in order to exclude the risk of a significant effect. These tests cannot be met in this case and it is simply not possible to screen out significant effects arising from the use of a PTW for the following reasons:
  - The conditions on the discharge consent for the Hailsham South WWTW confirm that the potential impact of development on the Pevensey Levels relate to both discharge rates and discharge quality. The relevance of the overall quantity of flow is recognised in the Capita Symonds report. The Report indicates that the discharge from the PTW would be a very small proportion of the current licensed discharge. This is based on Code Level 4 figures which were not accepted by the Inspector in arriving at the headroom capacity calculation. In any event percentage figures do not enable a proper in combination assessment to take place, taking account of total flows alongside the issue of the water quality (per unit of treated water) that would be achieved by a PTW on the appeal site. Claiming that the flows would form an insignificant proportion of the total consented flow does not actually address the potential effect of discharges from the plant when considered with the discharge from the South Hailsham works. There is no proper evidence to demonstrate that any risk of harm to the Pevensey Levels can be excluded (Documents AD/4, Appendix K, Section 5 and Annex WW3, Page 1; AD/11, Paragraph 4.2.3, Sections 5 and 6 and Appendix A; ID/16).
  - None of the case studies relied upon by Capita Symonds demonstrate that
    flows or quality can be regulated in the manner now proposed. Whilst the
    report claims that the water quality would be better from a plant than the
    WWTW this does not sit easily with the other evidence that the works are
    operating to the best available technical standards (*Documents AD/4*, *Appendix K, Annex WW7, Paragraphs 9, 14; AD/11, Paragraph 5.5 and Appendix D*).
  - No reliance can be placed on the Environment Agency to assert that significant effects can be screened out or that the integrity of the Pevensey Levels would not be harmed having regard to the precautionary approach. The Agency has stated that it would not grant a permit given the availability of a viable mains connection to serve this development alone. Whilst this

<sup>&</sup>lt;sup>3</sup> Hart District Council v. SSCLG [2008] EWHC 1204 (Admin) [paras 54-61].

approach does not address in combination effects the Agency rejected the use of PTWs as a solution to capacity issues in evidence to the CS Examination given the uncertainties in their effective implementation and management. It emphasised the risk of a proliferation of PTWs in causing cumulative impacts on the Pevensey Levels. Even when the prospect of discrete proposals for such plants was considered, the Environment Agency highlighted the need for detailed assessment and modelling to be carried out. (Documents AD/4, Appendix L, Sections 2 and 3; ID/17).

- The manner in which the Appellant appears to be suggesting the imposition of a Grampian style condition on any permission would be unlawful. It was suggested that the condition would operate so as to preclude the commencement of development until the Environment Agency has conducted its own screening and Appropriate Assessment when determining any permit application for the plant pursuant to the Environmental Permitting Regulations. This relies upon Regulation 65 of the Habitats Regulations to claim that there should be no objection to allowing for the involvement of the Environment Agency in the discharge of the condition. However the fundamental difficulty with this approach is that it would defer any screening or Appropriate Assessment until after the grant of permission. The Regulations do not enable any assessment to be undertaken following the grant of permission for the project. Even if the Environment Agency were to be considered the suitable competent authority to carry out any screening or Appropriate Assessment there is no justification for this work to be carried out following the grant of permission as would happen with the Grampian condition proposed by the Appellant.
- This is entirely consistent with the guidance referred to by the Agency in its response to the supplementary Capita Symonds report. This advises in favour of "parallel tracking" of applications for permits and planning permissions No application for discharge consent for a PTW to serve the appeal site has been made. There was nothing to prevent the Appellant from doing so and seeking to obtain at least a draft consent from the Agency. That would not, as the appellant suggests, have involved the Agency pre-determining its position (*Documents ID/17; ID/23, Appendix A*).
- The overlap between the planning and environmental permitting regime does not mean that the determination of the planning proposal should assume that the permitting regime will adequately control discharges to the environment (*Documents ID/23, Paragraphs 108-112 and Appendix B; ID/25, Appendix B*). The potential for the Environment Agency to exercise detailed control over discharges in determining a future application for a discharge consent cannot allow the Secretary of State, on this appeal, to shed the responsibility of applying the Habitats Regulations and considering whether significant impacts on the Pevensey Levels can be ruled out as a matter of certainty, before the grant of planning permission.
- 64. The provision in the Planning Obligation for future maintenance to be undertaken by a management company is fraught with difficulty. The use of such a solution to address problems of future continued funding and maintenance of the PTW is flawed as management companies are vulnerable

- to both administrative problems and insufficient funding being available to cover unpredicted liabilities arising from the system. If there were breaches of the requirement to maintain the system properly, it would be problematic taking action against a management company. Whilst the management company could have the right to recover charges these may not be sufficient to cover all liabilities which might arise including those arising from pollution issues. Further, the Council would not have recourse to individual occupiers for failures by the management company.
- 65. The EIA screening decision of the Secretary of State did not identify likely significant effects on the Pevensey Levels. However EIA screening is different to screening under the Habitats Regulations, not least due to the particular focus on the precautionary approach when conducting the latter form of assessment. Moreover, at the time of the screening decision the CS Examination had not commenced. Matters have now moved on and the CS has been adopted. The in combination effects of the current proposals inevitably are to be assessed having regard to the CS as a "plan" for the purposes of the Habitats Regulations along with the other permissions which are clearly to be regarded as other "projects" in accordance with Circular 6/2005.

#### THE CASE FOR MASMA LTD

The main points are:

### Introduction

- The appeal proposals are supported by a very extensive volume of material, 66. which considers in great detail the potential of the appeal site to deliver sustainable development for Hailsham. The appeal site is in a sustainable location and is suitable to provide housing, including much needed affordable housing. It can be delivered without delay to meet existing housing needs in the area which will not be met by the emerging Local Plan4. The site was promoted through the Strategic Housing Land Availability Assessment and was found to be available, suitable and economically viable (Documents AD/8, Paragraphs 2.2, 6.6; AD/9, Appendix 5). The development would secure benefits for the local community including a new doctor's surgery, local highway improvements, the management of adjacent ancient woodland, habitat enhancement, improved linkage of the local footpath network and provision of sustainable homes that meet Code 4 standards (Document AD/8, Paragraph 4.185-4.203). These benefits were recognised by the Council (Document AD/12, Paragraph 5.2).
- 67. The appeal site is in single ownership and there are no barriers to development. The Appellant is an experienced house builder and is ready to develop this site expeditiously. The Unilateral Undertaking has now been completed and is in a format that is acceptable to the Council and the County Council.

<sup>&</sup>lt;sup>4</sup> Inspector's Note – The Appellant's reference to the emerging Local Plan encompasses the recently adopted CS and the draft DPDs.

### Effect on character and appearance of the area

- 68. The Council's concern is limited to the urbanising effect of the highway improvements providing access to the appeal site. It was however conceded that the appeal site is situated in an area with a semi-rural character and appearance<sup>5</sup>. However the proposed mini roundabout junction at Ersham Road and Coldthorn Lane would not of itself unduly urbanise or detract from the sylvan character of the area. Existing trees and hedgerows along Ersham Road and Coldthorn Lane would be largely retained and supplemented by new native planting.
- 69. The elements comprising highway improvements to facilitate access to the proposed development are not uncommon in the area. For example the signal-controlled junction and its associated road markings at the junction of Ersham Road and the Cuckoo Trail is situated within the open countryside.
- 70. The character of the appeal site would change given that it would form an urban extension to Hailsham. However, the degree of change proposed is not inconsistent with the SDAs proposed in the CS. The Council has used urban extensions consistently to contribute to the development needs of the district.

### Whether the proposal is necessary to meet the housing needs of the district

### Policy approach to housing provision

- 71. There is no dispute that the saved policies of the WLP relevant to the determination of the appeal are not afforded the protection of paragraph 214 of the Framework, as they are not contained within a development plan document adopted in accordance with the Planning and Compulsory Purchase Act 2004. Applying Paragraph 215 it is agreed that the level of weight that they should be given will depend upon their degree of consistency with the Framework and not solely due to their age.
- 72. Paragraph 14 of the Framework defines the meaning of the presumption in favour of sustainable development. In the present context this means approving development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole or specific policies in the Framework indicate development should be restricted. In respect of this latter point, the only policy upon which the Council relies is contained within Paragraph 119 which involves cases that require Appropriate Assessment under the Habitats Directive. There is a fundamental flaw in the Council's case because it assumes that Appropriate Assessment is required to be carried out by the Secretary of State and the Environment Agency in respect of the Appellant's application for an Environmental Permit. At this stage it is simply not possible to predict what the Environment Agency will conclude when it undertakes its necessary assessment.

<sup>&</sup>lt;sup>5</sup> Inspector's Note – Mr Bending agreed in cross-examination by Mr Beard that the appeal site was in an area of transition between urban and rural and could be described as semi-rural.

- 73. The appeal site lies outside the settlement boundaries for Hailsham. However the settlement boundaries defined in the WLP are out of date and do not plan for housing beyond 2004. Moreover allocations in the WNSLP and the CS breach the settlement boundaries. The boundaries have not been reviewed in the CS and are therefore out of date. The settlement boundaries are meaningless unless they can accommodate the development needs of the community. The settlement boundary for Hailsham demonstrably fails to meet the need for housing in Hailsham and south Wealden and should be accorded very little weight in the determination of the appeal. The Council has indicated that the boundary will be reviewed in the emerging DPDs but that there is no prospect that the appeal site will be included. This pre-judges the future consideration of the DPDs.
- 74. There is no dispute that it is a key priority of current Government planning policy to boost significantly the supply of housing without undue delay. Local plans are required to meet in full the objectively assessed needs for market and affordable housing in their area as far as is consistent with policies set out within the Framework. Paragraph 47 of the Framework requires local planning authorities to demonstrate a five-year supply of deliverable housing sites. Where they cannot, local plan policies for the supply of housing should not be considered up-to-date.
- 75. The appeal proposal is necessary to meet the housing needs of the district because the CS and emerging Strategic Sites DPDs fail to meet in full the objectively assessed housing needs for housing. This failure may be justified in terms of the soundness of the CS but it cannot be said to plan strategically for housing. It is therefore essential that the needs that cannot be met by allocating land within the local plan are met through the development management process.
- 76. The CS is subject to a strategic review of housing provision before the end of 2015. Its interim nature and the Examining Inspector's conclusions on housing need demonstrate that the housing targets within the CS are not fit for the purpose of meeting the objectively assessed housing needs within the district. The CS was only found to be sound if it included a number of main modifications, the most important being the housing review. This has not yet started, which is an important factor given that it took eight years for the Council to prepare and adopt the CS (*Document AD/13, Paragraph 4*).

### The appeal proposal

77. The Council's evidence clearly demonstrates that the available capacity of the Hailsham South WWTWs is in a state of flux and that small scale housing schemes on windfall sites continue to be permitted within its catchment. It is estimated that the current unused capacity at the Hailsham South WWTW would allow planning permission to be granted for 65 to 70 dwellings. Having regard to the likely timetable for delivering the infrastructure improvements necessary to increase WWTW capacity to serve new development in south

- Wealden, no further windfall development can be served by the Hailsham South WWTW before 2020<sup>6</sup>.
- 78. It is agreed that the appeal scheme would not seek to utilise the available 65 to 70 dwelling's worth of wastewater treatment capacity available but would rather rely on a PTW. Save for existing commitments and windfall development, which the Council may permit to use the 65 to 70 dwellings' worth remaining capacity of the Hailsham South WWTW no development is likely to come forward before 2020 unless it is served by PTWs.
- 79. The advantage of the Appellant's approach is that the appeal proposal can be delivered without delay and without utilising the existing capacity that can be used to permit housing development on other windfall sites over the period to 2020. This approach maximises the potential for housing delivery in south Wealden and is consistent with the key priority of Government planning policy to boost significantly the supply of housing without undue delay.

### Housing Land Supply

- In determining this appeal, it is wholly reasonable for the decision maker to 80. rely upon the housing allocations for the district within the SEP. This contains within it a specific housing allocation for the district of 11,000 dwellings of which 7,000 are to be provided within the Sussex Coastal Sub-region. The latter figure recognised that phasing of housing delivery may be necessary in recognition of the limitations of the Hailsham WWTW and allow the provision of new or improved waste water infrastructure (Document AD/6, Paragraph 4.42). Despite the fact that the CS has been recently adopted and is sound its interim nature and impending review mean that it is more appropriate to use the SEP housing numbers. These represent a more accurate assessment of objectively assessed housing needs than the CS targets, which do not attempt to meet in full the objectively assessed needs of the District as they currently exist. Indeed the Examining Inspector required a modification to make this clear (Document AD/6, Paragraph 4.55). The Council offers no demographically based alternative assessment of housing need. It is noted that when the Secretary of State originally indicated his intention to revoke regional strategies the DCLG's Chief Planner advised local planning authorities that their evidence base would continue to be relevant in the determination of applications and appeals.
- 81. Despite being recently adopted the CS housing targets are not fit for the purpose of determining this appeal. Given the imminence of the major review which must be completed within two years it is perverse to utilise the housing requirements within the CS to ascertain whether the Council can demonstrate a five-year supply of deliverable housing sites. The purpose of the major review is to boost significantly the supply of housing within the District, in particular, within south Wealden. It is unacceptable for the Council to assert that this may result in a reduction in the level of housing provision to be delivered by the CS in the latter part of the plan period and such an eventuality is remote.

<sup>&</sup>lt;sup>6</sup> Inspector's Note – Mr Bending agreed in cross-examination by Mr Beard that a solution to waste water treatment by means of mains drainage would be complex and that if such a solution is found further capacity for housing would be unlikely until 2020.

- 82. There is no inconsistency between the contention that the housing requirements within the recently adopted CS are not fit for purpose and the Examining Inspector's conclusion that the CS was sound and legally compliant. Considerations as to soundness are based upon an evidence-base that represents a snapshot in time and invariably will be somewhat out of date by the time the plan is independently examined and adopted.
- 83. Although the CS was found to be sound and legally compliant in October 2012 were the WCS submitted for independent examination today it would not be so. This is because it has not been prepared having regard to the Council's duty to co-operate with neighbouring authorities. The early review of housing provisions within the CS will be subject to that legal duty. Further the requirements of the independent examination and the assessments undertaken to test the soundness and legal compliance of a DPD are quite different to the assessments required when determining a planning appeal.
- 84. The Framework carries forward the requirement to demonstrate a minimum five-year supply of deliverable sites. To be deliverable such sites have to be available now. Whilst there was considerable debate over the meaning of the word 'deliverable' within Footnote 11 of the Framework it is probably unnecessary in the context of the present appeal for the decision maker to decide that point. In respect of the three large allocated sites without planning permission the Appellant does not rely solely on the absence of planning permission for discounting them from the Council's assessment. The term should be interpreted within the context of the key priority of boosting significantly the supply of housing. It is however acknowledged that different Inspectors have expressed different opinions as to the meaning of the term "deliverable" (Document AD/6, Paragraphs 4.24-4.25).
- 85. Apart from the last 2 years the Council has persistently failed over the last 10 years to deliver housing against development plan targets and a 20% flexibility allowance in accordance with the Framework should be applied (*Document AD/6, Page 27, Table 6.1 and Paragraphs 6.9-6.12*). There is no evidence that the historic shortfall in delivery was fed into the SEP housing requirements. The fact that the Examining Inspector found that a flexibility allowance of 5% was appropriate in the CS does not preclude the decision-maker in the present appeal coming to a different conclusion. The Examining Inspector did not for example take account of the persistent level of under-delivery beyond the past five years (*Document AD/9, Paragraph 31*).
- 86. The role of the Inspector conducting the Examination of a Local Plan often prevents him from examining this matter in any detail. There was no meaningful discussion during the hearings sessions concerning the robustness of the Council's evidence of a five-year supply of deliverable housing land. This is not unusual and the debate was focussed on housing delivery over the plan period, phasing and infrastructure.
- 87. Large sites with planning permission have been assessed in terms of their deliverability and it is concluded that the supply from this source should be reduced by 313 units resulting in a total of 1747. Small sites with planning permission were not individually assessed but should be assumed to come forward subject to a non-implementation allowance. Typically this allowance would be 10-15% depending upon the evidence of delivery from this source in

- the local area. This is the usual approach when undertaking housing land availability assessments. This would reduce the contribution of small sites from 454 to 409 dwellings (*Documents AD/6, Paragraphs 7.10-7.15; AD/13, Appendix SSG2; ID/25, Paragraphs 64-81*).
- 88. There are no large allocated sites without planning permission outstanding from statutory plans. However there are three identified within the NSWLP as being suitable for residential development. Some practitioners take the view that these sites should be considered where a reasonable prospect of them coming forward in the five-year period exists. Although such sites fail the test set out in Footnote 11 of the Framework they were looked at anyway. However due to the difficulties associated with securing planning permission they should be excluded reducing the total number of dwellings by 113 (Documents AD/6, Paragraphs 7.16-7.18; AD/13, Appendix SSG2; ID/25, Paragraphs 58-63).
- 89. The Framework allows for the inclusion of a windfall allowance but Paragraph 48 makes clear that there should be "compelling evidence" for such completions and that there will be a continuing supply of such sites over the plan period. The Council's reliance upon an allowance of 59 extra dwellings per annum is in addition to completions from permitted schemes, many of which must already be categorised as windfalls. The essential problem associated with this process is that it ignores the fact that in order for a dwelling to be erected on a windfall site it must, of necessity, have received planning permission at some stage thereby converting it into a commitment. Making a further allowance for windfall sites therefore is simply double counting and should not be included in the assessment (*Document AD/6*, *Paragraphs 7.19-7.24*).
- 90. In any event the Council has failed to provide sufficient justification for the inclusion of a windfall allowance to constitute "compelling evidence" as required by the Framework. Past performance is not indicative of future performance and it is highly relevant to take account of the fact that within Wealden District a statutory local plan has not been in existence since 2004.
- 91. Housing land supply within the District should be measured against the requirements for housing provision within the SEP which are soundly based upon robust demographic evidence. If it is not to be considered following its revocation the next most robust and accurate demographic based assessment of need is that supplied by the Office of National Statistics which is much higher than the SEP (*Document AD/10*). Whether there is a 5% or 20% flexibility allowance applied a five-year supply of deliverable housing land cannot be demonstrated against the SEP housing targets on either the Council's figures or those of the Appellant. Even the CS targets cannot be met on the Appellant's figures (*Document AD/6, Tables 7.3a and 7.3b*).
- 92. That means that real people with real housing needs will not be properly housed within Wealden over the next five years and beyond. As the CS was not prepared within the ambit of the duty to co-operate, those real people with real housing needs will not have their needs met anywhere if they are not met in Wealden. For the purposes of the Framework and the presumption in favour of sustainable development policies relating to the supply of housing must be considered out-of-date, notwithstanding the fact that the Council has recently

- adopted its CS. The Council's comment about the resilience of its HLS position wholly misunderstands the purpose of the HLS assessment, which relies upon a base date which is updated annually to prevent double counting (*Document AD/6, Paragraphs 7.4, 8.14*).
- P3. There is no dispute that the housing targets within the SEP and the emerging Local Plan represent the minimum level of housing provision required and there is no planning policy restriction to the provision of housing over and above those targets. Indeed a key priority of Government policy is to boost the supply of housing significantly and without undue delay. In practice the Council treat the housing targets in the CS as a ceiling not a floor which is wholly inconsistent with the aims and objectives of Government policy.
- 94. Insofar as the Council's adopted and emerging Local Plan fails to meet in full the objectively assessed housing needs, the policies which heavily restrict the location of housing development should also be considered to be out-of-date. In any event, the SEP and emerging Local Plan demonstrate that urban extensions are the intended way to provide for housing during the plan period and the SDAs proposed within the CS all breach the development boundaries for Hallsham and the other settlements in Wealden.

# Effect of the proposal on the Pevensey Levels site of international importance for nature conservation

95. There is no dispute that the Pevensey Levels is a Ramsar site and a candidate Special Area of Conservation. As such its environmental protection is of the utmost importance. On 27 January 2012 the Secretary of State issued a Screening Direction that the proposed development was not EIA Development. In making that decision the Secretary of State concluded that it was unlikely that the proposed development would have a significant effect on the Pevensey Levels. Whilst that Screening Direction was for the purpose of EIA similar considerations to those which would apply under the Habitats Regulations were taken in to account by the Secretary of State (*Document AD/8, Paragraph 4.128*).

### **Environmental Permit**

- 96. The proposed development would be served by a PTW, which would treat the wastewater generated by the development on site and discharge to a nearby watercourse at a point 2.3 km upstream from the Pevensey Levels (*Document ID/16*). The need for a permit to discharge sewage effluent to controlled waters is set out in Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2010 (the Regulations). There is no legal requirement to make an application for an Environmental Permit prior to the grant of planning permission. Neither the Council nor the Environment Agency contends otherwise. The Environmental Permit application process must be supported by detailed technical information and this involves significant expense. As such, save where the Environment Agency require the parallel tracking of applications for planning permission and environmental permits it is usual for housing developers to make such permit applications following the grant of outline planning permission.
- 97. The scope of the application for an Environmental Permit would be limited to the water discharge activity from the PTW as described in Schedule 21 of the

Regulations. In determining the application and if appropriate setting permit conditions, the Environment Agency would address the requirements of relevant national and European legislation, including Part 6 of the Habitats Regulations, which requires Habitats Regulations Assessment. The Environment Agency has repeatedly confirmed this position in correspondence and has repeatedly stated that it cannot prejudge the outcome of the Environmental Permit application process (*Documents AD/13, Appendix SSG3; ID/17*).

- 98. On the evidence, it is reasonable for the Secretary of State to conclude that, when considering the Appellant's application for an Environmental Permit, the Environment Agency would not grant the necessary Permit unless it is certain that the PTWs would operate effectively for the lifetime of the development, including ensuring that the proper financial provision is in place to ensure the protection of the European site.
- 99. The Pevensey Levels is afforded legal protection in domestic law by the Habitats Regulations. The requirements relating to Habitats Regulation Assessment and relevant case law is set out in *Document ID/25, Paragraphs 101-120*. As it is agreed that the proposals are not directly connected with or necessary to site management for nature conservation, the first consideration is to determine whether the proposals, alone or in combination with other plans or projects, are likely to have a significant effect on the integrity of the European Site. This is also referred to as the Screening stage to determine whether an Appropriate Assessment is necessary. Paragraph 13 of Circular 06/2005 makes clear that the decision must be taken on a precautionary basis in accordance with the *Waddenzee* judgement (*Document ID/23, Appendix C*).
- 100. In accordance with the Hart District Council judgement the competent authority must take account of any avoidance and mitigation measures which form part of the appeal scheme when undertaking the required assessment under Regulation 61 of the Habitats Regulations (Document ID/25, Paragraphs 124-125 and Appendix A). In this case the decision maker can be satisfied based upon uncontested objective information that the proposed development is not likely to have any significant effect on the European site (Documents AD/11; ID/16). The imposition of an appropriate planning condition requiring the submission to and approval by the Council of a foul drainage scheme using PTWs will ensure that the integrity of the European Site will be protected. Effectively, should planning permission be granted, no development will commence until such time as an Environmental Permit has been granted by the Environment Agency.
- 101. The proposed Grampian-style condition concerning foul drainage would not be unlawful. The PTW is part of the development proposal and cannot be ignored. Also the Secretary of State is entitled to have regard to the fact that the Environment Agency must take account of the Habitats Regulations Assessment as a matter of law. It is not contended that the Secretary of State is precluded from undertaking a Habitats Regulations Assessment. When doing so it will be necessary for him to take account of the whole of the evidence, including the uncontested evidence of Capita Symonds.
- 102. The Environment Agency does not object to a grant of planning permission in the present case. At its highest its objection is to the use of a PTW in an area

that is served by a main sewer. This approach is unnecessarily bureaucratic. As a matter of law, when the Environment Agency determines the Appellant's application for an Environmental Permit, it must take account of all relevant considerations. This includes the fact that, notwithstanding the proximity of the appeal site to the main sewer, insufficient capacity exists at the Hailsham South WWTW to serve the proposed development currently and is not likely to be made available until 2020 at the very earliest.

- 103. The outcome of the Appellant's application for an Environmental Permit cannot be predetermined as the Environment Agency has stated (*Document ID/17*). The availability or otherwise of an effective mains sewer connection will be a material consideration relevant to the determination of the application. It is quite possible that at Screening stage the Environment Agency will determine that the use of the PTW, whether alone or in combination with other plans and projects, is unlikely to have a significant effect on the European site. In that case an Appropriate Assessment would not be necessary.
- 104. The Environment Agency has not followed its own guidance in *Guidance for developments requiring planning permission and environmental permits* (*Documents ID/17; ID/23, Page 11*). It has not explained the risk posed by the development with evidence, it has failed to give the Appellant the chance to discuss the issue and it has failed to object to the planning application. The Agency cannot sensibly believe that risks to people and the environment could not be satisfactorily mitigated in this location if it also believes that there would be a viable connection to the mains foul drainage at this location.
- 105. Having regard to the uncontested evidence submitted by Capita Symonds the Environment Agency appears to be in favour discharging wastewater treated at the Hailsham South WWTW into the European site that will be of a poorer quality and at higher concentrations further downstream than that proposed by the use of a state of the art PTW at the appeal site (*Documents ID/16; AD/11*).
- 106. None of the Council's concerns, or the evidence upon which it relies, properly addresses the uncontested evidence that demonstrates that the PTW proposed as part of the appeal development is not likely to have a significant effect on the European site (*Documents AD/11, ID/16*). The evidence upon which the Council relies relates only to the Habitats Regulations Assessment of the CS and the evidence submitted by the Environment Agency, Southern Water, Natural England and the Council in support of the CS. None of that evidence was project specific and none of it properly considered the specific PTW solution proposed as part of the appeal development. In finding the CS sound the Examining Inspector did not exclude the possibility of windfall development coming forward that used PTWs (*Document AD/9, Appendix 6*).
- 107. The Council did not undertake an Appropriate Assessment at application stage taking specific account of the proposed development, including the alternative proposal for a PTW. As a matter of law it could not have done so as it did not take into account the views of Natural England in making its decision. It cannot be said that the appeal scheme is likely to have a significant effect, in combination with other plans or projects, in circumstances where planning permissions continue to be granted for housing development to be served by Hailsham South WWTW without undertaking Appropriate Assessments. An example is the recent permission for residential development at Ersham Farm.

- 108. In the event that the Secretary of State forms the view that there would be a significant effect then the Environment Agency is the more appropriate competent authority to carry out the Habitat Regulations Assessment of the effects of the PTW on the European site and it would not be necessary for him to consult Natural England. The Secretary of State can be confident that the Environment Agency will consult Natural England as part of any Appropriate Assessment and will only grant the necessary Environmental Permit if satisfied that the use of the PTW will not have an adverse effect on the European site.
- 109. The issue of foul drainage can be adequately addressed by the imposition of a planning condition. On the evidence the decision maker can be confident that the proposed development will not have any significant effect, let alone any adverse effect, on the integrity of the Pevensey Levels. There is thus no requirement for an Appropriate Assessment in the present case. It follows that Paragraph 119 of the Framework does not apply to the determination of the appeal and the Council's second reason for refusal cannot be sustained.

### Whether the proposal would be a sustainable form of development and if so whether there would be a presumption in its favour

- 110. The proposal accords with those aspects of the development plan that are relevant to the determination of the appeal and planning permission should therefore be granted. The Council's objections are to be found in the first and second reason for refusal. These specify the totality of the development plan policies that the proposal is said to contravene. Following the abolition of the SEP, the references to its policies should be removed. Should the Secretary of State consider that the proposed development fails to accord with a relevant aspect of the development plan the very significant benefits associated with the appeal scheme indicate that planning permission should be granted.
- 111. The presumption in favour of sustainable development applies in the present case. As the development does not require Appropriate Assessment the Council's second reason for refusal is overcome. The first reason for refusal does not cite any policy from the CS. The remaining policies of the WLP are out of date. Consequently, the Council must demonstrate that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits associated with the appeal proposals. The relevant policies for housing supply in the CS should not be considered up to date. Whether or not the Council can demonstrate a five-year supply of deliverable housing, planning permission should be granted as the benefits of the scheme considerably outweigh the alleged harm.

### Other matters

- 112. Third parties have raised some additional matters but whilst no doubt expressed genuinely they are not expressed in terms that amount to or support any reason to refuse the appeal (*Document AD/8, Paragraphs 4.177-4.183*).
  - A gap of over 3 kilometres would be maintained between the Hailsham and Polegate/ Stone Cross settlements. Much smaller gaps would remain between Hailsham and Hellingly and Stone Cross and Polegate as a result of the SDAs.

- The Flood Risk Assessment clearly shows that flooding would not be an issue and the Environment Agency does not object to the proposed use of SuDS. (Document APP/2). Road flooding in Coldthorn Lane appears to be because of blocked and inadequate drainage ditches within the highway. The proposal would be required to upgrade such facilities as part of the realignment of Coldthorn Lane and thus would overcome this existing highway problem. These improvement works are a planning benefit secured by the scheme.
- The Transport Assessment concludes that there would be no harm to highway safety and the Highway Authority and Highways Agency have raised no objections to the scheme (*Document APP/1*).
- Large growth areas are proposed to the north and east of Hailsham. The
  proposal is to develop a modest site for around 195 dwellings on the south
  side of the town. It would have little or no impact on the overall character
  of the settlement.

### OTHER ORAL REPRESENTATIONS TO THE INQUIRY

- 113. Councillor J Bentley is the Mayor of Hailsham, District Ward Councillor and she lives on the Sandbanks development to the north of the site. Her full representations are at *Document ID/6*. She spoke of the considerable amount of local opposition to the appeal proposal which has already been rejected through the CS. This included identified land for growth to the north and east of the town where there is good access to local infrastructure unlike to the south where the appeal site is located. This will provide sustainable growth in a planned manner within the capacity of the drainage system and including much needed affordable homes. The Cuckoo Trail is unlit and a peaceful place for people to enjoy. There is no easy access to it from the appeal site and providing it with lighting would spoil its tranquillity. Local doctors have said that it is unlikely that a surgery on the site would attract the necessary staff to run it.
- 114. Councillor Bentley talked about frequent flooding of Coldthorn Lane during periods of heavy rain. She mentioned that land to the north of the site was refused planning permission on flooding grounds and that there was a risk that runoff from the appeal site would increase flooding problems. Coldthorn Lane is very narrow with no passing places and is likely to become a rat run to access the A22. The proposal only includes limited widening at the northern end and this would create a bottleneck. She also spoke of the site's position within a defined rural gap, its countryside character and its conflict with planning policies to protect the countryside.
- 115. **Councillor C Triandafyllou** is a Town and District Ward Councillor and he lives in Coldthorn Lane. His full representations are at *ID/7*. He also referred to the considerable amount of local opposition. Of particular concern is the traffic that would use the narrow country lanes which can readily become blocked when drivers take short cuts to the A22. The lanes are also used by pedestrians, cyclists and horse riders and there are no pavements. The 400 additional cars arising from the development would make matters impossible.

- Ersham Road is also very busy especially during the rush hour and additional traffic would lead to more accidents. Reference is also made to flooding within the vicinity including along Coldthorn Lane. The development would make it a lot worse.
- 116. Councillor Triandafyllou also comments that the fields and hedgerows on the western part of the appeal site provide an important wildlife corridor. There has been extensive clearing of the woodland marked as a buffer zone on the application plans. There are no shops, schools or other facilities in south Hailsham so new residents would rely on their cars.
- 117. **Councillor R Thomas** is the local County Councillor and Chair of the Local Government Association's Coastal Special Interest Group and Chair of the Sussex Inshore Fisheries & Conservation Authority. He is concerned about the effects of climate change and particularly the impact of deluge rain storms. Further development would put more strain on foul and surface water drainage in the area, including Hailsham. The use of PTWs as an alternative to mains drainage is questionable and their effectiveness is unknown. The Environment Agency is not happy about them. Traffic problems were also mentioned especially in addition to the Ersham Farm development nearby. The proposal would result in the loss of a recreational facility for local people and contrary to localism because the local community do not want it.
- 118. **Mr G Rowe** is a Hailsham Town Councillor and the Town Crier. He pointed out that there was often a long queue along Ersham Road of 70-80 cars which led to considerable congestion. Coldthorn Lane and Summerhill Lane are narrow roads with blind bends but would be used as a short cut in the Eastbourne direction. These lanes are unsuitable for further traffic and would become rat runs. These lanes are used extensively for horse riding and by families out walking and there are banks of orchids, primroses and bluebells. This adds to the quality of life and they have great amenity and recreational value for local people. This would be lost if the development is allowed to go ahead.
- 119. **Mr R Hollister** is a local resident and commented that there is already significant development planned for Hailsham and that further development to the south would be contrary to the recently adopted CS and local views. There was frustration that the matter was outside local control and that whilst further development was needed it had to be properly planned for. The gap between Hailsham and Polegate retains the local identity of the market town. Similar points were made about traffic, flooding, wildlife and risks to the Pevensey Levels through excess drainage.
- 120. Several speakers live close to the site in Ersham Road. Mrs S Lemmon spoke of three accidents this year which had resulted in damage to her property. She also mentioned her pond and her concern that the drains would be inadequate to cope with more development and that additional runoff would result in more flooding. Mrs C Keate referred to the drainage culvert along the side of her property and was fearful that more development would result in her garden flooding. She also reiterated her concerns about traffic and that the bend in Ersham Road made this an unsafe place for a roundabout junction. Mr M Powell made similar comments about accidents and queuing traffic along Ersham Road. He also spoke about water that pooled in his garden from the higher level Sandbanks development to the rear which caused significant

drainage problems. He made similar comments to other speakers about wildlife and the amenity value of Coldthorn Lane and the Cuckoo Trail. **Mrs J Wanmer** commented that the houses along Ersham Road were unable to be served by mains drainage so she wondered how the additional development would be able to do so.

#### WRITTEN REPRESENTATIONS

### Written representations to the appeal

- 121. There were objections by **local residents** at both application and appeal stage. The former can be found at **Documents AD/14 and ID/19** and the latter within **Document AD/2**. Generally the same points have been made to those that have been recorded above and these will not be reiterated. Additional points include:
  - A lack of infrastructure including doctors, dentists, schools, post offices and hospitals to support further housing. The proposed doctor's surgery would not make the proposal any more acceptable.
  - Disruption from construction activity.
  - There are many badger setts within the locality and it is believed that they are likely to be present on the appeal site.
  - Insufficient affordable housing.
  - Effect on the living conditions of nearby residents including loss of privacy and noise from additional traffic.
  - The loss of a greenfield site when there are other brownfield sites that could be built on.
  - Loss of good agricultural and orchard land.
  - The site was rejected from the SHLAA process.
  - Excessive density of development.
  - Change in character of Hailsham as a small market town.
- 122. Hailsham Town Council strongly objects on the grounds that the land is part of the strategic gap which should be maintained in order for Hailsham to retain its identity. The proposal would also be contrary to the policy in the CS, would not be sustainable and is not identified in the SHLAA. There has already been a reduction in the tree and hedgerow cover of the site contrary to the Design and Access Statement which states that natural habitat would be supported. Similar concerns about highways and flooding to other objectors were raised. The Town Council also pointed out that they own some of the land needed for the Ersham Road/ South Road/ Diplocks Way roundabout improvements.
- 123. **CPRE Sussex** refers to similar policy and drainage issues as other objectors. It also considers that bringing more people into Hailsham who would commute back out for work was not a sustainable approach.

### **Consultation responses**

- 124. Consultation responses are in the Questionnaire and summarised in the Council's Committee Report (*Document AD/14*).
- 125. **East Sussex County Council as Highway Authority** has raised no objections subject to the imposition of planning conditions and legal agreements to secure off-site transport works, accessibility improvements and

- the implementation of a Travel Plan. **The Highways Agency** has raised no objections. **The County Archaeologist** initially objected to the proposal. However it was agreed following further information about the archaeological interest of the site that the heritage issues could be adequately protected by a planning condition (*Document AD/9, Appendix 4*).
- 126. **Southern Water** raised no objection subject to a planning condition. It pointed out that there is currently inadequate capacity in the local network to provide sewage disposal to service the development. Additional off-site sewers or improvements to existing sewers will thus be required. A sustainable drainage system would not be adopted and long term maintenance arrangements would therefore be required. There has been a considerable amount of correspondence with the **Environment Agency** (**Documents AD/9**, **Appendix 14**, **AD/13**, **Appendix SSG3**; **ID/17**). Its position is that there is no objection to the proposal subject to a condition that surface water drainage disposal is based on sustainable drainage principles. It has though maintained its objection to the use of a PTW and stated that an Environmental Permit would be unlikely to be granted as there is a viable connection to the mains sewerage system.

### CONDITIONS

- 127. There is an agreed list of conditions which were discussed in detail at the Inquiry (*Document ID/18*). The conditions have been considered having regard to this discussion and also advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. The comments in this section and the condition numbers referred to below support and reflect the list produced in Annex C of this Report.
- 128. The scheme is being put forward on the basis that it would make a useful contribution to short term housing needs. It is therefore reasonable to shorten the implementation period and the Appellant did not disagree. **Conditions 1-3** otherwise reflect the wording in the circular. The evidence suggests that there may be a low level spread of archaeological remains of local significance and adopting a precautionary approach a further programme of investigation would be justified. **Condition 4** has been reworded so that its requirements are proportionate to the importance of the heritage asset.
- 129. **Condition 5, 6 and 7** relate to the construction period and mitigation of adverse impacts on local residents and the environment. The condition relating to a Construction Management Plan has been reworded as discussed at the Inquiry. **Condition 6** has been worded in a more focussed way. It also requires details of security and external lighting which could have an effect on protected fauna especially in adjoining woodland. **Condition 7** relates to construction traffic and whilst it is notoriously difficult to control lorry movements effectively, good practice measures can help to deter heavy vehicles from using unsultable routes. These include the narrow lanes to the south of the site.
- 130. **Condition 8** concerns foul water drainage and is necessary so that harm is not caused to the Pevensey Levels site of nature conservation importance. The wording has been adjusted to make clear that a PTW would be used and should be fully operational before occupation of the development. Any capacity remaining at the Hailsham South WWTW would not be utilised. The

condition also provides for future management, monitoring and maintenance to ensure that the PTW remains effective in perpetuity. The Council did not object to the wording of the condition but one of its core objections is to the use of a PTW in principle as a means of dealing with foul water drainage.

Condition 9 concerns the disposal of surface water. The Flood Risk Assessment indicates that a SuDS system would be employed and the condition has been re-worded to make this clear. Details of long term management and maintenance have been included in the same condition and are necessary to ensure that the system operates effectively in the long term.

- 131. Condition 10 requires full details of the new access arrangements including the mini roundabout and widening of the northern end of Coldthorn Lane. Indicative drawings are included in the Transport Assessment. These details are necessary in the interests of highway safety. Condition 11 is also required to ensure that individual dwellings have a proper link to the public highway. It does not seem necessary to refer to adoptable standards as the Council would control the approval of details. There was also discussion at the Inquiry about the control of street lighting to ensure that it would not have harmful effects on wildlife especially in the adjoining woodland. I have reworded and reduced in number the suggested conditions to reflect these matters and to make them more relevant to the development in question.
- 132. **Condition 12** is necessary to ensure that the doctor's surgery is provided to serve the new dwellings. It seems reasonable that this should be later in the construction period as it would not be beneficial for it to operate from the middle of a construction site. There would still be about 75 dwellings to be built and so considerable value would remain in the site. The Appellant has proposed that the homes would be built to Level 4 of the Code for Sustainable Homes which would have benefits to occupiers in terms of energy efficiency and water consumption. **Condition 13** is therefore reasonable.
- 133. The appeal site has a sloping topography and so **Condition 14** requiring details of site and slab levels is necessary in order to ensure the development would not overly impose on its surroundings. **Condition 15** requires that the road works at the northern end of Ersham Road shall be completed prior to the occupation of any dwelling. Whilst these works would have wider benefits they are necessary in order to improve junction capacity to accommodate the development traffic. This is made clear in the Transport Assessment. **Conditions 16 and 17** provide necessary mitigation for impacts on adjoining habitats and wildlife.
- 134. **Condition 18** deals with phasing which seems reasonable for a development of this size. It is likely that it would be built in at least 2 stages east and west of Coldthorn Lane. The provision of affordable housing allows for a phased approach if this is how the site is to be developed.

### PLANNING OBLIGATION BY UNILATERAL UNDERTAKING

135. There is a fully executed Planning Obligation by Unilateral Undertaking dated 6 March 2013. This is made to Wealden District Council and East Sussex County Council (*Document ID/21*). The draft document was discussed in detail at the Inquiry (*Document ID/3*). The Planning Obligation is considered to be fit for purpose. It contains financial contributions towards additional household waste and recycling facilities, additional library infrastructure, additional

primary and secondary school provision, bus service improvements and rights of way improvements. Whilst the payments would be made for most of the above prior to first occupation the education contributions would be staged payments with various trigger points. The payments are all subject to a provision that they would not be paid if the Secretary of State finds that they do not meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations.

- 136. The Planning Obligation also makes provision for the provision of 35% affordable housing. This would comprise a mix of 80% social rented units and 20% intermediate housing units unless a different mix is agreed with the Council. The transfer to a Registered Provider of the affordable housing land or constructed units would be triggered by 25% of the occupation of market units. There is also the provision for at least 20% of the market houses to be small dwellings of one or two bedrooms.
- 137. The Planning Obligation includes a provision that development would not start until an Agreement pursuant to Section 278 of the Highways Act has been entered into. This would secure the off-site highway access works, improved bus stop facilities and a new stretch of footway along Ersham Road in accordance with the drawings in the Transport Assessment (*Document APP/1*). There would also be a provision to fund a Traffic Regulation Order to extend southwards the position of the 30 mph speed restriction. All of these works are to be completed before the first occupation of any dwelling. There is provision for a Travel Plan which will aim to minimising car journeys to and from the site.
- 138. The Planning Obligation includes for Outdoor Playing Space in accordance with a formula relating to the size of the dwellings, including a timetable for its implementation. This would include youth and adult playing space, informal and equipped children's playing space. There is a clause to offer transfer for a nominal sum to the Town Council or to transfer it to the management company to look after. The management company would be set up before the development is first occupied and each dwelling would pay an annual charge. This would also be responsible for the management and maintenance of the woodland, the ecology area and the drainage systems (PTW and SuDS). There is a provision that the obligations relating to the management company and Outdoor Playing Space would not be provided if the Secretary of State finds that they do not meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations.

#### CONCLUSIONS

The numbers in square brackets refer back to earlier paragraph numbers of relevance to my conclusions.

- 139. Taking account of the oral and written evidence and my site observations the main considerations in this appeal are as follows:
  - The effect of the proposal on the character and appearance of the area;
  - · Whether the proposal is necessary to meet the housing needs of the district;
  - The effect of the proposal on the Pevensey Levels site of international importance for nature conservation;
  - Whether there is justification for infrastructure contributions;
  - The effect of the proposal on local highway infrastructure;
  - Whether the proposal would be a sustainable form of development.

### Introduction

- 140. The SEP has now been revoked. The development plan for the area comprises the WLP adopted in 1998 and the CS adopted in February 2013. The WLP covered the period 1986-2004 but most of its policies have been saved and will be retained until the full suite of DPDs is adopted. The Strategic Sites DPD and Delivery and Land Allocations DPD are at a very early pre-submission stage and thus can be afforded little weight at the present time. There is also the NSWLP which was published in 2005. This largely carried forward the policies in the WLP and had an end date of 2011 [14-20].
- 141. The Framework provides the national policy context within which this appeal will be considered. The golden thread running through this document is that there is a presumption in favour of sustainable development. Whilst it does not change the statutory basis for decision making it makes clear that the provisions of the development plan can be outweighed by those in the Framework if they are not consistent. This now applies to all policies and not just those that were adopted prior to the 2004 Planning and Compulsory Planning Act 2004 [21].

### Consideration one: the effect of the proposal on the character and appearance of the area

142. There is no dispute that the site is presently greenfield land that lies outside the development boundary for Hailsham. This was established in the WLP where saved Policies GD2 and DC17 indicate that development, including new housing, will not be permitted except in limited circumstances that are not applicable here. The WNSLP carried these policies forward but no changes were made to the development boundaries either in this document or the recently adopted CS. These therefore originate from a time when a much lower level of housing provision was envisaged through the now defunct Structure Plan. The additional allocations in the WNSLP were accommodated

- at least in part on greenfield land. The appeal site is included in the Council's SHLAA and described as suitable, available and viable. However that was an extensive exercise and did not apply any policy filter to the sites in question [6; 19; 20; 66; 121; 122].
- 143. The three allocated sites in the WNSLP have been carried forward and the CS has identified a number of Strategic Development Areas (SDAs). It is thus fair to conclude that the Council envisages further growth by means of urban extensions on land outside of existing development boundaries. However this is as part of a planned approach to housing provision and does not mean that development boundaries no longer serve a useful purpose. As the Council pointed out they have been drawn up to distinguish the built up areas where all development, not just housing, may take place from the countryside where there is greater restraint. This policy approach is not inconsistent with the Framework where one of the Core Planning Principles is to recognise that different areas have different roles and that the intrinsic character and beauty of the countryside should be recognised [17; 35; 36; 70; 73].
- 144. I turn now to consider the site itself and how the appeal scheme would impact on the character and appearance of this particular area immediately to the south of Hailsham. The land comprises pasture and paddock and is relatively well contained by hedgerows and trees. It is not within an area where special protective designations apply and contrary to the belief of several objectors it is not part of a strategic gap. Nevertheless the vicinity has a pleasant rural ambience which is clearly valued by local people as was evidenced in their representations. A walk along Ersham Road from the direction of the town reveals that the tightly knit urban area gradually gives way to a looser and more open development pattern. Hedgerows and trees become more important in the streetscape, footways reduce in width and the alignment of the road becomes less straight. Coldthorn Lane is a narrow country lane edged with verges and hedgerows. To the south of the site there is sporadic housing both along Coldthorn Lane and to the west of Ersham Road. In my judgement the area has a semi-rural character [6; 7; 24; 114; 116-120; 122].
- 145. The development of the appeal site with a housing development of the size proposed would undoubtedly result in a significant change of character from semi-rural to urban. This would be mitigated to some degree by the containment provided by trees and hedgerows along with the proposed further planting and open space. However the land has significant topographic changes so it seems likely that the extent of built form would be noticeable in its surroundings. The proposal includes the insertion of a mini roundabout and quite extensive changes at the existing T-junction. The wide verge that borders the eastern side of Ersham Road would be significantly disrupted and the insertion of footways around its perimeter would be an urbanising influence. In addition the creation of the new main access into the site, its associated visibility splays and the widening and realigning of the upper part of Coldthorn Lane would have a considerable visual impact on what is presently a narrow and relatively tranquil country lane. These effects whilst they may not be apparent in longer views would have a significant and harmful effect on the character and appearance of the semi-rural area beyond the edge of the settlement [6; 7; 10; 25; 68; 69].

- 146. The Appellant has mentioned the traffic light controlled crossing with associated road markings to the south of the site where the Cuckoo Trail crosses Ersham Road. It is acknowledged that the area at this point is rural but this is a relatively modest piece of infrastructure and is not comparable to the urbanising effect that would ensue from the appeal proposal. Whilst there would be provisions to manage and enhance biodiversity in the ancient woodland and brickfields to the south of the site this would not mitigate the harm arising from the built development itself and particularly the highway improvements that would be necessary in order to accommodate it [66; 69].
- 147. A number of local objectors were concerned about a change of character to Hailsham which is presently a small market town. However Hailsham is one of the main towns within the district where the CS already envisages substantial growth through the development of 2 SDA's to the north and east of the town. The appeal site would represent a comparatively small additional increase to the planned 1,300 houses and it is not considered that it would impact on the character of the town itself in a negative way. Nevertheless for all of the other reasons given above it is concluded that the appeal proposal would cause significant harm to the character and appearance of the area. It would be contrary to saved Policies GD2 and DC17 in the WLP and the Framework [17; 112 bullet 4; 121].

### Consideration two: whether the proposal is necessary to meet the housing needs of the district

### Housing requirements

- 148. In order to significantly boost the supply of housing a local plan is expected to meet the objectively assessed needs for market and affordable housing as far as is consistent with its policies, including those relating to nature conservation. Although the SEP no longer exists its evidence base has been tested through public examination. It seems very unlikely that its targets did not take account of earlier shortfalls. It establishes a need for 11,000 houses with 7,000 to be provided within that part of the district falling within the Sussex Coastal sub-region where the appeal site is located. The latter figure does though recognise that phasing of housing delivery may be necessary to allow for the provision of new or improved waste water infrastructure [26; 27; 42; 74; 80; 91].
- 149. The Inspector examining the CS made quite clear that the only robust demographic based projections were those in the SEP. However he recognised that there were environmental constraints to this level of provision. In south Wealden these comprise the capacity limitations of the Hailsham North and Hailsham South WWTW which discharge into the Pevensey Levels, a Ramsar site and a candidate Special Area of Conservation. The Examining Inspector therefore accepted that for the time being a lower target could be justified which would comprise at least 9,400 dwellings. One of the modifications required to make the CS sound was that it should include a statement that there is no demographic basis for supporting the lower requirement. Another modification required a review of the strategy in 2015 or when a preferred solution to the capacity of the WWTW was identified, whichever was the sooner. The review is to include an assessment of need and demand for

- housing to provide an appropriate basis for long term housing provision [16; 17; 28; 30; 80].
- 150. The review mechanism is clearly a crucial element designed to allow the Council and other responsible authorities time to resolve the infrastructure problems that presently prevent the district from meeting its demographically assessed housing needs. The outcome of the review cannot be known and it will depend on the progress made by the responsible authorities in achieving a solution to the waste water capacity issue. It seems most unlikely that the housing target would be reduced. In the event that it were to increase nearer to the level in the SEP that would be the time to consider whether further land requires to be allocated. This process would be plan-led and subject to consultation, including with neighbouring authorities under the duty to cooperate. Whatever happens there seems to be no justification for departing from the housing requirement set out in the newly adopted CS at the present time even though it may change in 2015. It is also not the case that the CS fails to meet longer term needs. It does so up to 2027 but subject to the infrastructure constraints that presently exist [32; 75; 76; 81; 83].
- 151. The Examining Inspector did not consider that there was evidence of persistent under delivery of housing. He therefore concluded that a 5% rather than a 20% buffer would be appropriate. He accepted that there had been under delivery in the past but that in the last two years the situation had markedly improved exceeding the SEP annual rate. It is also the case that over the last 5 years the average annual rate exceeded the CS target although this is mainly due to the high rates of delivery between 2010 and 2012. Looking further back the situation in terms of annual delivery is not particularly good. However there is no specific guidance as to how a persistent under delivery is judged, how far back one should look and whether annual or average rates are most appropriate. It is relevant that the CS is a newly adopted document and that the Examining Inspector's Report is only a few months old. It seems to me that he approached the matter in a reasonable way and that there is adequate justification for his conclusion that a 5% buffer would be sufficient to ensure choice and competition in the market for land [42; 85].
- 152. Since 2006 there has been an under provision of about 41 housing units assessed against CS requirements. There was some debate at the Inquiry about whether this should be met within the next 5 years or spread across the whole CS period. In view of the imperative in the Framework to provide homes to meet housing needs it is reasonable to expect any shortfall to be made good as quickly as possible. On this basis and including the 5% flexibility allowance there would be a requirement for 2404 homes in the next 5 years [43].

### Housing land supply

153. In order for the CS to be found sound the Examining Inspector had to be satisfied that there was a sufficient supply of deliverable sites to meet housing requirements in both the long and short term. However apart from the strategic sites there are no specific allocations and this matter will eventually be dealt with in the Delivery and Site Allocations DPD. The evidence suggests that there was no individual scrutiny of sites at the Examination and that the discussion was mainly at a strategic level. However this is not unusual for a

- higher level DPD. In any event consideration of the 5 year HLS position will be a snapshot in time and it is quite proper that it should be re-examined in detail through the development management process [42; 82; 83; 86].
- 154. On the basis of the CS requirement set out above the Council's evidence is that it has a 6.08 year supply of housing land and the Appellant's evidence is that there is only 4.48 years. There was considerable debate at the Inquiry about Footnote 11 to Paragraph 47 of the Framework and whether a site has to benefit from outline planning permission in order to be considered "deliverable". Appeal decisions were produced by the parties to support both sides of the argument. However it seems to me that the matter needs to be considered in the context of a requirement in the Framework for significant short term housing growth. Footnote 11 is clear that sites should be scrutinised to make sure that on a realistic assessment they are immediately available and that the housing anticipated will be achieved within the next 5 years. Footnote 11 also makes clear that sites with planning permission should be considered deliverable unless there is clear evidence that they will not be on grounds of viability or demand for example. There is nothing in this wording that says that sites without planning permission should be excluded as a matter of principle [44; 45; 50; 84].
- 155. In this case the disputed sites as far as Footnote 11 is concerned relate to 3 allocations from the 2005 NSWLP and these would provide a total of 113 dwellings. Whilst Grovelands School in Hailsham and the Former Army Camp in Isfield both benefit from resolutions to grant planning permission these are subject to the completion of legal agreements. In the case of Grovelands School the resolution dates back to 2008 and in the case of Isfield there are access difficulties. In the case of land south of Howard Close, Hailsham there was a refusal of planning permission in 2008 that arose because there was no progress with signing the legal agreement. There are developers involved in these sites, which indicates they are available. However there is insufficient evidence of positive progress in getting them off the ground to be confident that they are achievable and that the houses will be built within the next 5 years. On the available evidence these 113 dwellings should not be included in the 5 year supply [46; 84; 88].
- 156. Of the large sites (6 or more dwellings) with planning permission the Appellant disputes the amount of delivery from 11 of them. The Council accepts this criticism in a few cases. Of the others there are several where the availability of the site is called into question. From the submitted information there must be considerable doubt that Hoppits Nursery and St Anthonys in Crowborough are likely to be delivered in the short term. There are sites where viability is cited as an issue. These include the Flour Mill in Hailsham, Land north of Dittons Road, Polegate and 64 Framfield Road, Uckfield. However in these cases there is little clear evidence that viability is an overriding constraint [47; 87].
- 157. There are 55 extra care units included in the site at Battle Road, Hailsham. However whilst these would provide accommodation for older people it appears from the information provided that the units would fall within Class C3 rather than Class C2 of the Use Classes Order. There was argument as to how many market homes would be delivered but the evidence indicates that about 211 units is the most likely overall outcome. There is a large housing site east of

- Shepham Lane, Polegate which is currently being built out. There is insufficient evidence to support the Appellant's view that this is likely to be significantly delayed [47; 87].
- 158. In Uckfield the land at St Michaels Convent had permission for 31 dwellings granted in 2009. Even though this may have been implemented there is little sign of any building activity. Planning permission was granted in 2013 for 11 units and it is indicated that there is little market interest for a larger scheme. Whilst the site appears to be available it is reasonable to surmise that the development that comes forward would be scaled down accordingly. Bearing all of this in mind the contribution from large sites would be less than the Council anticipates but more than the Appellant has put forward. My estimate based on the above comments is that delivery from this source would be in the region of 1,972 dwellings [47; 87].
- 159. There are 454 dwellings on small sites (6 or less dwellings) with planning permission. Footnote 11 to Paragraph 47 of the Framework indicates that sites with planning permission should be considered deliverable unless there is clear evidence to the contrary. These sites have not been specifically analysed by the parties in the same way as the larger sites and there is no information that they are likely to suffer from problems of viability or demand. In the absence of such evidence and bearing in mind the Footnote 11 advice there does not seem to be justification for applying a discount of 10% as suggested by the Appellant [47; 87].
- 160. The Framework allows an allowance to be applied in the face of compelling evidence that windfall sites have consistently become available in the district and will continue to provide a reliable source of supply. The 2012 Annual Monitoring Report indicates that between 2000 and 2012 the average number of windfall completions was 232 dwellings a year. For future projections this has been heavily discounted to 59 dwellings per year to take account of WWTW constraints, omission of garden land, removal of settlement boundaries and the like. However it is the case that windfall completions will comprise small and large sites with planning permission and there is thus considerable scope for double counting. The past windfall rate will also be influenced by the lack of up to date development plan allocations prior to the adoption of the CS. In the circumstances of this case I am not convinced that there is sufficient compelling evidence to justify a windfall allowance even at the heavily discounted rate [49; 89; 90]

### Conclusion

161. Drawing together the points raised above I conclude that the Council has a deliverable housing land supply to accommodate about 2,426 dwellings<sup>7</sup>. Based on a requirement for 2,404 dwellings the evidence suggests that the Council can demonstrate a 5 year supply of deliverable sites, albeit by a marginal degree. Nevertheless taking account of Paragraph 49 of the Framework it can be concluded that relevant policies for the supply of housing in the CS are up to date. Whilst the CS does not establish a ceiling on housing numbers it can reasonably be concluded that there is no necessity for the

39

<sup>&</sup>lt;sup>7</sup> This figure is the sum of 1,972 dwellings on large sites with planning permission and 454 dwellings on small sites with planning permission.

appeal site to be released in order to meet the short term housing needs of the district as established in the CS. I will return to this in the final planning balance [93].

### Consideration three: the effect of the proposal on the Pevensey Levels site of international importance for nature conservation

- 162. The Habitats Regulations transposed the EC Habitats Directive into United Kingdom law and provide for the designation and protection of European sites which include Ramsar Sites and Candidate Special Areas of Conservation. Under the Habitats Regulations competent authorities are required before deciding to give any consent, permission or authorisation for a plan or project which is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, to undertake an Appropriate Assessment of the implications for that site having regard to its conservation objectives [52; 99].
- 163. The Hailsham North and Hailsham South WWTWs discharge effluent into the Pevensey Levels, which is both a Ramsar Site and a Candidate Special Area of Conservation. This site lies to the east of Hailsham and the special ecological interest relates to its outstanding assemblage of wetland plants and invertebrates. The Environment Agency has been very concerned about the relationship between the discharge of treated effluent from the treatment works and the ecological quality downstream. For this reason the Environment Agency will not increase the discharge capacity of the WWTWs so as to ensure that there is no deterioration of the receiving waterbodies at the European site. This effectively means that there is a limit on the number of additional dwellings that can be accommodated within the existing mains drainage system. It is this capacity restriction that has resulted in the lowering of the CS housing requirement as referred to in the previous issue. The Habitats Regulation Assessment underpinning the CS concluded that this level of development could be accommodated without significant harm to the European site [9; 54; 55; 106].
- 164. In fact the evidence from the Council, which was not challenged, is that there is sufficient capacity for around 65-70 more dwellings to be served by the Hailsham South WWTW over and above those catered for in the CS. It is the Hailsham South WWTW that would provide a mains service for the appeal development. The Council considers that this limited amount of remaining headroom should be reserved for future small scale developments that are permitted on a first come first served basis until the capacity is used up. Whilst I concluded that some of the permitted housing sites were unlikely to come forward within the next 5 years that would not necessarily free up capacity. This is because it is quite possible that this development would occur later in the trajectory which means that capacity must be safeguarded within the mains drainage system. The Appellant does not take issue with the Council's approach to safeguarding capacity within the Hailsham South WWTW to accommodate housing commitments [55; 77-79].
- 165. Although the CS was found to be sound it is clear that because of the infrastructure constraint it does not address the objectively assessed housing needs of the district. The Examining Inspector reflected upon the uncertainty of the situation and when a solution may be found. He considered that this

- should be possible between 2015 and 2020 but identified a number of issues that would need to be resolved first. When the required review of the CS takes place in 2015 it will be subject to a duty to co-operate with neighbouring local authorities. The problem will clearly not go away and a solution is required so that the needs of the district are properly accommodated. However it seems unlikely that further development outside that anticipated in the CS would materialise until after 2020 [30; 31; 77; 83].
- 166. The position of the Appellant at the close of the Inquiry was that the appeal development would not rely on the small amount of remaining mains capacity referred to above. The proposal is that all of the foul sewage deriving from the scheme would be dealt with by means of an on-site PTW. The Council's objection to this method of disposal has been guided to a large degree by the response of the Environment Agency and Southern Water. Both point out that there is presently capacity within the mains system which should be used in preference to a PTW. This is endorsed by Circular 03/99: Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development and Pollution Prevention Guidance Note 4 which both favour the use of the public drainage system wherever possible [56; 58; 61; 78; 96].
- 167. Neither the Environment Agency nor Southern Water has objected to the proposed housing development. The specific objection is to the use of a PTW and the Environment Agency has responded on several occasions that it is unlikely to grant an Environmental Permit for its use when a viable mains sewer connection is available. However this response is made from the perspective of the situation as it exists now and takes no account of the in combination effect arising from the housing requirement over the CS period. The logic is that it is for the local planning authority to decide how the available capacity should be utilised. The problem from the Council's perspective is that if the appeal development were to use up some of the presently available capacity it would displace some of the planned development later in the CS period, which would then fall foul of the Habitat Regulations. If such a scenario came about the spatial strategy in the statutory development plan is likely to be severely compromised [59; 63 bullet 3; 102-104; 126].
- 168. The Examining Inspector also commented on the use of PTWs. However it should be recognised that this was in the context of the long term planned approach to securing more housing delivery. It was also on the basis of the information that he had available at the time which he considered was insufficient to be satisfied about the environmental risk arising from PTWs given the proximity of the European site. The conclusion was that private sewerage systems were not a desirable alternative to proper infrastructure planning. However it is not the case that the Examining Inspector rejected the use of a PTW for individual developments as a matter of principle [56; 58; 106].
- 169. The evidence of the Appellant is that the PTW would be effective in preventing a significant adverse impact on the European site either alone or in combination with other plans and projects. It is supported by technical information about the quality, volume and rate of effluent that would be discharged. This has not been challenged by any countervailing technical evidence from the Council or the Environment Agency. A planning condition

would require a PTW to be employed and for this to be fully operational prior to any occupation of the development. The condition would also require prior approval of details, including future management, monitoring and long term maintenance of the system. The Planning Obligation includes a provision to set up a management company before any dwelling is occupied. This would be funded by an annual charge from individual homeowners through a covenant and one of its responsibilities would be the monitoring, management and maintenance of the PTW. Whilst noting the Council's concerns about the use of a management company for this purpose, the Appellant is confident that it would be an effective vehicle in the longer term [100; 101; 103; 105; 106; 130; 138].

- 170. In order for the development to go ahead the Appellant would be required to apply to the Environment Agency for an Environmental Permit to utilise the PTW. No such application has yet been made and the outcome of such an application cannot be pre-judged at this stage. Whilst the Environment Agency may prefer "parallel tracking" of applications for permits and planning permissions this is not a mandatory requirement. I was told that the collection of detailed technical material to support the permit application is a costly undertaking and that it is not unusual for a developer not to proceed with it until the planning situation is clear [63; 96; 100].
- 171. The integrity of the European site depends on issues of water quality and flow and the Environment Agency as a competent authority must be satisfied that no significant impact would ensue under the Environmental Permitting regime. The Council consider that an Appropriate Assessment cannot be undertaken after planning permission has been granted. However this ignores the fact that the development could not go ahead until an Environmental Permit has also been issued. The Council believes that a Grampian style condition relating to the PTW would be unlawful. However the planning condition that I have recommended is not a Grampian style condition because the PTW is an integral part of the development proposal. It could be discharged by the local planning authority, subject to satisfactory details, because the planning evidence indicates that the appeal scheme would not have a significant effect on the Pevensey Levels European site. Nevertheless if, as a result of further modelling and assessment in association with the permitting regime, the Environment Agency reached a different view it seems inconceivable that an Environmental Permit for the PTW would be issued [63; 96; 98; 100].
- 172. Drawing together the above points, the evidence demonstrates that the appeal development would not result in a significant effect on the Pevensey Levels, either alone or in combination with other plans and projects. Following on from that there is no reason to conclude other than that the scheme would comply with the pertinent development plan policies and in particular Policy SPO1 in the CS and the relevant provisions of the Framework [16].

# Consideration four: whether there is justification for infrastructure and highway contributions

173. The Council has agreed that its concerns about infrastructure have been adequately addressed through the Planning Obligation by Unilateral Undertaking. This includes financial contributions towards additional household waste and recycling facilities, additional library infrastructure,

- additional primary and secondary school provision, bus service improvements and rights of way improvements. The contributions are all subject to a provision that they would not be paid if the Secretary of State finds that they do not meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations. These require that the obligations must be necessary, directly related and fairly and reasonably related in scale and kind to the development in question [13; 135-138].
- 174. The policy context is provided in the CS by Policy WCS7 which concerns the provision of additional or improved community facilities, services and infrastructure in a timely manner where necessary to mitigate its impact. Saved Policy CS1 in the WLP indicates that the capital works directly required to service a development should be provided at the appropriate time. Further information on the contributions required by East Sussex County Council is provided by Supplementary Planning Guidance entitled: A New Approach to Development Contributions. This was adopted in 2003 in association with Structure Plan policies which no longer exist although the document is broadly consistent with existing development plan policy. Furthermore it has been regularly reviewed and updated, most recently in March 2012. It sets out particular stress areas and the methodology by which the tariffs are calculated. It is now termed Interim Supplementary Planning Guidance (ISPG) and can be afforded weight as a material consideration [13; 17; 19; 137].
- 175. The evidence provided by the Council and in the ISPG suggests that by 2016/17 the primary and secondary schools in Hailsham will be operating close to or beyond capacity. As this is an outline proposal the final housing mix is unknown but the contribution assumes there would be 185 houses and 10 flats, which is not unreasonable. The contribution itself is in accordance with the formula established in the ISPG which is based on school building costs. Further information provided by the education authority indicates that the primary school contribution would be used towards funding a new primary school on the SDA north of Hailsham. There is an option agreement being promoted to acquire the site for education purposes by the County Council. The evidence indicates that as Hailsham College is an Academy the secondary school contribution may go towards a new facility east of Battle Road, Hailsham. This does not seem to me to provide sufficient certainty to be satisfied that the contribution is necessary in order for the development to go ahead. In the circumstances it does not meet the requirements of the CIL Regulations and should not be taken into account [13; 135].
- 176. The evidence in the ISPG indicates that Hailsham Library does not meet the County Council's floorspace standards and needs to be upgraded to serve the additional households. The contribution itself is in accordance with the formula established in the ISPG which is based on the cost of floorspace provision, stocking and equipment. The County Council indicate that this money would contribute to improving the facilities at Hailsham Library [13; 135].
- 177. With regards to the Rights of Way contribution the ISPG states that stresses and problems remain unchanged. Undoubtedly there would be more pressure on the existing footways, including the Cuckoo Trail which provides an attractive walking and cycling route close to the site and into Hailsham. The ISPG indicates that the tariff is based on the costs of upgrading the rights of way network. During my site visit I noted that the short stretch of footpath

running between the Cuckoo Trail and the eastern side of Ersham Road close to the appeal site boundary was waterlogged and poorly maintained. Upgrading this would directly benefit the new occupiers. However there is no reason why the money should not be used to improve vulnerable structures along the Cuckoo Trail if that is the option favoured by the County Council. [7; 13; 135].

- 178. The ISPG indicates that the waste and recycling facility in Hailsham is currently operating at full capacity. Clearly the appeal development would generate additional waste. The tariff has been worked out on the basis that on-site improvements could be made to increase capacity and accommodate the additional waste generated. [13; 135].
- 179. The site is between about 1 km and 1.5 km from most of Hailsham's shops and services. The scheme would include some footway improvements and new footways along the northern section of Coldthorn Lane and Ersham Road. However taking account of the distances involved it seems improbable that walking would be a prevalent travel mode for most residents living on this site. Nevertheless, the site is reasonably close to the Cuckoo Trail and this provides a pleasant walking and cycling route into the town. Bus services run along Ersham Road and there is a relatively good half hourly service to and from the town centre. The route also goes south to Eastbourne and Polegate but its service is less direct and would not be particularly attractive to commuters wishing to use the railway stations. An alternative would be to use the money to provide the route with evening and weekend services. These alternatives have been costed by the County Council at £20,000 per annum and would improve the accessibility of the site by public transport [7; 8; 13; 135].
- 180. The Planning Obligation also includes a covenant for the provision and operation of a Travel Plan which would be designed to reduce the number of car journeys. This would include bus vouchers, residents' information packs, contributions towards internet shopping delivery and the like. A monitoring fee would be paid to the County Council in accordance with its document entitled: Guidance on Travel Plans for New Development [13].
- 181. The Planning Obligation includes a covenant that development will not commence until a Section 278 Agreement under the Highways Act has been entered into to ensure that the various off-site highways works are undertaken. The Transport Assessment that accompanied the planning application undertook various junction capacity assessments and concluded that with the various works in place a safe access to the site would be provided and that the local highway network would have sufficient capacity to safely accommodate the vehicular movement associated with the development. The Planning Obligation also includes a timetable to ensure that these highway works are completed before first occupation of the appeal development [137].
- 182. For all of the above reasons it is concluded that there is justification for the infrastructure and highway contributions provided for in the Planning Obligations. There is sufficient evidence for concluding that, save for the obligation relating to secondary education, the various obligations meet the requirements of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations and can therefore be taken into account in the consideration of this appeal.

# Consideration five: The effect of the proposal on local highway infrastructure

- 183. There was considerable concern from local objectors about the safety of Ersham Road. Whilst I have no doubt that there are accidents along this stretch the personal injury statistics referred to in the Transport Assessment do not indicate that it is particularly dangerous. Reference was also made to existing congestion. I undertook various site visits to Hailsham including during peak periods but did not witness this myself. This may have been because of a school inset day or as a result of the road works along the A22 and I have no reason to doubt that at some peak times traffic queues are considerable. However the appeal scheme includes a new roundabout at the northern end of Ersham Road and this would considerably increase capacity and ease flows through the junction. It is understood that this improvement is an objective in the Local Transport Plan subject to funding. A small area of the required land is controlled by the Town Council but as there is an agreed need for the improvement it seems unlikely that this would be an impediment to implementation. This element of the appeal scheme would be controlled by means of a Grampian-style condition and also offers a wider benefit for existing road users [12; 112 bullet 3; 114-122; 125; 133].
- 184. There is local concern that the lanes to the south of the site would be used as a "rat run" by those wishing to find a shorter route to the A22. A planning condition is proposed to discourage this being used as a route for heavy vehicles during the construction period. It is not of course possible to prevent new occupiers from using whichever part of the public highway network they choose but the Transport Assessment shows only minor increases in existing flows travelling south along Coldthorn Lane. It is relevant to note that East Sussex County Council as Highway Authority and the Highways Agency have raised no objections to the appeal development either in terms of its access arrangements or the ability of the local highway network to cope with the additional traffic generated. In the circumstances it is concluded that the proposal would not give rise to harm to highway safety or the free flow of traffic and that relevant development plan policy, including saved Policy TR3 in the WLP, would not be offended in this respect [114; 115; 118; 125; 129].

## Other matters

- 185. There is a serious and longstanding need for affordable housing in Wealden district as is acknowledged in the CS. Policy WCS8 sets out a requirement for 35% provision on sites of 5 or more dwellings. The need far exceeds the provision and so the situation is likely to get worse year on year. The scheme would deliver the full policy level of affordable housing amounting to around 69 dwellings. The Pianning Obligation includes the arrangements for delivery which is linked to the occupation of the market units. The mix would be 80% social rented units and 20% intermediate housing in accordance with Policy WCS8 in the CS. The affordable housing element of the appeal scheme is a benefit of significant weight to be added into the planning balance [17; 66; 121; 136].
- 186. There was a considerable amount of local concern about the impact of the proposed development on local flooding. I observed at my visit that there was a lot of surface water in Coldthorn Lane and overflowing from its ditches. I

- also heard concerns about people's gardens flooding. The Flood Risk Assessment accompanying the planning application confirmed that the site itself is not within an area with a high risk of surface water flooding. As the proposal would use a Sustainable Drainage System (SuDS) for the disposal of surface water there would be no increase in the greenfield runoff rates. The development would not be likely to increase surface water flooding in the locality. The surface water drainage system would be controlled by a planning condition and the Environment Agency has raised no objections on these grounds [112 bullet 2; 114-120; 126; 130].
- 187. The proposal would include a new doctor's surgery. A number of local people considered that there was a shortage of medical facilities in the town although there was also some hearsay evidence that a surgery in this location would not be attractive to local doctors. The Council was critical about the lack of information about the size of the facility or what it was intended to entail. However it seems likely that fuller discussions would take place with local healthcare commissioners at the detailed planning stage. The information provided by the Appellant supports the view that such a facility would be a benefit of the scheme and I see no reason why the lack of detail at this stage should count against it. A condition would require the surgery to be ready for use before the occupation of the 120<sup>th</sup> dwelling on the site. This seems reasonable as there would be sufficient value left in the site to ensure that the facility would be delivered to serve the needs of new residents as well as the wider population [11; 113; 132].
- 188. The proposal would include areas of outdoor play space including equipped children's playing areas, youth and adult open spaces. The Planning Obligation makes the necessary provision in accordance with the Council's draft *Open Space* supplementary planning guidance and relevant saved policies in the WLP. The outdoor play space along with the woodland, ecology and drainage areas would be maintained in the future by a management company which would also be controlled through the Planning Obligation. These provisions are necessary in order that the needs of the development and those who occupy it would be met in perpetuity. These obligations thus comply with the CIL Regulations [138].
- 189. There has been reference in local representations to the presence of badgers on the site but the ecological assessment accompanying the planning application did not record any evidence of such use. A number of ecological mitigation measures are suggested to safeguard ponds, trees and hedgerows which have the potential for greater ecological value. Such measures would be subject to a planning condition [121; 133].

# Consideration six: Overall conclusion on whether the proposal would be a sustainable form of development

190. The Framework establishes that sustainable development should be seen as a golden thread running through both plan-making and decision-taking. The presumption applies in view of the conclusion on the nature conservation issue. It has been concluded that the relevant policies, including those relating to the countryside and the supply of housing, are not out-of-date and therefore the appeal scheme should be determined in accordance with the development plan unless material considerations indicate otherwise.

- 191. The Framework identifies three dimensions to sustainable development economic, social and environmental. The appeal proposal would be immediately deliverable and increase the supply and choice of housing within a district where the objectively assessed needs of the area are not being met in accordance with demographic projections. It would contribute towards economic growth and fund improvements to infrastructure in the form of a junction improvement that would have wider benefits to the local population. There would be social benefits in the form of a significant contribution to much needed affordable housing and a range of housing units to meet different local requirements. The dwellings would be built to Code Level 4 which would ensure high standards of energy conservation and low water consumption [132].
- 192. The residential environment would include plentiful open space and also the management of adjoining areas, including ancient woodland and the brickworks, which would result in gains to biodiversity. The provision of a doctor's surgery would have advantages for the local population as well as new residents. The site is relatively accessible being close to the Cuckoo Trail which provides an attractive walking and cycling route. Improvements would be made to local bus services to encourage more travel by public transport [11].
- 193. However the appeal development would not accord with the newly adopted CS which was subject to a recent Examination and public consultation. The Council has identified sufficient land to meet its housing requirement in the short term. Although this is lower than the objectively assessed target in the SEP it has been accepted as sound by the Examining Inspector. Furthermore there is a review mechanism that will take place in a couple of years time and look again at the matter to see whether housing requirements can be increased and if so how this will be done. As matters stand the appeal site is outside the development boundary for Hailsham within an area of countryside. The development and in particular the necessary highway works, would result in significant harm to the character and appearance of the semi-rural area contrary to saved policies GD2 and DC17 in the WLP.
- 194. The CS has not changed the position in respect of the development boundary to the south of the town and has determined that development needs can be accommodated through urban extensions to the north and east. The Appellant has compared the appeal site against the greenfield releases of the Hailsham and Stone Cross SDAs but this is not an appropriate test because these development areas have been specifically selected for future growth through robust examination within the development plan process. Conversely the appeal site has not. The scheme would thus be contrary to the spatial distribution set out in Policy WCS2 of the CS [17]
- 195. I have concluded in the context of my consideration of the planning merits of the proposal before me, that the appeal scheme would not have a significant effect on the Pevensey Levels European site, either alone or in combination with other plans and projects. Nevertheless it would be contrary to up to date development plan policy. Whilst recognising the many advantages that it would have to offer, the benefits would not demonstrably outweigh the harm and would be insufficient to justify the granting of planning permission. If the Secretary of State disagrees with this conclusion and wishes to grant planning

- permission he, as competent authority under the Habitats Regulations, would need to satisfy himself that there would be no significant effect on the European site. If he believed that such an effect would ensue, either alone or in combination with other plans and projects, then he would be required to undertake an Appropriate Assessment before he could grant planning permission.
- 196. In the event that planning permission is to be granted I would commend the planning conditions that are set out in Annex C. Justification has been provided in Paragraphs 127-134 of the Report and there are also references to specific conditions where relevant in these Conclusions. It is considered that the conditions are reasonable, necessary and otherwise comply with the provisions of Circular 11/95: The Use of Conditions in Planning Permissions. I recommend that they are imposed if the Secretary of State decides to allow the appeal.

#### RECOMMENDATION

197. For all of the reasons given above, I recommend that the appeal be dismissed.

Christina Downes

**INSPECTOR** 

## **ANNEX A: APPEARANCES**

## FOR THE LOCAL PLANNING AUTHORITY:

Mr S Lyness

of Counsel, instructed by the Solicitor of Wealden

District Council

He called:

Mr C Bending BA(Hons)

MA

Senior +Planning Officer with the Major

Applications Team of Wealden District Council

FOR THE APPELLANT:

Mr M Beard

Of Counsel, instructed by Mr P Hughes, PHD

Chartered Town Planners

He called

Mr M Dobson MA MPhil

MRTPI MRICS

Director of Pegasus Planning Group

Mr P Hughes BA(Hons)

MRTPI DipMan MCMI

Principal of PHD Chartered Town Planners

**INTERESTED PERSONS:** 

Mrs J Bentley

Local resident, Mayor of Hailsham and District

Ward Councillor

Mr C Triandafyllou

Local resident and Town and District Ward

Councillor

Mr R Thomas

East Sussex County Councillor for Hailsham and

Herstmonceux, Chair of LGA Coastal Issues SIG

and Chair of Sussex IFCA

Mr G Rowe

Local resident

Mr R Hollister

Local resident

Mrs S Lemmon

Local resident

Mrs C Keate

Local resident

Mrs J Wanmer

Local resident

Mr M Powell

Local resident

## **ANNEX B: DOCUMENTS**

APP/	Application Supporting Documents
APP/1	Transport Assessment
APP/2	Flood Risk Assessment
APP/3	Ecological Assessment
APP/4	Draft Travel Plan
APP/5	Landscape Strategy
APP/6	Arboricultural Report
APP/7	Planning Support Statement incorporating Design and Access Statement
APP/8	Heritage Desk-Based Assessment
APP/9 AD/	Archaeological Geophysical Survey  Appeal Documents
AD/1	Recovery letter
AD/2	Questionnaire
AD/3	Proof of Evidence of Mr Bending
AD/4	Appendices of Mr Bending
AD/5	Supplementary Proof of Evidence of Mr Bending addressing the adoption of the Wealden Core Strategy and Revocation of the SEP
AD/6	Proof of Evidence of Mr Dobson
AD/7	Appendices of Mr Dobson
AD/8	Proof of Evidence of Mr Hughes
AD/9	Appendices of Mr Hughes
AD/10	Supplementary Proof of Evidence of Mr Hughes addressing the adoption of the Wealden Core Strategy and Revocation of the SEP
AD/11	Written Evidence of Capita Symonds
AD/12	Statement of Common Ground
AD/13	Supplementary Statement of Common Ground
AD/14	Local representations to the appeal

ID/	Inquiry Documents	
ID/1	Council's notification of the appeal and Inquiry and list of persons notified	
ID/2	Housing land supply note prepared by Mr Bending	
ID/3	Draft planning Obligation by Unilateral Undertaking	
ID/4	Extract from Regulatory & Audit Committee Minutes relating to planning application for residential development on land adj Grovelands School, Dunbar Drive, Hailsham	
ID/5	Flow chart relating to consideration of development proposals affecting internationally designated nature conservation sites from Circular 06/2005	
ID/6	Statement and attachments delivered orally to the Inquiry by Councillor J Bentley	
ID/7	Statement delivered orally to the Inquiry by Councillor C Triandafyllou	
ID/8	Plans of the extra care units at the site off Battle Road, Hailsham	
ID/9	Appeal decision: land off Long Moss Lane, New Longton Preston	
ID/10	Appeal decision: Land at Widham Farm, Station Road, Swindon	
ID/11	Appeal decision: land off Foley Way, Newent	
ID/12	Land Registry extracts relating to the appeal site	
ID/13	Further information about East Sussex County Council's requirements for contributions	
ID/14	Suggested additional conditions prepared by Mr Hughes	
ID/15	Maps of housing sites drawn up by the Appellant and referred to by number in Supplementary Statement of Common Ground (Appendix SSG2)	
ID/16	Further information from Capita Symonds and Mr Hughes on the Package Sewage Treatment Works	
ID/17	Further response to the Package Sewage Treatment Works information from Mr Bending and the Environment Agency (letter dated 28 February 2013)	
ID/18	List of conditions	
ID/19	Letter of objection from Ms M Green handed into the Inquiry on 7 March 2013	

ID/	Inquiry Documents
ID/20	Extract from "Guidance on Travel Plans for new development"
ID/21	Fully executed Planning Obligation by Unilateral Undertaking (6 March 2013)
ID/22	Opening statement by Mr Lyness
ID/23	Closing Statement by Mr Lyness
ID/24	Opening Statement by Mr Beard
ID/25	Closing Statement by Mr Beard
PLANS	
A/1-A/19	Application plans
В .	A3 booklet of selected application plans

#### **ANNEX C: CONDITIONS**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.
- 3) The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- No work shall be carried out on site until a detailed management plan for reducing construction waste during the building process in the form of site management, waste management and project design and planning has been submitted to and approved in writing by the Local Planning Authority. The approved waste management plan shall be implemented throughout the construction period.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors
  - ii) loading and unloading of plant and materials
  - iii) storage of plant and materials used in constructing the development
  - iv) wheel washing facilities
  - v) security and other external lighting
  - vi) protection of surface water bodies and control of surface water runoff
- 7) No development shall take place until details of access points to the site and the routes for construction traffic have been submitted to and approved in writing by the local planning authority. Construction traffic shall visit and access the site only in accordance with the approved details.
- 8) No development shall take place until full details of the foul water drainage system to serve the development have been submitted to and approved in writing by the local planning authority. This shall be by means of a Package Sewage Treatment Works and the details shall include the design, installation, management, monitoring and long term maintenance of the system during the lifetime of the development. The approved scheme shall be implemented in accordance with the approved details and fully operational before any dwelling is first occupied.
- 9) No development shall take place until details of a sustainable drainage scheme for the disposal of surface water, which shall include the provision and implementation of a surface water regulation system and storage facility, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The details shall include:

- i) The arrangements for implementing the scheme;
- ii) A timetable for the implementation of the scheme;
- iii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- 10) No development shall take place until full details of the junction arrangements between Ersham Road and Coldthorn Lane, including the mini roundabout and the re-alignment of Coldthorn Lane have been submitted to and agreed in writing by the local planning authority. These details shall be substantially in accordance with the details shown in the Transport Assessment. The details shall include levels and construction details, surface water drainage, streetlighting, finishing materials and the cross falls and longitudinal falls. The approved details shall be completed before the first occupation of any dwelling and the sightlines maintained free of all obstruction to visibility above 1.0 metres.
- 11) No development shall take place until details of the estate roadways including street lighting has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and no dwelling shall be occupied until it has been provided with access to the public highway along an estate road constructed to binder course surfacing level.
- 12) The Doctors' Surgery shall be completed and made available for occupation prior to the occupation of the 120<sup>th</sup> dwelling constructed on the site. The building shall be used for that purpose and for no other purpose including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.
- 13) The dwellings shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.
- 14) No development shall take place until details of existing and proposed ground levels and ground floor slab levels of the buildings relative to Ordnance Datum Newlyn have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 15) No development shall take place until the local planning authority has approved in writing a full detailed scheme of works for improvements to the South Road/ Ersham Road/ Diplocks Way junction in accordance with the details shown in the Transport Assessment. No dwelling shall be occupied until those works have been completed in accordance with the approved details.
- 16) No development shall take place until a landscape strategy for the long term management and maintenance of the non-developed land in the control of the Appellant to the south of the developed area has been submitted to and approved in writing by the local planning authority. This shall include a timetable for implementation and shall be consistent with the Landscape

- Strategy prepared by David Clarke and dated April 2012. The development shall be carried out in accordance with the approved strategy and timetable.
- 17) No development shall take place until an ecology and habitat management strategy for the protection, management and maintenance of the non-developed land in the control of the Appellant to the south of the developed area has been submitted to and approved in writing by the local planning authority. This shall include a programme timetable and shall be consistent with Section 6 of the Ecology Assessment prepared by Aspect Ecology Limited and dated April 2012 The development shall be carried out in accordance with the approved strategy.
- 18) If it is intended to develop the site in more than one phase a phasing scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The scheme shall include details of the phasing of the construction of development including the means of access, layout of buildings, car parking and servicing arrangements. The development shall be carried out in accordance with the approved details.

End of conditions.

## Attachment 1B



# Department for Communities and Local Government

Our Ref: APP/C1435/A/12/2186147

P E Hughes PHD Chartered Town Planners PO Box 700 St Albans Hertfordshire AL2 3WB

18 June 2013

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78
APPEAL BY MASMA LTD
OAKLANDS, ERSHAM ROAD, HAILSHAM, EAST SUSSEX
APPLICATION REF: WD/2012/0942/MAO

VEALUEN DISTRICT
NINCIL
37459
19 JUN 2013

- 1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Christina Downes, BSc DipTP MRTPI, who held a public local inquiry on 5 days between 12 February and 7 March 2013 into your client's appeal against the refusal by Wealden District Council (the Council) to grant outline planning permission for residential development incorporating access arrangements and a doctor's surgery at land at Oaklands, Ersham Road, Hailsham, East Sussex in accordance with application reference WD/2012/0942/MAO dated 25 April 2012.
- 2. On 22 November 2012, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because it involves a proposal over 150 units on a site of more than 5 ha which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

## The Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be dismissed. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendations. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Planning Casework Division
Department for Communities and Local Government
1/H1, Eland House
Bressenden Place
London, SW1E 5DU

Tel 0303 444 0000 Email pcc@communities.gsi.gov.uk

## **Procedural matters**

- 4. The Secretary of State notes that the appellant requested a Screening Direction under Regulation 5(7) to determine whether the development would be an Environmental Impact Assessment development and that previously it was concluded that it would not. The Secretary of State has considered this and concluded it unlikely that there will be any significant effects on the environment and therefore, that the development would not be an Environmental Impact Assessment development.
- 5. The Secretary of State has considered the concerns of the local councillors present at the Inquiry regarding its location. For the reasons given by the Inspector at IR4, he is satisfied that an acceptable opportunity was made available for those who wished to participate in the Inquiry process to do so.
- 6. Following the close of the inquiry, the Secretary of State received representations from you, on behalf of the Appellant, listed at Annex A. The representation explained that your client has become aware of a challenge to the Wealden Core Strategy Local Plan. The Secretary of State has given careful consideration to this correspondence. In his opinion the Core Strategy remains part of the development plan for the area unless and until such time that it is quashed either in part or as a whole, and therefore does not alter the basis upon which he has come to a decision on the appeal before him. Copies of this correspondence may be obtained, upon written request, from the address at the bottom of the first page of this letter.

## **Policy Considerations**

- 7. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8. The Secretary of State agrees with the Inspector that the policies in the South East Plan (SEP) that apply to Wealden have been revoked and are no longer part of the development plan [IR14], and that in this case the development plan, therefore, comprises the saved policies of the Wealden Local Plan (WLP) adopted in 1998 and the Wealden Core Strategy Local Plan (CS) adopted on 19 February 2013. The Secretary of State agrees with the Inspector that the most relevant policies of these plans are set out in the Statement of Common Ground [IR14] and he considers these policies to be broadly consistent with the Framework.
- 9. Other material considerations which the Secretary of State has taken into account include The National Planning Policy Framework (The Framework); Technical Guidance to the National Planning Policy Framework; Circular 11/95: Use of Conditions in Planning Permission; the Community Infrastructure Levy (CIL) Regulations 2010 as amended; Circular 06/2005: Biodiversity and Geological Conservation Statutory Obligations and the impact on the Planning System, Circular 3/99: Planning Requirements in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development and Pollution Prevention Guidance Note 4; Interim Supplementary Planning Guidance: A New Approach to Development Contributions and Guidance on Travel Plans for New Development.
- 10. The Secretary of State has also has regard to the Council's Strategic Sites Development Plan Document (DPD) although has afforded it little weight as it is at a very early stage of preparation; and the Non-Statutory Wealden Local Plan (NSWLP).

## Main issues

11. The Secretary of State agrees with the Inspector that the main issues in this case are those identified by the Inspector at IR139.

## The effect of the proposal on the character and appearance of the area

- 12. The Secretary of State notes that there is no dispute that the site is presently greenfield land that lies outside the development boundary for Hailsham [IR142]. He understands that the Council envisage further growth by means of urban extensions on land outside of existing development boundaries and agrees with the Inspector that this is as part of a planned approach to housing provision, and that it does not mean that development boundaries no longer serve a useful purpose [IR143].
- 13. The Secretary of State agrees with the Inspector's assessment that the area has a semi-rural character [IR144]. He agrees with the Inspector, for the reasons given by her at IR145 that the size of the proposed development would result in a significant change of character from semi-rural to urban and that whilst the proposal would not impact on the character of the town itself in a negative way, it would, despite mitigation measures, cause significant harm to the character and appearance of the semi-rural area beyond the edge of the settlement [IR145-147].

## Whether the proposal is necessary to meet the housing needs of the district

## (a) Housing Requirements

14. The Secretary of State notes the Inspector's outline of the background to the area's housing requirements [IR148]. He also notes that the Inspector who examined the Core Strategy (Examining Inspector) recognised that there were environmental constraints to the level of housing provision and that as a result, for the time being, this could justify a lower target of at least 9,400 dwellings [IR149]. The Secretary of State recognises that modifications were necessary to make the Core Strategy sound, one of which required a review of the strategy in 2015 or when a preferred solution to the capacity at the Hailsham North and Hailsham South waste water treatment works was identified, whichever was the sooner. The Secretary of State agrees with the Inspector, for the reasons given at IR150, that there is no justification for departing from the housing requirement set out in the newly adopted Core Strategy at the present time even though it may change in 2015 and considers that the strategy does meet longer term needs up to 2027, albeit subject to the infrastructure constraints that presently exist [IR150]. For the reasons outlined at IR151-152, he agrees with the Inspector's assessment that there would be a requirement for 2,404 homes in the next 5 years.

## (b) Housing Land Supply

15. The Secretary of the State recognises that in order for the Core Strategy to be found sound the Examining Inspector had to be satisfied that there was a sufficient supply of deliverable sites to meet housing requirements in both the long and short term. However, he agrees with the Inspector that consideration of the 5 year Housing Land Supply position will be a snapshot in time, and that it is quite proper that it should be reexamined in detail through the development management process [IR153]. The Secretary of State notes the difference of opinion between the Council and the Appellant about the supply of housing land and the debate at the Inquiry regarding

Footnote 11 to Paragraph 47 of the National Planning Policy Framework and whether a site has to benefit from outline planning permission in order to be considered "deliverable" [IR154]. He agrees with the Inspector's view that there is nothing in the wording that says that sites without planning permission should be excluded as a matter of principle.

- 16. The Secretary of State notes the Inspector's assessment of the disputed sites [IR155], large sites [IR156-158] and small sites [159] and agrees with her findings. For the reasons outlined in IR160, he agrees with the Inspector that there is not sufficient compelling evidence to justify a windfall allowance even at the heavily discounted rate.
- 17. The Secretary of State agrees with the Inspector's conclusion that the Council can demonstrate a 5 year supply of deliverable sites, albeit by a marginal degree, and that, as a result, the relevant policies for the supply of housing in the Core Strategy are considered to be up to date [IR161]. He agrees it reasonable to conclude that there is no necessity for the appeal site to be released in order to meet the short term housing needs of the district as established in the Core Strategy.

The effect of the proposal on the Pevensey Levels site of international importance for nature conservation

- 18. The Secretary of the State notes the requirements of the Habitats Regulations set out by the Inspector at IR162. He also notes that the Hailsham North and Hailsham South waste water treatment works discharge effluent into the Pevensey Levels, which is both a Ramsar Site and a Candidate Special Area of Conservation. The Secretary of State is aware that the Environment Agency has been very concerned about the relationship between the discharge of treated effluent from the treatment works and the ecological quality downstream, and that as a result they will not increase the discharge capacity of the treatment works, which has limited the number of additional dwellings that can be accommodated within the existing mains drainage system. This, he recognises, has resulted in the lowering of the Core Strategy housing requirement to a level of development which could be accommodated without significant harm to the European site [IR163].
- 19. The Secretary of State has taken into account that the Appellant does not take issue with the Council's approach to safeguarding capacity within the Hailsham South waste water treatment works to accommodate housing commitments [IR164]. He notes the implications of the infrastructure constraints on the Core Strategy in respect of meeting the objectively assessed housing needs of the district, that a solution should be possible between 2015 and 2020 but that it is unlikely that further development outside that anticipated in the Core Strategy would materialise until after 2020 [IR165].
- 20. The Secretary of the State recognises that the Appellant proposes all foul sewage deriving from the scheme to be dealt with by means of an on site Package Sewage Treatment Works and that the development, therefore, would not rely on the small amount of remaining mains capacity. He notes the Council's objection to this method of disposal, that this has been guided to a large degree by the response of the Environment Agency and Southern Water, and their view that present capacity within the mains system should be used in preference, which is endorsed by Circular 03/99 [IR166-167]. The Secretary of State is aware of the problem faced by the Council, that being if the appeal development were to use up some of the presently available capacity it would displace some of the development planned for later in the Core Strategy period, which would then fall foul of the Habitat Regulations. He agrees with

- the Inspector that if such a scenario came about the spatial strategy in the statutory development plan is likely to be severely compromised.
- 21. The Secretary of the State is aware that when the use of Package Sewage Treatment Works was considered by the Examining Inspector he concluded that they were not a desirable alternative to proper infrastructure planning but, agrees with the Inspector that the Examining Inspector did not reject their use for individual developments as a matter of principle [IR168]. The Secretary of State notes that the technical evidence put forward by the Appellant, that Package Sewage Treatment Works would be effective in preventing a significant adverse impact on the European site either alone or in combination with other plans and projects, was not challenged by any countervailing technical evidence from the Council or the Environment Agency. He also notes the Inspector's comments regarding the operational issues which would be included within a planning condition, and the provision within the Planning Obligation to set up a management company [IR169].
- 22. The Secretary of State is aware that, in order for the development to go ahead, the Appellant would be required to apply to the Environment Agency for an Environmental Permit to utilise the Package Sewage Treatment Works, and that no such application has yet been made [IR170]. He agrees with the Inspector's analysis of the Environmental Permitting regime, the use of a condition relating to the Package Sewage Treatment Works and how it could be discharged because the planning evidence indicates that the appeal scheme would not have a significant effect on the Pevensey Levels European Site. He also shares the Inspector's view that if, as a result of further modelling and assessment in association with the permitting regime, the Environment Agency reached a different view it seems inconceivable that an Environmental Permit for the Package Sewage Treatment Works would be issued The Secretary of State agrees with the Inspector that the appeal development would not result in a significant effect on the Pevensey Levels, either alone or in combination with other plans and projects and that the scheme would comply with the pertinent development plan policies.

## Whether there is justification for infrastructure and highway contributions

23. The Secretary of State agrees with the Inspector, for the reasons outlined in IR173-181, that there is justification for the infrastructure and highway contributions provided for in the Planning Obligations and that, save for that relating to secondary education, the various obligations meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations and can be taken into account in the consideration of this appeal [IR182].

## The effect of the proposal on the local highway infrastructure

24. The Secretary of State notes that the Highway Authority and the Highways Agency have raised no objections to the appeal development either in terms of its access arrangements or the ability of the local highway network to cope with the additional traffic generated. He agrees with the Inspector, for the reasons outlined in IR183 and 184, that the proposal would not give rise to harm to highway safety or free flow of traffic and that relevant development plan policy would not be offended in this respect.

## Other matters

25. The Secretary of State agrees with the Inspector's conclusions that: the affordable housing element of the appeal scheme is a benefit of significant weight to be added into the planning balance [IR185]; the development would not be likely to increase

surface water flooding in the locality [IR186]; the provision of a new doctor's surgery would be a benefit of the scheme and that there is no reason why the lack of detail at this stage should count against it [IR187]; the Planning Obligation makes the necessary provision for outdoor play space and these obligations comply with the Community Infrastructure Levy Regulations [IR188]; and that the ecological assessment accompanying the planning application did not record any evidence of the presence of badgers and a number of ecological mitigation measures have the potential for greater ecological value and would be subject to a planning condition [IR189].

## Overall conclusion on whether the proposal would be a sustainable form of development

- 26. The Secretary of State agrees that the relevant policies, including those relating to the countryside and the supply of housing, are not out-of-date and that the appeal scheme should be determined in accordance with the development plan unless material considerations indicate otherwise [IR190].
- 27. The Secretary of State notes the economic, social and environmental benefits of the appeal development as outlined in IR191 & IR192. However, he agrees with the Inspector that the appeal development would not accord with the newly adopted Core Strategy. The Secretary of State accepts that the Council has identified sufficient land to meet its housing requirements in the short term [IR193] and that a review mechanism will in due course look again at whether housing requirements can be increased and if so how this will be done. He agrees with the Inspector that, as matters stand, the appeal site is outside the development boundary for Hailsham within an area of countryside and that the development, and in particular the necessary highway works, would result in significant harm to the character and appearance of the semi-rural area.
- 28. The Secretary of State agrees with the Inspector that the Core Strategy has not changed the position in respect of the development boundary to the south of the town and has determined that development needs can be accommodated through urban extensions to the north and east [IR194]. He has considered the Appellant's comparison of the appeal site against the greenfield releases of the Hailsham and Stone Cross Strategic Development Areas but agrees with the Inspector that this is not an appropriate test because the Strategic Development Areas have been specifically selected for future growth through a robust examination within the development plan process whereas the appeal site has not. As a result, the Secretary of State agrees that the proposal would be contrary to the spatial distribution set out in Policy WCS2 of the Core Strategy.

## **Conditions and Obligations**

- 29. The Secretary of State agrees with the Inspector's reasoning and conclusions on conditions as set out at IR127-134 and is satisfied that the conditions recommended by the Inspector and set out in Annex C to the IR are reasonable and necessary and meet the tests of Circular 11/95. However, he does not consider that they would overcome his reasons for refusing the appeal.
- 30. The Secretary of State has also considered the Inspector's reasoning and conclusions on the Planning Obligations at IR 173-182. The Secretary of State is satisfied that, save for that relating to secondary education, the terms of the Planning Obligations are necessary and fairly and reasonably related to the development and that they are

therefore in accordance with section 122 of the CIL Regulations and paragraph 204 of the Framework. However, he does not consider that these provisions are sufficient to overcome the concerns with these appeal proposals identified in this decision letter.

## **Overall Conclusions**

31. Overall, the Secretary of State agrees with the Inspector that the appeal scheme would not have a significant effect on the Pevensey Levels European Site, either alone or in combination with other plans and projects [IR195] He also agrees with the Inspector that the development would result in significant harm to the character and appearance of the area and would be contrary to up to date development plan policy, in particular the spatial distribution set out in the Core Strategy. Whilst he recognises the many advantages that it would have to offer, he agrees with the Inspector that the benefits would not demonstrably outweigh the harm and would be insufficient to justify the granting of planning permission.

## Formal Decision

32 Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendations. He hereby dismisses your client's appeal against refusal of outline planning permission for residential development incorporating access arrangements and a doctor's surgery at land at Oaklands, Ersham Road, Hailsham, East Sussex.

## Right to challenge the decision

- 33. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
- 34. A copy of this letter has been sent to the Council. A notification e-mail / letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

.

**Lindsay Speed** 

Authorised by Secretary of State to sign in that behalf

## **ANNEX A**

## Post-Inquiry Representations

Correspondent

Date

Mr P E Hughes (PHD Chartered Town Planners)

7 June 2013

## **Attachment 2**



## **Appeal Decision**

Inquiry held on 11 and 12 August 2015 Site visit made on 11 August 2015

## by G D Jones BSc(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 September 2015

# Appeal Ref: APP/C1435/W/15/3006270 Oaklands, Ersham Road, Hailsham, East Sussex BN27 3PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Masma Limited against the decision of Wealden District Council.
- The application Ref WD/2014/1226/MAO, dated 10 June 2014, was refused by notice dated 8 September 2014.
- The development proposed is described as 'residential development including enhanced junction and access arrangements at Ersham Road/ Coldthorn Lane'.

#### **Decision**

 The appeal is allowed and planning permission is granted for residential development, including enhanced junction and access arrangements at Oaklands, Ersham Road, Hailsham, East Sussex BN27 3PL in accordance with the terms of the application, Ref WD/2014/1226/MAO, dated 10 June 2014, subject to the conditions contained within the Schedule at the end of this decision.

## **Preliminary Matters**

- 2. In light of the Unilateral Undertaking (the UU)<sup>1</sup> made under Section 106 of the Town and Country Planning Act 1990 (the Act), which was finalised during the course of the Inquiry, and subject to the imposition of certain planning conditions, the Council withdraw its second reason for refusal regarding the development's effect on local infrastructure. I have considered and determined the appeal on that basis.
- 3. In my formal decision I have altered the description of development as it appears on the planning application form to omit the location of the access works on the basis that their location is evident from the application details and from wider evidence, as well as to avoid confusion with the site address.
- 4. The proposal is for outline planning permission with all matters reserved for future approval except for access. In addition to the proposed access arrangements, the material submitted with the application includes an indicative layout and other details which make reference to layout, appearance, landscaping and scale. Whilst not formally part of the scheme, I have nevertheless treated these details as a useful guide as to how the site could be developed.

<sup>&</sup>lt;sup>1</sup> Document 5

- 5. Before the start of the Inquiry but after the submission of the main evidence, the Ashdown Forest Judgment was handed down by the Court of Appeal<sup>2</sup>. At the Inquiry the main parties indicated they do not consider that that Judgment has any bearing on the determination of this appeal. Given the appeal site's location and that the development plan policy effected by the Judgment is not cited in the refusal reasons, I have found no reason to disagree.
- 6. During the course of the Inquiry the Council indicated that it intended to lodge a legal challenge to an appeal decision elsewhere in the District (the Steel Cross appeal)<sup>3</sup>. After the Inquiry closed, a challenged was indeed lodged on 24 August 2014<sup>4</sup>. Shortly afterwards the Council submitted a copy of that challenge along with a copy of another legal challenge made by West Berkshire District Council (the WBDC challenge)<sup>5</sup> to one of the appeal decisions submitted as part of the appellant's evidence<sup>6</sup>. I consider each of these legal challenges later in my decision.

#### **Main Issues**

- 7. The main issues are:
  - The effect of the proposed development on the character and appearance of the area with reference to the adopted development boundary; and
  - Whether, in the current circumstances, any harm and any conflict with the development plan arising is outweighed by any other considerations including housing need.

#### Reasons

Site, Surroundings and Proposals

- 8. The appeal site comprises some 6.1 hectares of largely undeveloped land, which is divided into two parts by Coldthorn Lane, a narrow road that runs roughly southward from its junction with Ersham Road to the north of the site. The land is used for a mixture of horse grazing and pasture. For ease of reference I shall refer to these two parts of the site as Oaklands East and West. Oaklands East is a relatively flat, largely open and roughly triangular piece of land. Oaklands West is a largely open rectangular parcel of paddocks; it is larger than Oaklands East and the ground level rises steadily to a high point near the central southern boundary.
- 9. The northern boundary of Oaklands West abuts a wooded corridor of land, beyond which stand residential properties at the southern edge of the adopted development boundary of Hailsham. Its western and southern boundaries adjoin woodland and fields, which include an area of Ancient Woodland at the western end of this southern boundary. To the south of Oaklands East and to the north beyond Ersham Road, the B2104, there are reasonably loose-knit groups of residential properties and beyond the B2104 to the west there are open fields.
- 10. The indicative details submitted with the planning application show how the site might be developed for 170 dwellings, 117 at Oaklands West and 53 at Oaklands East, with both portions of the site accessed from new roads leading off Coldthorn Lane. The proposed access arrangements would also involve the

<sup>&</sup>lt;sup>2</sup> Ashdown Forest Economic Development Llp v Wealden District Council and South Downs National Park Authority [2015] EWCA Civ 681

<sup>&</sup>lt;sup>3</sup> APP/C1435/A/14/2223431, decision date 16 July 2015

<sup>&</sup>lt;sup>4</sup> Claim No CO/4024/2015, issue date 24 August 2015

<sup>&</sup>lt;sup>5</sup> Claim No CO/3830/2015, issue date 13 August 2015

<sup>&</sup>lt;sup>6</sup> APP/W0340/A/14/2228089, decision date 6 June 2015

- realignment of this northern stretch of Coldthorn Lane and a revised junction with Ersham Road.
- 11. The evidence states that Hailsham is the largest settlement in the District and is recognised as a sustainable location for new residential development. The main employment facilities within the town and the town centre's facilities are within 1 km and 1.5 km of the site respectively. Hailsham Community College and a number of primary schools are located within 1.7 km of the site, while a library, Citizen's Advice Bureau, doctors' surgery, recreation ground and community halls are all within 1.3 km. The site is also located on a number of bus routes that connect it to the town centre, Eastbourne and Polegate via a half hourly service. These bus services also provide links to the wider public transport network, including train services from Eastbourne and Polegate. There is also a network of rights of way in the vicinity of the site. These include a footpath that crosses Oaklands East and a 23 km long pedestrian and cycle route to the east known as the Cuckoo Trail.

## Planning Background

- 12. The National Planning Policy Framework (the Framework) outlines a presumption in favour of sustainable development, which it indicates has three dimensions economic, social and environmental. Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.
- 13. In respect to housing delivery, the Framework requires the Council to meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the wider policies set out in the Framework. Applications for housing should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The five-year supply of sites additionally requires a 5% buffer to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.
- 14. Although it is a weighty material consideration, the Framework does not change the statutory status of the development plan or the requirement under section 38(6) of the Act that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for this area includes the Wealden Local Plan (the Local Plan) and the Wealden District Core Strategy Local Plan (the Core Strategy). These Plans were adopted in 1998 and February 2013 respectively. The period for which the Local Plan sought to meet the District's development needs ended in 2004, whereas the plan period for the Core Strategy runs to 2027.
- 15. Another appeal against the refusal of outline planning permission for the development of the current appeal site, made by the same appellant, was dismissed by the Secretary of State (the SoS) in June 2013 following an Inquiry held during February and March 2013<sup>7</sup>. The development then proposed was similar to the current appeal scheme, albeit that it was for around 195 dwellings, with a doctor's surgery and somewhat different proposed access arrangements. For ease of reference I shall refer to that appeal as the 'previous appeal' and to the Inspector for that appeal as the 'previous Inspector'.

<sup>&</sup>lt;sup>7</sup> APP/C1435/A/12/2186147

- 16. In summary, when determining the previous appeal the SoS agreed with the previous Inspector that the proposed scheme would not have a significant effect on the Pevensey Levels European Site, either alone or in combination with other plans and projects. He also agreed that the development would result in significant harm to the character and appearance of the area and would be contrary to up to date development plan policy, in particular the spatial distribution set out in the Core Strategy. Whilst he recognised the many advantages that it would have to offer, he agreed that the benefits would not demonstrably outweigh the harm and would be insufficient to justify the granting of planning permission.
- 17. Amongst other things, the SoS noted that the Core Strategy Inspector (the Examining Inspector) recognised that there were environmental constraints to the level of housing provision for the District and that as a result, 'for the time being', this could justify a lower housing target of at least 9,400 dwellings. This figure is reflected in Core Strategy Policies WCS1 and WSC2. The SoS also recognised that modifications were necessary to make the Core Strategy sound, one of which required a review of the spatial strategy in 2015 or when a preferred solution to the capacity at the Hailsham North and Hailsham South waste water treatment works was identified, whichever was the sooner. The requirement for this review is embodied in Policy WCS1. At that time the SoS found no justification for departing from the housing requirement set out in the then 'newly adopted' Core Strategy. The SoS acknowledged that while the housing requirement may change in 2015, he considered that the strategy does meet longer term needs up to 2027, albeit subject to the infrastructure constraints at that time.
- 18. The Core Strategy was followed by the emergence of two Development Plan Documents. The Strategic Sites Local Plan (SSLP) was to set out in detail how the Strategic Development Areas (SDAs) identified in the Core Strategy should be developed, while the Delivery and Site Allocations Local Plan (DSALP) was to deal with the allocation of smaller housing sites to villages and large scale retail allocations as well as to provide development management policies. The intention was that the DSALP would supersede the remaining Local Plan policies.
- 19. The SSLP has recently been withdrawn. The Council now intends take the work undertaken for the SSLP, the DSALP and the Core Strategy review required to be undertaken by Policy WCS1 forwards as a single plan to be known as the Wealden Local Plan (WLP). The current Local Development Scheme has the WLP scheduled to be examined during the course of 2018, albeit that it is the Council's evidence that it is working to shorten this timescale.
- 20. It is common ground between the main parties that the Council can demonstrate a five-year supply of deliverable housing sites when measured against the housing requirement of the Core Strategy. During the preparation of the Core Strategy the Council did not identify the full objectively assessed housing needs for its area (FOAN). Although it still has not done so, during the Inquiry the Council accepted that it cannot demonstrate a five year housing land supply measured against the FOAN. With reference to the evidence of the appellant's housing witness, Mr Bateman, the Council confirmed that it would be reasonable for me to conclude that it could demonstrate between 1.53 and 3.88 years' supply of housing land measured against a range of potential FOAN figures.

## Character and Appearance

21. The site stands close to, but beyond the designated development boundary of Hailsham. There is no dispute that the appeal development conflicts with Local Plan Policies GD2 and DC17, which seek to guide development, including housing, to within designated development boundaries. Although the plan period

lapsed some time ago, the purpose of Policies GD2 and DC17 extends beyond containing built development within settlements; they also act to protect the open countryside in order to safeguard its character and appearance. While the Framework does not seek to protect the countryside for its own sake, these Local Plan Policies do encompass the intrinsic character and beauty of the countryside in the terms of the Framework.

- 22. When determining the previous appeal the SoS understood that the Council's approach to planning urban extensions beyond existing development boundaries does not mean that development boundaries no longer serve a useful purpose. He also agreed with the previous Inspector's assessment that the area has a semi-rural character and that the size of the development proposed then would result in a significant change of character from semi-rural to urban; whilst it would not impact on the character of the town itself in a negative way, it would, despite mitigation measures, cause significant harm to the character and appearance of the semi-rural area beyond the edge of the settlement.
- 23. The area is likely to have been subject to change since the previous Inspector visited the site in 2013; some of which is discussed in the evidence, including works to a hedge at the appeal site. Nonetheless, following my visit to the area I am of the view that it has retained the semi-rural character described in the previous Inspector's report to the SoS.
- 24. I note that the development now proposed includes measures that are intended to address the harmful effect that the previous appeal scheme would have had on the character and appearance of the area. In my view, while all of the revisions would have a positive effect in this regard, they would not fully address the underlying concerns of the SoS and the previous Inspector.
- 25. For instance, by reducing the number of dwellings and omitting the proposed doctor's surgery, the quantum of the development within the site would be materially less than was previously proposed. Consequently, the built form could be moved further away from the site boundary, as shown on the indicative layout drawings submitted with the planning application.
- 26. However, the quantum of development proposed would remain substantial. It would still be spread over a reasonably wide area that is currently largely undeveloped. I accept that it would still be mitigated to some degree by the containment provided by trees and hedgerows as well as by the proposed additional planting and open space. In this regard I note the hedgerow management work and additional visual material, including a cross section, which have been undertaken since the previous appeal was considered. However, given that the land, particularly at Oaklands West, has significant topographic changes, in my view the previous Inspector's concern that it is likely that the extent of built form would be noticeable in its surroundings still stands. Moreover, while the revised highway works in the vicinity of the site would be less substantial than previously proposed, they would still have a detrimental urbanising effect on the character and appearance of the area.
- 27. For these reasons, therefore, the proposed development would have a harmful effect on the character and appearance of the area. Consequently, in this respect, it would conflict with Local Plan Policies GD2 and DC17, and with the Framework.
- 28. The first refusal reason also refers to Core Strategy Policy WSC2, which sets out the broad distribution of land to be allocated for housing development to meet the requirements of Policy WCS1. The Council's strategy seeks to concentrate growth at the urban areas, but especially at Hailsham and Uckfield.

- 29. Policy WSC2 identifies 1300 new allocations (dwellings) for Hailsham and Hellingly. Although it also states that individual sites to meet housing provisions will be allocated in the Site Allocations DPDs, given that Policy WCS4 identifies two SDAs, SD2 Land at East Hailsham and SD3 Land at North Hailsham, which together would provide around 1300 dwellings, it seems reasonable to conclude that Policy WCS2 does not necessarily envisage a need for other sites to be identified through the DPD process.
- 30. In respect to the previous appeal, the SoS and the previous Inspector both concluded that that appeal proposal would be contrary to the spatial distribution set out in Policy WCS2. While I agree, I am also mindful that Policy WCS2 alone does not preclude other housing development additional to that identified within it, nor does it refer to the adopted development boundaries. In view of its location as described in the *Site, Surroundings and Proposals* sub-section above, the site can also reasonably be said to be located at Hailsham, albeit beyond the settlement boundary.

## The Planning Balance

- 31. The appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. It is also common ground between the main parties that the starting point in the determination of the current appeal is the SoS's decision to dismiss the previous appeal. Accordingly it is for me to consider whether there have been any material changes in relevant planning considerations to justify a different conclusion to that made by the SoS.
- 32. As set out in *Character and Appearance* section, the proposals have changed somewhat relative to the previous appeal. Although it has been subject to some change, the area has retained this semi-rural character. Notwithstanding any such changes, as set out above, the current proposed development would have a harmful effect on the character and appearance of the area, such that it would conflict with Local Plan Policies GD2 and DC17, as well as with the Framework, in this regard, and it would also be contrary to the spatial distribution set out in Core Strategy Policy WCS2.
- 33. The Core Strategy was found to be sound with a housing requirement well below that of the FOAN for the area based on the prevailing constraints, including the capacity of waste water treatment works, an Area of Outstanding Natural Beauty (AONB) and Ashdown Forest. Notwithstanding that there is more than five years' housing land supply when measured against the Core Strategy, even taking a conservative view of the evidence before me there is a significant need for both market and affordable housing in the area. There are very good reasons for the housing requirement to be constrained.
- 34. In the case of this appeal the constraints associated with the AONB and Ashdown Forest do not apply. Subject to appropriate controls, it is common ground that the appeal development would also have no adverse impact on the Pevensey Levels Ramsar site; this is consistent with the SoS's finding in respect to the previous appeal. I have found no good reasons to disagree. While at the strategic level waste water treatment capacity in the area of the appeal site has still to be resolved, it is also common ground that there are alternative means of resolving the appeal development's foul water drainage, such as on-site Package Sewage Treatment Works. Again I have found no good reasons to disagree. On this basis, waste water treatment works capacity also need not be a constraint to the proposed development.

- 35. While the absence of such constraints assists the appellant's case, these circumstances alone are not significantly changed from when the SoS made his decision in respect to the previous appeal. While several potential benefits of the proposed development have also been put to me, these too are not substantially changed from the previous appeal. However, the planning policy context in which that decision was made has now changed and significantly so.
- 36. To put this into context the Core Strategy was adopted in February 2013 and the previous Inspector's report and SoS's decision were published two and fourth mouths later, in April and June 2013 respectively. The Core Strategy Examining Inspector essentially found in favour of the Council in accepting a reduced housing requirement while anticipating a review in 2015, as embodied in Policy WSC1. In that context the SoS found that there was no justification for departing from the housing requirement set out in the 'newly adopted' Core Strategy' at that time even though it may change in 2015. In order to establish the housing requirement in line with the Framework it would be necessary to identify the FOAN for the area. For these reasons, the SoS's decision is likely to have been made on the understanding that a review, including an assessment of current and future levels of need and demand for housing to provide an appropriate basis for longer term housing provision, would have taken place, or at least be well advanced, by now.
- 37. The Council has not yet identified the FOAN. Although Southern Water has undertaken some work in regard to waste water treatment, this work is on-going and from the evidence before me there is no clear picture as to how or when this matter will be concluded. The SSLP has also been withdrawn. Although the Council is attempting to deliver it earlier than the programmed date in 2018, the WLP is unlikely to be adopted in the near future.
- 38. For these reasons, bearing in mind that we are now well into the second half of the year, it is very unlikely that the required review will have occur by the end of 2015 or that this amount of progress is consistent with what would have been anticipated in 2013 by the Examining Inspector, the previous Inspector or the SoS. When taken in the context of the benefits outlined below, these changed circumstance are sufficient to override the identified conflict with the development plan in the terms of section 38(6) of the Act and to also outweigh the associated harm.
- 39. The proposed development would offer a number of potential benefits. In terms of the social dimension of sustainable development, the scheme would increase the supply and choice of housing, include some 60 affordable homes, in an area where the evidence indicates there is a significant need for both market and affordable housing. The site has no major constraints and is available and viable. Given the site's location on the southern fringes of Hailsham, as outlines in the *Site*, *Surroundings and Proposals* section, the appeal development would be in a reasonably sustainable location such that residents would have access to a good range of facilities, services and transport options. Both parties see the proposed upgrading of the Ersham Road, South Way, Diplocks Way junction as representing a benefit in view of current capacity and operational deficiencies. I see no reason to disagree.
- 40. In terms of the wider economic role, the development would also contribute towards economic growth during the construction phase. The additional population would assist the local economy and help support the sustainability of facilities in the area.
- 41. Regarding the environmental dimension the development offers potential for the incorporation of energy efficiency measures as well as additional planting and

- habitat enhancement. Due to it location and accessibility by alternative modes of transport the development would also be likely to reduce reliance on use of the private car. Such benefits would, however, be at the expense of the identified harm to the character and appearance of the area.
- 42. I note the appellant's submissions regarding potential benefits resulting from other matters that would be secured via the UU and conditions. While I recognise that at least some of these may be of some benefit to the wider community, as they are primarily intended to respond to needs arising from the proposed development any such benefit would be limited, and as such attracts little weight.
- 43. Therefore, although the development would harm to the character and appearance of the area in conflict with Local Plan Policies GD2 and DC17 and would be contrary to the spatial distribution set out in Core Strategy Policy WCS2, in the current circumstances these important considerations are outweighed by the matters outlined above, particularly the delivery of housing, such that overall the appeal proposals would represent sustainable development in the terms of the Framework. I do not come to this conclusion lightly. I recognise the importance of plan-led planning. However, given the extent of progress in respect of the development plan review as required by the development plan itself in the context of such substantial housing need, I consider that the identified development plan policy conflict would be justified in the circumstances of this case.

#### **Other Matters**

- 44. In the event that planning permission were to be granted and implemented, the UU dated 12 August 2015 would secure:
  - The provision of on-site affordable housing at a rate of 35%, with a mix of 80% Social Rented or Affordable Rented Units and 20% Intermediate Housing Units;
  - Highways works, including new junction arrangements at Coldthorn
     Lane/Ersham Road, improved pedestrian linkages at the site access and new
     footways on Coldthorn Lane and Ersham Road to the north of the site, relocated
     and upgraded bus stop facilities on Ersham Road, improved cycle/pedestrian link
     to the Cuckoo Trail to the immediate east of the site, and a Traffic Regulation
     Order to reduce the speed limit along parts of Ersham Road to 30mph;
  - The implementation of a Travel Plan;
  - Financial contributions towards bus services, rights of way improvements, and early years, primary and sixth form education places;
  - The provision, management and maintenance of the outdoor play space;
  - The management and maintenance of the area ancient woodland to the south of the site, the package treatment works and the sustainable urban drainage scheme; and
  - The implementation of the recommendations of Aspect Ecology Assessment that accompanied the appeal planning application.
- 45. The Council has submitted a detailed statement (the UU Statement), which addresses the application of statutory requirements to the planning obligations within the UU. I have considered the UU in light of Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and government policy and guidance on the use of planning obligations.
- 46. Having done so, I am satisfied that the obligations of the UU would be required by and accord with the Policies set out therein. The UU Statement also advises that none of the financial contributions that would be secured by the UU would result in the pooling of more than five obligations for that project or type of infrastructure

- projects in line with the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). From the information before me I have no reason to disagree. Overall, I am satisfied that all of these obligations are directly related to the proposed development, fairly and reasonably related to it and necessary to make it acceptable in planning terms.
- 47. In addition to the foregoing matters, concern has been expressed locally, including by those who spoke at the Inquiry, regarding a number of matters. These include the development's effect on highway safety and congestion; on existing services, utilities and the adequacy of infrastructure/facilities, including water supply, shops, waste water and schools; on the living conditions of neighbouring occupiers, including in regard to privacy; on wildlife and biodiversity; on flooding and drainage; and on trees and landscaping.
- 48. Other issues raised include the loss of agricultural/equine land; the adequacy of affordable housing provision; potential noise and disturbance; whether there is a need for the housing and that other sites are available, including previously developed land, that should be developed first; that the site was rejected through the Strategic Housing Land Availability Assessment process and is not identified in the development plan nor in any emerging planning policy document and the development would be prejudicial to the plan-making process; development of the site was previously dismissed at appeal; its development would erode the gap between Polegate and Hailsham; the adequacy of public footways/footpaths; the density of the proposed development and inadequate provision of on-site services/facilities; residents of the development would be dependent on use of the private motor car; potential pollution from the Brickfields; and that the development would change the character of Hailsham as a small market town.
- 49. These matters are largely considered within the Council's case officer's report on the appeal development. They were also before the Council when it prepared its evidence and when it submitted its case at the Inquiry. The Council did not conclude that they would amount to reasons to justify withholding planning permission. Subject to the provisions of the UU and the imposition of planning conditions, I see no good reasons to disagree.
- 50. In the circumstances of this case, as outlined above, I have not found it necessary to place any weight on the appeal decisions that are the subject of the legal challenges referred to above in the Preliminary Matters section. Consequently, the outcome of either of those challenges would be very unlikely to have effected my decision in this case in any way had they been available at this time. Consequently, I have given these legal challenges very little weight.

## **Conditions and Conclusion**

- 51. I have been provided with a schedule of conditions suggested by the main parties, which I considered in the light of government guidance on the use of conditions in planning permissions and made amendments accordingly.
- 52. A condition would be necessary to ensure that features of archaeological interest are properly examined/recorded. To protect the environment, a condition to limit construction waste during the building process would be necessary. The submission and approval of a Construction Method Management Statement would also be necessary to safeguard the living conditions of local residents and in the interests of highway safety. In this regard the suggested conditions 6 and 7 could be reasonably combined.
- 53. Conditions to secure the installation and maintenance of sustainable urban drainage as part of the development and foul water drainage and management,

such as Package Sewage Treatment Works, would be necessary in the interests of flood prevention, to provide appropriate/adequate facilities and to protect the environment. To secure the proposed junction improvements at Ersham Road and Coldthorn Lane, as well as to the South Road/ Ersham Road/ Diplocks Way junction, conditions would be necessary in order to increase the capacity of these junctions to accommodate additional vehicle movements associated with the development and in the interests of highway safety.

- 54. A condition controlling proposed site levels, along with proposed finished floor levels, would be necessary to safeguard the character and appearance of the area. For the avoidance of doubt and in the interests of proper planning a condition to control any phasing of the construction would also be necessary.
- 55. Although it is not one of the listed suggested conditions, during the Inquiry the main parties identified that control of the proposed measures designed to limited water consumption rates per dwelling would be justified. A condition along these lines would be necessary to protect the environment. As all matters except for access are reserved for future consideration, condition 11 would be unnecessary however.
- 56. In summary, notwithstanding the policy conflict and its effect on the character and appearance of the area, given the somewhat limited progress made in respect to the spatial strategy review envisaged by the Core Strategy and in the context of substantial housing need, I find that in the circumstances of this case these important considerations are outweighed by the matters that weigh in favour of the appeal development, particularly the delivery of market and affordable housing. I conclude, therefore, that the appeal should be allowed subject to the identified conditions.

G D Jones

**INSPECTOR** 

## **APPEARANCES**

## FOR THE LOCAL PLANNING AUTHORITY:

Robert Walton, of Counsel

Instructed by Kristina Shaw-Hamilton of

Wealden District Council

He called

Christopher Bending

BA(Hons) MA MRTPI

Major Applications Team, Wealden District

Council

## FOR THE APPELLANT:

Mark Beard, of Counsel

Instructed by Phillip Hughes of PHD Charted

Town Planners

Pegasus Group

He called

Anthony Bateman BA(Hons)

TP MRICS MRTPI MCMI

MIoD FRSA

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PD Arb (RFS) CMLI

M Arbor A

Phillip Hughes BA(Hons) MRTPI Dip Man MCMI David Clarke Chartered Landscape Architect

and Consultant Arboriculturist Limited

PHD Charted Town Planners

#### INTERESTED PERSONS:

Mr Ross Hollister	Local Resident
Mr Terry Bradford	Local Resident
Ms Susan Murcutt	Local Resident
Mr Jacob Szulecki	Local Resident
Mrs Christine Keate	Local Resident
Mr T Rapley	Local Resident
Mr Martin Powell	Local Resident
Mr Geoff Rowe	Local Resident

## **DOCUMENTS submitted at the Inquiry**

1 Copies of Land Registry Register of Title Nos ESX345367 ESX345435 and ESX230948 and Plans, submitted by the appellant

2 Email dated 11 August 2015 from Kelvin Williams, Head of Planning and Environmental Services, Wealden District Council and the Council's 'Updating measures to protect Ashdown Forest' press release reference 063/15, dated 22 July 2015, submitted by the Council

3 A1 size copy of Drawing No CSB/OERH/040 A1 – Cross Section A1 from Coldthorn Lane, submitted by the appellant

4 Final Statement of Common Ground signed on behalf of both main parties, dated August 2015

Planning Obligation by Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 dated 12 August 2015

## SCHEDULE OF CONDITIONS FOR APPEAL REF APP/C1435/W/15/3006270:

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.
- 3) The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority.
- No work shall be carried out on site until a detailed management plan for reducing construction waste during the building process in the form of site management, waste management and project design and planning has been submitted to and approved in writing by the local planning authority. The approved waste management plan shall be implemented throughout the construction period.
- No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - The parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - Wheel washing facilities
  - Security and other external lighting
  - Protection of surface water bodies and control of surface water runoff
  - Details of access points to the site and the routes for construction traffic.
- 7) No development shall take place until full details of the foul water drainage system to serve the development, such as Package Sewage Treatment Works, have been submitted to and approved in writing by the local planning authority. The details shall include the design, installation, management, monitoring and long term maintenance of the system during the lifetime of the development. The approved system shall be fully implemented and fully operational before any dwelling is first occupied. Thereafter it shall be managed, monitored and maintained in accordance with the approved details.
- 8) No development shall take place until details of a sustainable drainage scheme for the disposal of surface water, which shall include the provision and implementation of a surface water regulation system and storage facility, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The details shall include:
  - The arrangements for implementing the scheme;
  - A timetable for the implementation of the scheme; and

- A management and maintenance plan for the lifetime of the development which shall include arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- 9) No development shall take place until full details of the junction arrangements between Ersham Road and Coldthorn Lane, including the revised junction and the re-alignment of Coldthorn Lane have been submitted to and approved in writing by the local planning authority. These details shall be substantially in accordance with the details shown in the Transport Assessment. The details shall include levels and construction details, surface water drainage, street-lighting, finishing materials and the cross falls and longitudinal falls. The approved details shall be completed before the first occupation of any dwelling and the sightlines maintained free of all obstruction to visibility above 1.0 metres.
- 10) No development shall take place until details of existing and proposed ground levels and ground floor slab levels of the buildings relative to Ordnance Datum have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 11) No development shall take place until the local planning authority has approved in writing a full detailed scheme of works for improvements to the South Road / Ersham Road/ Diplocks Way junction. No dwelling shall be occupied until those works have been completed in accordance with the approved details.
- 12) If it is intended to develop the site in more than one phase a phasing scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The scheme shall include details of the phasing of the construction of development including the means of access, layout of buildings, car parking and servicing arrangements. The development shall be carried out in accordance with the approved details.
- 13) Prior to the commencement of development a scheme designed to limited water consumption rates per dwelling, in line with the objectives set out in paragraphs 4.88 and 4.89 of the Proof of Evidence of Phillip E Hughes, shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved details for that dwelling have been fully implemented. Once implemented the approved details shall be retained and maintained thereafter.

## **Andrew Le Gresley**

**Subject:** 

FW: FW: PROPOSED DEREGISTRATION OF LAND ON THE TRIANGLE (VG35) COM/3285734

From: Kate Ashbrook <hq@oss.org.uk>

Sent: 30 December 2021 09:20

To: Margoum, Naoual <naoual.margoum@planninginspectorate.gov.uk>

Cc: Hugh Craddock < hughcraddock@oss.org.uk >

Subject: RE: FW: PROPOSED DEREGISTRATION OF LAND ON THE TRIANGLE (VG35) COM/3285734

Dear Mrs Margoum

Thank you for sight of the councils' joint statement.

We agree that the survey material contained in annexe 2 is good evidence of present use and commend it to the inspector. It might have been helpful if this had been provided up front.

We acknowledge the evidence of significant open space provision in the new developments near the replacement land.

We note the legal advice that the district council acquired the replacement land other than under the 1906 Act.

We note that the county council will join in the application for the purposes of the replacement land.

We therefore are content that the application should proceed to a determination, and that the society's representations should be placed before the inspector. We do not, however, wish to characterise our representations as continuing to amount to an 'objection' to the application being granted, subject to the county council joining in the application.

Yours sincerely

Kate Ashbrook General Secretary The Open Spaces Society 25a Bell Street

Henley-on-Thames RG9 2BA (please note I am working partly from home)

tel 01491 573535

mobile 07771 655694 (which doesn't work from home, so please email rather than phone)

email: <a href="mailto:hq@oss.org.uk">hq@oss.org.uk</a> website <a href="mailto:www.oss.org.uk">www.oss.org.uk</a>

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