**Appendix A**

Exchange of letters from Westbourne Parish to Chichester District Council and WSCC

(Dispute over Applications)

Contains several Material Considerations the District Planning authority have failed to address during the planning process.

Appendix on Procedural Issues with GTTS applications

**Correspondence between Westbourne Parish Council, CDC & WSCC**

**From:** Westbourne Parish Council [<mailto:westbournepc@outlook.com>]   
**Sent:** 07 August 2016 10:33  
**To:** Diane Shepherd  
**Cc:** Steve Carvell; John Ward; David Stewart; Nicola Golding; [andrew.tyrie.mp@parliament.uk](mailto:andrew.tyrie.mp@parliament.uk); [sajid.javid.mp@parliament.uk](mailto:sajid.javid.mp@parliament.uk); [dave.jones@communities.gsi.gov.uk](mailto:dave.jones@communities.gsi.gov.uk);   
**Subject:** Unsafe planning decision

Dear Ms Shepherd

*RE: WE/15/04086/FUL*

*Proposal: Change of use of land to provide 4 no. travelling show person's plots. Applicant: Mr J Sullivan. Site: The Old Army Camp, Cemetery Lane, Woodmancote, Westbourne, West Sussex. Recommendation to permit with S106. Map ref: (E) 476550 (N) 107555.*

I write, on behalf of Westbourne Parish Council, to bring to your urgent attention to the above planning application and decision. We believe that the recent grant of planning for the application, subject to the completion of a S106 agreement, is unsafe as there are several procedural issues which give grounds for challenge. If the Council issue a consent without rectifying these issues, making the decision unsafe, we believe that it will be challenged on Judicial Review. However, it is an issue Chichester District Council can still rectify as they have not yet technically issued a consent until a S106 is prepared and signed. There is time to take this application back to Committee, this time accompanied with the correct and full information, so that a safe decision can be reached.

I would be grateful if you could read the attached letter and give it your immediate consideration, and I look forward to hearing your comments.

Yours sincerely

Richard Hitchcock

**Westbourne Parish Council • 53 Skylark Avenue • Emsworth • PO10 7GB**Ms Diane Shepherd 05-08-2016   
Chief Executive, Chichester District Council   
East Pallant House, Chichester, PO19 1TY, West Sussex

Dear Ms Shepherd,   
Re: WE/15/04086/FUL. Change of use of land to provide 4 no. travelling show person’s plots. Applicant Mr J Sullivan. Site: The Old Army Camp, Cemetery Lane, Woodmancote, Westbourne, West Sussex - recommendation to permit with S106. Map Ref (E) 476550 (N) 107555.

I write, on behalf of Westbourne Parish Council, to bring your urgent attention to the above planning application and decision. We believe that the recent grant of planning for this application, subject to the completion of a S106 agreement, is unsafe as there are several procedural issues which give grounds for challenge. If the Council issue a consent without rectifying these issues, making the decision unsafe, we believe that it will be challenged on Judicial Review. However it is an issue CDC can still rectify as they have not yet technically issued a consent until a S106 is prepared and signed. There is time to take this application back to committee, this time accompanied with the correct and full information, so that a safe decision can be reached.

In particular we request that CDC re-consult WSCC highways with the correct parameters for assessment. The applicant (and WSCC highways) should demonstrate that it is possible to turn safely the legal maximum size vehicle into Cemetery Lane without crossing or damaging the adjacent privately owned land at the junction of Foxbury Lane with Cemetery Lane, and also that it is possible to safely turn such a maximum vehicle into, and within, the site itself. The main issues of concern are as follows:

**1 Access - CDC procedural mistake in consultation**The access from Foxbury Lane into Cemetery Lane and along to the site is wholly unsuitable and unsafe for the size of vehicles typically required and used by Travelling Showmen. It has come to light that the consultation process was flawed. The CDC Case Officer consulted WSCC Highways on the proposal. It transpires though that the request was for consideration of ‘Change of use of land to provide 4 no. gypsy/traveller pitches and ancillary works.’ Not, as it should have been ‘Change of use of land to provide 4 no. travelling show person’s plots.’ The WSCC officer Mrs Emma Waters responded to Chichester District Council, FAO: Caitlin Boddy on the SUBJECT: WE/15/4086/ FULL - Change of use of land to provide 4 no. gypsy/traveller. (see: 15\_04086\_FUL-WSCC\_HIGHWAYS\_4\_2\_16-2095434). This was/is a serious mistake as the size of the vehicles likely to be used has not been considered or assessed.

While traffic to and from a gypsy/traveller site typically consists of vans, cars, pick-ups and mobile homes, Travelling Showmen require very large vehicles to carry out their trade. Part 2 of the Road Traffic Act (RTA), Authorisation of Special Types (General Order 2003) - STGO - stipulates that the maximum legal size of Travelling Showmen rigs allowed are 22m length (72.61ft) x 2.75m width (9.02ft) and articulated vehicles with an overall length exceeding 15.5 metres require: ‘Turning Circle - must be able to turn within concentric circles with radii of 12.5 metres (41ft)’. Due to the existing width of the roads and the positioning of the hedgerows, it is currently impossible for a rig even approaching the maximum legal size to turn safely from Foxbury Lane into Cemetery Lane without extensive remodelling of the entrance splays. The land that would be required for this is in private ownership and is adjacent to the Cemetery Heritage Asset. The Travelling Showmen vehicles would be sharing this very narrow private Lane (4.2m wide) with the regular funeral corteges destined for the Cemetery. It should be noted there are no passing places in this part of the Cemetery Lane. An application should not give rise to highway danger and clearly Cemetery Lane is inadequate for the vehicles proposed and undoubtedly would give rise to potential highway safety issues. WSCC has clearly failed to assess the actual situation properly, for whatever reason.

It is salient to note that this is a re-application of WE/15/00381/FUL (refused in July 2015). During consultation in that case, the Case Officer’s report (see: 15\_00381\_FUL-PLANNING\_APPLICATION\_OFFICERS\_REPORT\_SHEET-2035830) stated that CDC had received various objections. The report summarises these as: ‘Third Parties: 4 letters of objection (2 from Travelling Show people highlighting that due to the condition of the road, the site would not be suitable). Other comments relate to intensification over and above that of the earlier two applications. Undesirable urban extension in rural area. Unsuitable road for access’. Since that refusal was determined the condition of the Lane has deteriorated further. It is probable that this would be a maladministration issue if WSCC have not properly considered the application impacts.

In addition, as the turning area will require further hedge removal, species surveys for nesting birds, bats and dormice should have been completed in the appropriate season prior to an application submission. It seems the Case Officer has given no consideration to this point.

**2 Planning Application form wrongly made and misleading**Several claims made in the Planning Application form are wrongly made and have misled the planning process, (see: 15\_04086\_FUL-APPLICATION\_FORM-2077390). The assertion that this application is wrongly made is informed by the following statements contained in the applicant’s Planning Application form:

• In Section 3 of the Planning Application form the answer to the question ‘Has the building, work or change of use already started?’ The answer given is ‘No’. As the planning committee members observed during their site visit, considerable work had been undertaken on site prior to planning being granted, including ground clearance, hardstanding, installation of floodlights, erection of inappropriate fencing etc.

• In Section 6 of the Planning Application form, the answer to the question ‘Do the proposals require any diversions/extinguishments and/or creation of rights of way?’ The answer given is ‘No’. Access to the development is shown to be over Cemetery Lane. As the application is for 4 x Travelling Showperson’s plots, which have never existed here before, the applicant has no established rights of way, or agreement, to gain access to them over the privately owned Lane and will first have to negotiate rights of access with the owners, or presumed owners, of Cemetery Lane before any new development can proceed or can be occupied.

• In Section 13 of the Planning Application form, the answer to the question ‘a) Protected and priority species’. The answer given is ‘No’. Yet CDC’s Environmental Department identifies Cemetery Lane as an important Bat Network. The answer to the question ‘b) Designated sites, important habitats or other biodiversity features’ The answer again is ‘No’ even though the hedgerows are important habitats for bats, nesting birds and other species.

• In Section 15 of the Planning Application form, the answer to the question ‘Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?’ The answer again is ‘No’ even though there is a very old established hedgerow running down Cemetery Lane (although part of it, directly adjacent to the site, was removed without permission prior to the committee hearing) which serves as an important bat habitat. The established hedgerow is also regarded as important as part of the local landscape character.

• In Section 25 of the Planning Application form, Certificate of Ownership - Certificate A was used. But as the applicant does not have rights of access over the private unadopted road to the public road network a Certificate B should have been used.

• Whilst all the above points are individually grounds for rejecting this application, the most significant are those in Sections 6 and 25, failure to serve the right notices on the frontager owners. The Law states that ‘An ownership certificate must be completed stating the current ownership of the land to which the application relates under Article 14 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. It is an offence, knowingly or recklessly to complete a false or misleading certificate’. The applicant and his agent are aware that Cemetery Lane is a private and unadopted road, and that the ownership of it cannot now be established, shrouded as it is in past history. The frontagers to **an unadopted** private lane, where the identity of the original owner is untraceable, are deemed by law to be the presumed owners of that adjoining road to the centre line, under the common law presumption of ‘ad medium filum’, for which there is much case precedent. The applicant i aware of, or could easily discover, the identity of the frontagers, (The Tombs family/Taylor Wimpey who own the land on the south west corner, the Westbourne and Southbourne Burial Committee who administer the adjoining Cemetery, The Edgell family who own the land adjoining the Cemetery to the east and Mr Johnson who owns the land on the north west corner). The failure to serve the correct notices (by use of Certificate B) on the frontager owners of the proposed development and the use of their land for access, represents a failure to follow the proscribed rules to present a valid application and is full grounds for the rejection of this application.

• The location plan attached to the application is wrongly drawn. It does not show (with a red line) the access from the site over the private Cemetery Lane to the public road network. This is a basic requisite of any and all planning applications but has been omitted here. The Case Officer failed to pick this essential element up. As it was incorrectly submitted it misled the committee members into believing that the applicant had access rights.

As this application is wrongly made, and as the Case Officer has failed to pick up the many procedural deficiencies contained in it, should a grant of permission be made based on the information provided, that determination would constitute an unsafe decision and would be challengeable under Judicial Review.

**3 Previous reasons for refusal still valid**In July 2015 CDC refused application WE/15/00381/FUL (see: 15\_00381\_FUL-REFUSE-2024759), the pre-cursor to the current application. The reasons for refusal were given as:‘1) Chichester District currently has a five year shortfall of 2no. travelling show people plots for the period 2015-2020. The proposed provision of 4 no. plots is considerably in excess of the identified need for permanent plots and in the absence of specific evidence to justify the additional provision, the application is considered unsubstantiated and premature to the Council's district wide site allocation process. While regard is had to the provisions of paragraph 25 of the Planning Policy for Traveller Sites (PPTS), the proposed plots are considered to represent an unsustainable form of development that does not comply with the intentions of the National Planning Policy Framework, the Planning Policy for Traveller Sites nor the phasing of sites set out in Policy 36 of the adopted Chichester Local Plan Key Policies 2014-2029.   
 2) The site is immediately adjacent to a large established gypsy and traveller site comprising 17no pitches, an existing travelling showperson's plot, with approval for an additional pitch granted to the east. The cumulative provision of 31 no. pitches and plots on the periphery of the modest historic village of Westbourne is considered unacceptable. Contrary to promoting peaceful and integrated co-existence between the site and local community, as advised by the Planning Policy for Traveller Sites (PPTS), the cumulative provision would dominate the existing settled community and give rise to an increased likelihood of social tension both with the settled community and between occupiers on the application site and neighbouring sites. The proposal therefore conflicts with Policy 36 of the adopted Chichester Local Plan: Key Policies 2014-2029 and paragraph 23 of the PPTS. These adverse effects would significantly and demonstrably outweigh the benefits of the development, when regard is had to the extent of the unmet need for plots.   
3) The village cemetery and associated chapel to the south of Cemetery Lane is considered a non-designated heritage asset, its rural context and the setting of which contributes to the experience of the asset for its particular purpose. The proposed 4 no. plots, in addition to the existing provision, would result in the intensification of the use of Cemetery Lane and detrimental increases in levels of activity and traffic, noise and disturbance in the immediate vicinity of the cemetery. These changes to the setting of the cemetery are likely to be harmful to the quality of people's experience which at present is one of quiet serenity befitting a place of rest and reflection. The proposal therefore does not comply with policies 47 and 48 of the Chichester Local Plan: Key Policies 2014-2029 and section 12 of the National Planning Policy Framework. These adverse effects would significantly and demonstrably outweigh the benefits of the development, when regard is had to the extent of the unmet need for plots.’

The Case Officer’s report (see:15\_00381\_FUL-PLANNING\_APPLICATION\_OFFICERS \_REPORT\_ SHEET- 2035830) stated: ‘It is clear that there is currently an unmet need for travelling show people accommodation in the District, however there is at present an outstanding need of only 2 no. plots up to 2020. This application for 4 no. permanent plots proposes a development significantly in excess of the identified need and as such it is considered unjustified at the present time and premature to the completion of the Council's DPD for future sites in the longer term. In any event, it is considered that for the reasons above, temporary permission would not be granted.

The site is located adjacent to an existing site of 17 no. gypsy and traveller pitches and a travelling showperson's plot, and approval has been given for an additional pitch immediately to the east (Land West of Harwood, which is also subject to an appeal for a further 4no. pitches). It is therefore considered that the addition of a further 4 no. plots (resulting in 12 no. mobile homes and 12 no. touring caravans) would lead to clustering and intensifying the use of this area for gypsy, traveller and travelling show people plots, leading to a potential detrimental impact on the settled community, and potential for social discord between the site occupants and their neighbours. A further 12 no. gypsy and traveller pitches have planning permission within the Parish, exacerbating further the burden on local infrastructure and contributing to the accruing imbalance between the settled and travelling communities within the local area. The overprovision in this area conflicts with policy 36 of the adopted Local Plan and para 23 of the PPTS.

While the access and on-site provisions are considered to meet standards for safety and accessibility, the cumulative impacts of the activity and community facility. Conflict is therefore identified with the adopted Local Plan heritage policy (Policy 47) and section 12 of the NPPF. These adverse effects would significantly and demonstrably outweigh the benefits of the development, when regard is had to the extent of the unmet need for pitches as set.’

In January 2016 CDC refused application WE/15/03979/COU and on the decision notice (see: 15\_03979\_COU-DECISION-2091501) reason 2 for refusal stated: ‘The site is immediately adjacent to a large established gypsy and traveller site comprising 17 no. pitches, an existing travelling snowperson’s plot, with approval for an additional pitch granted further to the east. The cumulative provision of 31 no. pitches and plots (including Hopedene) on the periphery of the modest historic village of Westbourne is considered unacceptable. Contrary to promoting peaceful and integrated co-existence between the site and local community, as advised by the Planning Policy for Traveller Sites (PPTS), the cumulative provision would dominate the existing settled community and give rise to an increased likelihood of social tension both with the settled community and between occupiers on the application site and neighbouring sites. The proposal therefore conflicts with Policy 36 of the adopted Chichester Local Plan: Key Policies 2014-2029 and the PPTS. These adverse effects would significantly and demonstrably outweigh the benefits of the development, when regard is had to the extent of the unmet need for plots.’

The reasons given for refusal of both WE/15/00381/FUL and WE/15/03979/COU still remain valid to this day, so there is no legal justification for overturning those given reasons and granting a permission now. To do so would completely contradict CDC’s previous policy judgements and provide ample grounds for Judicial Review.

**4 Applicant’s offer to reduce the application to accommodate fewer plots**When application WE/15/00381/FUL was being considered the then Case Officer secured an offer from the Applicant’s agent to reduce the application to fewer plots, as only 2 were required for CDC’s land supply at the time (see: 15\_00381\_FUL-PROWE\_PLANNING\_SOLUTIONS\_15\_6\_15-2010909). By the time WE/15/04086/FUL was lodged CDC only required a single plot to meet their land supply obligations. Given this, it is surprising that the current Case Officer has made no effort to negotiate the application to a single plot, or at worst reverted to the Agent’s previous offer of reducing the application to fewer plots.

**5 The current Case Officer’s comments to the Applicant’s Agent**Given that CDC’s land supply requirement is currently only for a single plot, it is disconcerting to discover that the current Case Officer has apparently gone to considerable lengths to assist the applicant in getting a resolution to grant planning permission for four plots. The email to the applicant’s agent is as follows (see: 15\_04086\_FUL-CUNNANE\_TOWN\_PLANNING\_-\_CONFIRMATION\_LETTER\_-\_30.06.16-2159661)

From: Caitlin Boddy [mailto:cboddy@chichester.gov.uk] Sent: Tuesday, June 28, 2016 2:10 PM To: Lewis McArthur Subject: RE: 15/04086 Query   
Dear Lewis, Thank you for these (new plans?), I think we will run with them. Any supporting landscaping would be beneficial. Additionally have you been able to compile any supporting text with regard to the ‘dominating the nearest settled community’? Furthermore, could you confirm whether the close boarded fencing currently in place is to remain as part of the application? I note the guidance for planning gypsy and travellers sites and avoiding high boundary treatments etc. Finally could you confirm that the plots are to be made available for travelling showpersons’ only, and that their layout is functional to enable the travelling show people to effectively use the plots? My report is due for hand in this Thursday so any information in advance would be useful. Yours Sincerely, Caitlin Boddy, Senior Planning Officer.

On the CDC portal there is no reference to the applicant or agent seeking pre-application advice from the planning department. No doubt if they had, it would have been charged under category ‘Minor e.g. 1-9 dwellings, commercial (less than 1000m2) - £480.00?’ Whilst in no way conclusive, we have been unable to find any other applications on the CDC portal that have been given such guidance and prompting, especially in the face of the considerable and deep felt opposition voiced by the local community and others.

**6 Biodiversity factors and biodiversity corridor.**The Case Officer’s report does not consider any biodiversity aspect of the setting or the bat corridor which will be adversely affected by the floodlights that have already been installed prior to permission being granted. A European Protected Species Licence is required if Bats or Dormice are known to be present. This requires the derogation tests to be considered through the planning process. This has not been completed. There are other potential issues with protected species that should prevent the Council granting consent before they have been fully considered. If consent is granted before proper consideration this too would surely amount to maladministration.

**7 Cumulative adverse impact created by the clustering of pitches.**The report does not consider the cumulative impact of the clustering of pitches and how these would impact the emerging Neighbourhood Plan. The approval of the application would lead to the formation of 28 pitches in a very small area. The travelling community would be nearly five times the size of the nearest settled community adjacent. This would vastly dominate the proposed allocation of settled development in this part of Westbourne. The National Guidance on this matter is clear. The policies should seek to “reduce tensions between settled and traveller communities in plan-making and planning decisions”. Given the very high level of objection by 30% of respondents to the Neighbourhood Plan consultation about the increase in gypsy and traveller pitches approval of another application will only increase tensions. The adopted local plan, CLPKP policy 36 states in criterion 6: “that in rural and semi-rural areas sites should not dominate the nearest settled or Gypsy, Traveller and Travelling Show people communities.”

**8 Impact on Character and Appearance of the Area**The adopted CLPKP local plan policy 36 states, in criterion 5 (one of the criterion that must be met): “Not compromise the essential features of nationally designated areas of landscape, historic environment or nature conservation protection.” The Case Officer’s report has not considered two important aspects of local character that are particularly impacted by these applications, namely the Cemetery Heritage Asset and the South Downs National Park.

Commenting on WE/14/01132/FUL, Consultee West Sussex County Council (Environment & Heritage Team) (see: 14\_01132\_FUL-WSCC\_LANDSCAPE\_RECEIVED\_13.08.14-1932532) observed: ‘I undertook a site visit to understand the context of the proposed site and to assess the likely landscape and visual impacts of the proposed development. The proposed development site is in a rural location between the village of Westbourne and Woodmancote and falls within the WSCC County Character area defined as SC5: Southbourne Coastal Plain. One of the ‘Key Characteristics’ of this character area is that: • A few parts of this area retain elements of a smaller-scale, more varied landscape with quiet hamlets and traditional villages enclosed by small pastures I consider that the site’s surrounding area demonstrates elements of this small-scale varied landscape character.

The proposed development site is accessed off a rural lane (Cemetery Lane) along which runs a PRoW (2920). A caravan site adjoins the site to the west beyond which are horse paddocks. Adjoining the site to east there is an area of industrial units which currently shares an access with the proposed development site. Open agricultural land lies to the north, south and further to the east. Westbourne Cemetery, a locally listed heritage asset, is situated approx.150m to south east of the site and is also accessed off Cemetery Lane.

No Landscape and Visual Impact Assessment has been submitted to quantify the degree of impact caused by the proposals. The intensified use of Cemetery Lane, including the increase in vehicular traffic, is likely to give rise to both adverse landscape and visual effects. This would include adverse effects on the amenity of the users of the PRoW (2921) travelling along the rural lane. PRoW users are considered to be sensitive visual receptors who are likely to have a high expectations of scenic beauty. In addition the intensified use of Cemetery Lane is also likely to have an impact on a locally listed heritage asset (Westbourne Cemetery). I agree with the concerns of the CDC historic buildings advisor has raised about the potential impact on the setting of the locally listed cemetery and on the ‘quiet serenity befitting a place of rest’.

The proposals would result in further adverse impacts on users of the PRoW by opening up views to the existing industrial buildings through the proposed new access road with no proposed mitigation provided. Currently these buildings are reasonably well screened by existing boundary and internal vegetation and an existing vegetated bund (proposed to be removed). In addition the increased density of the proposed built form would have an adverse impact on the views from the lane. Limited landscape details are provided so it is difficult to assess the appropriateness and effectiveness of the proposed planting.’

Conclusion: The proposed development is likely to give rise to a number of adverse visual and landscape impacts. These collective impacts have the potential to negatively affect the character of the area and result in an unacceptable level of harm to users of a PRoW and a locally listed heritage asset. The application does not adequately quantify the level of impact upon the landscape and it does not demonstrate if, through mitigation, those impacts can be reduced to an acceptable level. Without sufficient supporting evidence it is not possible to support this application. Summary response: Objection’

**9 Impact on the Setting of a Heritage Asset**The Case Officer’s report does not consider the impact on the adjacent Cemetery. The Cemetery is classified in CDC’s Historic Environment Register as a non-designated heritage asset in accordance with paragraph 129 of the NPPF. This site was given considerable consideration at the Foxbury Lane appeal. Apart from its intrinsic heritage value, the significance to Westbourne residents lies in the rural setting of the Cemetery. The Cemetery illustrates the statement made by English Heritage in its publication ‘Paradise Preserved’ on the importance to communities of historic cemeteries: ‘because they provide green oases within built-up areas, cemeteries are also places for rest and contemplation in a more general sense, offering opportunities for fresh air and exercise, or simply a place for quiet communion with nature’. In dismissing an appeal by developers for permission to build 28 houses adjacent to the Cemetery in 2014, the Inspector noted the importance of the rural setting to the ‘overall significance of the asset’ and acknowledged the importance of the ‘quiet serenity in the cemetery to those visiting it’. The Case Officer’s report does not even mention this important appeal precedent. It would have been expected that the Case Officer would have properly considered the Heritage evidence heard at the appeal inquiry in this regard, and accepted the adjudged extent of the impact on the significance of the historic environment.

In assessing WE/14/03139/FUL, CDC’s Historic Buildings Advisor (see: 14-03139-FUL-CDC-HISTORIC-BUILDINGS-ADVISOR-1944835) observed: ‘The site will bring increased noise and disruption to a tranquil rural area housing a heritage asset. The intensification of use of the site is likely to have an experiential impact on the setting of the non-designated heritage asset. Whilst not immediately adjacent to the cemetery, the site is none-the-less considered to be within its setting. The Setting of Heritage Assets (2010) defines setting as ‘the surroundings inwhich an asset is experienced’. It elaborates: …Setting embraces all of the surroundings (land, sea, structures, features and skyline) from which the heritage asset can be experienced or that can be experienced from or with the asset. Setting does not have a fixed boundary and cannot be definitively and permanently described as a spatially bounded area or as lying within a set distance of a heritage asset.

English Heritage Guidance identifies a number of factors which contribute to setting which in the case of Westbourne cemetery are likely to include the following:   
• Land use   
• Green space, trees and vegetation   
• Openness, enclosure and boundaries   
• Experience of the asset   
• Surrounding landscape or townscape character   
• Noise, vibration and other pollutants or nuisances   
• Tranquillity, remoteness, ‘wildness’   
• Sense of enclosure, seclusion, intimacy or privacy   
• Dynamism and activity   
• Accessibility, permeability and patterns of movement

The rural context of the cemetery contributes to all of these aspects and will have done so throughout the lifetime of the asset. As such it maintains an ability to appreciate and experience the heritage asset in a meaningful way. In this regard, the removal of hedgerows defining field boundaries is likely to be detrimental. Any development nearby is likely to harm this in ways that thus far are not all fully understood. From English Heritage’s list these are likely to include the following impacts:   
• Change to built surroundings and spaces   
• Noise, odour, vibration, dust, etc   
• Lighting effects and ‘light spill’   
• Change to general character   
• Changes to land use, land cover, tree cover   
These changes to setting are likely to be harmful to the quality of people’s experience which at present is one of quiet serenity befitting a place of rest.’

**10 Impact on the South Downs National Park.**The Case Officer’s report does not consider the impact on the nationally designated area of landscape: South Downs National Park. This area is considered a gateway to the National park. It appears that the SDNPA may not even have been consulted on this application. In these respects the criterion 5 of the Local Plan policy 36 has not been demonstrated to have been met. As a minimum, a Heritage Assessment and Landscape Impact Assessment should be completed to confirm there is no harm, or that it capable of satisfactory mitigation before the policy is satisfied.

**11 The emerging Westbourne Neighbourhood Plan as a material consideration.**   
Weight should be afforded to the emerging Westbourne Neighbourhood Plan as a material consideration. The Neighbourhood Plan has completed the Regulation 14 consultation. The NPPG, National Planning Practice Guidance, sets out that when an application is premature it may justify a refusal of planning permission where it is clear that there are adverse impacts for granting permission which would significantly and demonstrably outweigh the benefits, after taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where the proposal is so substantial, or the cumulative effect of the development would be so significant, that to grant permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning. The Case Officer has ignored this.

The Case Officer’s report is wrong to simplify the issue to say that the settled communities of Woodmancote and Westbourne are substantially larger. That is not assessing the real impact of the cluster of pitches in one area. A more thorough assessment of the impact is required. There have been numerous incidents of anti-social behaviour that have arisen as a result of the existing clustering of pitches, let alone any further intensification. Some of these have been reported in the WNP Regulation 14 consultation response. This cluster of pitches in one area is in vast contrast to the proposal in the Regulation 14 pre-submission consultation version of the Neighbourhood Plan for 6 units proposed at Foxbury Lane. (Draft NDP Policy SS3) This would be the nearest neighbour to the proposals.

**12 The site is identified as within a Local Gap and a Biodiversity Corridor in the emerging WNP**  
In addition the emerging Neighbourhood Plan has identified the site as a Local Gap and is proposing that the Cemetery is a Local Green Space. Cemetery Lane itself is designated as a Biodiversity Corridor. The Case Officer’s report is completely silent on the impact on these important local emerging policy designations.

**13 Infrastructure considerations**The Case Officer’s report does not consider or mention the effects that these new plots will have on the already overstretched infrastructure of Westbourne. Both the local schools have currently no more capacity to accept any more children. It is already extremely difficult to get a Doctor’s appointment. The access to this plot is over an unadopted and unmade road which is breaking up badly and for which there is no provision made in the conditions for maintenance.

**14 CDC’s legal obligation**CDC has an obligation to consider alternative sites, particularly where the tranquil setting of a Heritage Asset is patently threatened. Sadly CDC abandoned the promised DPD which would have addressed this issue and in doing so is currently failing in its duty to establish a coherent policy to identify G&T sites throughout the CDC area. There are three recent and very relevant High Court precedent judgements that have quashed granted permissions:   
 1 /Barnwell-v-East-Northamptonshire-DC   
 2 /Forest of Dean v SoS for Communities   
 3/ Forge Field Society v Sevenoaks DC final judgment 12 June 2014   
In his summing up of the latter case MR JUSTICE COULSON concluded ‘The Council’s assessment of alternative sites was deficient. This was an error of law. It compounds the Council’s failure to apply the strong statutory presumption against planning permission being granted for development which would harm either the setting of a listed building or a conservation area, or, as in this case, both.’

**15 Gypsy & traveller pitches and showpersons’ plots in the CDC district per parish/ward**The figures demonstrate that Westbourne has been unfairly targeted to fill CDC’s requirement to identify a five year supply of pitches and plots in the district. The numbers in Westbourne have more than doubled in the last 4 years and the Parish now houses some 25% of all sites in the CDC area.

**GYPSY & TRAVELLER PITCHES AND TRAVELLING SHOWPERSONS PLOTS IN THE CDC DISTRICT PER PARISH/WARD***All CDC Disrict Town Total Gypsy & Total travelling Total transit Total pitches /plots % of pitches/plots   
& Parish Councils traveller pitches showpersons plots site pitches with permission accommodated   
 with permission with permission*TOWN & PARISH COUNCILS ACCOMMODATING GYPSY AND TRAVELLER SITES:

Westbourne PC 36 1 0 37 22.02%

Funtington PC 19 2 3 24 14.29%

Southbourne PC 9 14 0 23 13.69%

Tangmere PC 23 0 0 23 13.69%

Sidlesham PC 12 3 0 15 8.93%

E Wittering PC 8 2 0 10 5.95%

Chid/Hambrook PC 9 0 0 9 5.36%

Westhampnett PC 0 0 9 9 5.36%

Oving PC 8 0 0 8 4.76%

Hunston PC 3 0 0 3 1.79%

Chichester DC 0 2 0 2 1.19%

Kirdford PC 2 0 0 2 1.19%

Birdham PC 1 0 0 1 0.60%

North Mundham PC 1 0 0 1 0.60%

Wisborough Grn PC 0 1 0 1 0.60%

TOWN & PARISH COUNCILS WITH NO GYPSY AND TRAVELLER SITES:

Bepton PC 0 0 0 0 0.00%

Bignor PC 0 0 0 0 0.00%

Bosham PC 0 0 0 0 0.00%

Boxgrove PC 0 0 0 0 0.00%

Bury PC 0 0 0 0 0.00%

Cocking PC 0 0 0 0 0.00%

Compton PC 0 0 0 0 0.00%

Donnington PC 0 0 0 0 0.00%

Duncton PC 0 0 0 0 0.00%

Earnley PC 0 0 0 0 0.00%

Easebourne PC 0 0 0 0 0.00%

East Dean PC 0 0 0 0 0.00%

East Lavington PC 0 0 0 0 0.00%

Ebernoe PC 0 0 0 0 0.00%

Elsted & Treyford PC 0 0 0 0 0.00%

Fernhurst PC 0 0 0 0 0.00%

Fishbourne PC 0 0 0 0 0.00%

Fittleworth PC 0 0 0 0 0.00%

Graffham PC 0 0 0 0 0.00%

Harting PC 0 0 0 0 0.00%

Heyshott PC 0 0 0 0 0.00%

Lavant PC 0 0 0 0 0.00%

Lodsworth PC 0 0 0 0 0.00%

Loxwood PC 0 0 0 0 0.00%

Lurgashall PC 0 0 0 0 0.00%

Linchmere PC 0 0 0 0 0.00%

Midhurst Tn Council 0 0 0 0 0.00%

Milland PC 0 0 0 0 0.00%

Northchapel PC 0 0 0 0 0.00%

Petworth Tn Council 0 0 0 0 0.00%

Plaistow & Ifold PC 0 0 0 0 0.00%

Rogate PC 0 0 0 0 0.00%

Selsey Town Council 0 0 0 0 0.00%

Singleton PC 0 0 0 0 0.00%

Stedham & Iping PC 0 0 0 0 0.00%

Stoughton PC 0 0 0 0 0.00%

Sutton PC 0 0 0 0 0.00%

Tillington PC 0 0 0 0 0.00%

Trotto/Chithurst PC 0 0 0 0 0.00%

West Dean PC 0 0 0 0 0.00%

West Itchenor PC 0 0 0 0 0.00%

West Lavington PC 0 0 0 0 0.00%

West Wittering PC 0 0 0 0 0.00%

Woolbeding PC 0 0 0 0 0.00%

Totals 130 25 12 168 100.00%

**GYPSY & TRAVELLER PITCHES AND TRAVELLING SHOWPERSONS PLOTS PERMISSIONS GRANTED 2012 TO 2016**GYPSY & TRAVELLER PITCHES AND TRAVELLING SHOWPERSONS PLOTS PERMISSIONS GRANTED 2012 TO 2016

*Parish 2012 2016 2012 to 2016 2012 to 2016*

*Total pitches/plots Total pitches/plots Increase in pitches/plots % extra pitches/plots*

*with permission with permission with permission accommodated*

INCREASES 2012 TO 2016:

Westbourne 18 37 19 25.68%

Southbourne 9 23 14 18.92%

Funtington 4 24 10 13.51%

Westhampnett 0 9 9 12.16%

Chidham/Hambrook 1 9 8 10.81%

Sidlesham 7 15 8 10.81%

Hunston 0 3 3 4.05%

E Wittering 8 10 2 2.70%

Birdham 0 1 1 1.35%

NO INCREASE 2012 TO 2016:

Chichester 2 2 0 0.00%

Kirdford 2 2 0 0.00%

North Mundham 1 1 0 0.00%

Oving 8 8 0 0.00%

Tangmere 23 23 0 0.00%

Wisborough Green 1 1 0 0.00%

**Totals** 94 168 74

**NOTES ON THE FIGURES ABOVE:**• With the granting of this latest permission Westbourne houses a total of 41 pitches/plots. The percentage housed in Westbourne Parish stands at over 25% of all the pitches/plots in the entire CDC district.• CDC has a total of 60 Parish and Town Councils within its District which are covered by the CLPKP 2014-2029. Of the 60 only 15 Councils accommodate Gypsy and Traveller sites and Travelling Show persons plots.   
• Between 2012 to 2016 Westbourne has seen by far the biggest increase in extra pitches/plots than any other Council/ward in the CDC whole district. In that period the amount of permissions has more than doubled.  
• Between 2012 to 2016 only 9 parishes have had to accommodate additional pitches/plots. Westbourne has had to accept 19, or 25%, of those new pitches/plots. To now recommend to permit an additional 4 plots is unsound, unsustainable and at odds with the rate paying residents of Westbourne who wish to retain a balanced community.   
• This intensification and unbalanced approach to planning policy fails to offer the sensible planning practice that is expected of the CDC planning department’s leadership. Whilst the Gypsy and Traveller subject is sensitive CDC must, on behalf of entire community, draft and implement a coherent, fair and balanced long term policy; a policy that is currently sadly lacking.

In conclusion I would ask that you consider the implications of the many mistakes that have been made in this case and to request the officers involved to reconsider the situation while there is still have time to do so. I would also ask for your assurances that the planned DPD, with a coherent policy that identifies G&T sites throughout the CDC area, is prepared and issued forthwith. To that end, I would be grateful if you could specify a date by which this DPD will be completed. I look forward to hearing from you.

Yours sincerely

Richard Hitchcock, Chairman, Westbourne Parish Council

**Appendix – Details of Issues relating to 15/04086/FUL**

**From:** Diane Shepherd <[DShepherd@chichester.gov.uk](mailto:DShepherd@chichester.gov.uk)>  
**Sent:** 07 August 2016 12:56  
**To:** Westbourne\_Parish\_Council  
**Cc:** Steve Carvell; John Ward; David Stewart; Nicola Golding; [andrew.tyrie.mp@parliament.uk](mailto:andrew.tyrie.mp@parliament.uk); [sajid.javid.mp@parliament.uk](mailto:sajid.javid.mp@parliament.uk); [dave.jones@communities.gsi.gov.uk](mailto:dave.jones@communities.gsi.gov.uk);   
**Subject:** RE: Unsafe planning decision

 Dear Mr Hitchcock   
 Thank you for your letter. I am looking into the issues that you have raised and will come back to you shortly.  
Yours sincerely   
**Diane Shepherd**Chief Executive Chichester District Council

**From:** Westbourne Parish Council [<mailto:westbournepc@outlook.com>]   
**Sent:** 07 August 2016 10:41  
**To:** [louise.goldsmith@westsussex.gov.uk](mailto:louise.goldsmith@westsussex.gov.uk)  
**Cc:** [tony.kershaw@westsussex.gov.uk](mailto:tony.kershaw@westsussex.gov.uk); [matt.davey@westsussex.gov.uk](mailto:matt.davey@westsussex.gov.uk); [bernadette.marjoram@westsussex.gov.uk](mailto:bernadette.marjoram@westsussex.gov.uk); [sandra.james@westsussex.gov.uk](mailto:sandra.james@westsussex.gov.uk)  
**Subject:** Unsafe planning decision

Dear Ms Goldsmith

*Re: WE/15/04086/FUL*

*Proposal: Change of use of land to provide 4 no. travelling show person's plots. Applicant: Mr J Sullivan. Site: The Old Army Camp, Cemetery Lane, Woodmancote, Westbourne, West Sussex. Recommendation to permit with S106. Map ref (E) 476550 (N) 107555.*

I write, on behalf of Westbourne Parish Council, to bring to your urgent attention to the above planning application and decision. We believe that the recent grant of planning for this application, subject to the completion of a S106 agreement, is unsafe as there are several procedural issues with give grounds for challenge. We believe that the consultation between Chichester District Council and West Sussex County Council is flawed, and given the implications of the decision to our community, I would request that you ask your officers to provide an explanation for the deficient consultation process.

I would be grateful if you could read the attached letter and give it your immediate consideration, and I look forward to hearing your comments.

Yours sincerely

Richard Hitchcock

Chairman of Westbourne Parish Council

**SEE COPY OF LETTER TO DIANE SHEPHERD, ABOVE**

**From:** Louise Goldsmith <[louise.goldsmith@westsussex.gov.uk](mailto:louise.goldsmith@westsussex.gov.uk)>  
**Sent:** 15 August 2016 16:02  
**To:** Parish Clerk (Westbourne)  
**Cc:** Tony Kershaw; Matt Davey; Bernadette Marjoram; Sandra James  
**Subject:** RE: Unsafe planning decision

Dear Mr Hitchcock,

Thank you for your email dated 7 August 2016 regarding WE/15/04086/FUL.  As requested, I have sought comments from officers with regard to the response to the planning consultation and my understanding is as follows.

In their capacity as the local planning authority, Chichester District Council consulted West Sussex County Council, as the local highway authority, for comment on highway matters.  The subject title, shown on both the consultation and subsequent highways response, was derived from the application form submitted by the Applicant.

WSCC officers’ commented on the content of the documents submitted in support of the application, and not the subject title alone.  The applicant’s Planning Statement made it clear that the application sought permission for four travelling showman’s pitches.  When responding, officers were aware of the permission that was being sought.

The former or current use of a site was a material planning consideration.  There was already the precedent of a travelling showpersons pitch (05/00756) and the storage of rides/equipment (09/00091) having been approved on the site.  As such, these vehicles were already on the network and using the Foxbury Lane/Cemetery Lane junction.

In reviewing the site layout plan, which forms part of the approved application, the arrangements identified sufficient space on each plot to accommodate two mobile homes, parking for a touring caravan and car/van, and a storage/maintenance area.  No details were shown on the approved drawing to imply that the occupants have or could operate HGV/long vehicles from the site.

I hope that this clarifies matters more but do please come back to me if you have any further queries.

Kind regards.

Louise

Louise Goldsmith.

Leader West Sussex County Council

Chichester West Division.

Mrs D Shepherd AF/15/04086/FUL 19 August 2016

Direct Line 01243 534407

Email: [dshepherd@chichester.gov.uk](mailto:dshepherd@chichester.gov.uk)

Dear Mr Hitchcock  
**Change of use of land to provide 4 travelling show persons plots - The Old Army Camp, Cemetery Lane, Woodmancote, Westbourne**

Thank you for your letter dated 5 August 2016 regarding the above development. I have now had the opportunity to discuss the issues you raised. I note your concerns about the decision made by the Council in respect of this planning application and have addressed the individual points made in the same order as set out in your letter.

The first point I should make in relation to the decision notice is that immediately following the Planning Committee meeting, the applicant submitted a signed planning obligation (Section 106 agreement) with the required payment in respect of mitigating the nature conservation impact of recreational disturbance within Chichester Harbour. This then enabled the decision notice to be issued on the same day, i.e. on 20 July. Planning permission has therefore been granted by the Council. Taking your points in turn:

1. *Access – CDC procedural mistake in consultation*   
Your comments on this point have been raised with WSCC Highways and I note that Dominic Smith, Team Manager, County Highways has responded directly to you to advise that whilst the description of development in the planning consultation referred incorrectly to gypsy and traveller pitches, highway officers were aware from the application documentation that the proposal was in fact for travelling show persons plots. Their consultation response to the application was therefore provided on this basis. The description of development was corrected by the Council but it was not considered necessary to reconsult WSCC. Whilst I appreciate your concerns, I believe that you attended the Planning Committee meeting and so will no doubt recall that members of the committee did debate the adequacy of Cemetery Lane to accommodate heavy vehicles. As you know, no objection was raised by the statutory highway consultee and there were not therefore considered to be highways grounds to resist the proposals. The additional comments by Mr Smith do, I trust, now clarify WSCC’s reasoning in reaching the conclusion not to raise an objection.

*2. Planning application form wrongly made and misleading*Section 3 - whilst technically the response may be incorrect, members were aware from their visit to the site prior to the Planning Committee meeting that some works had been carried out. The committee report also made this point clear at paragraph 2.3. I think it is clear that members were not misled on this point.  
Section 6 - the proposals do not as far as the Council is aware, affect any existing rights of way and so the response on the application form is in my view appropriate. The applicant will separately need to obtain a right to use Cemetery Lane but that is my view a different point not addressed by the question on the form.  
Section 13 - you will note from the planning committee report on this application that nature conservation as an issue is focused principally on the impact of the proposals on Chichester Harbour. There was no specific comment from the Environmental Strategy officer as the site was not considered to contain significant nature conservation features. I do not consequently consider that the planning application form was completed inaccurately by the applicant although I acknowledge your comments regarding the existing hedges and note that it is intended that these are to be retained as part of the landscape scheme for the site.   
Section 15 - there are existing hedges along the site boundaries and so this question does appear to have been completed by the applicant in error. However, members were clearly aware of this from the site visit and from the officer presentation to the committee which included photographs of the site together with the submitted application plans. Again, I am satisfied that the committee was not misled on this point.   
Section 25 – Government guidance advises that the submitted site location plan should show all of the land required to carry out the proposed development. In this case, the applicant submitted an ownership certificate A which indicates that the applicant owns all of the land to which the application relates and this appears to accord with the submitted site location plan. Where a site is served by a private road as in this case, it is not unusual within this district, where there are many private roads, for applicants for planning permission to show the application site extending to the road rather than including it and for the application to be validated by the Council on this basis. I do not believe there is any evidence that the applicant sought to submit a misleading certificate and do not agree that either the application site was shown incorrectly or that the wrong certificate was served. It is the case however that the applicant will need to secure rights from the owner(s) of the road to use it to obtain access to the site.

*3. Previous reasons for refusal still valid*The Council has a responsibility to consider all applications on their individual planning merits having regard to the development plan, national policy and guidance and to all other material considerations. Whilst I appreciate that the recommendation to grant permission (subject to a section 106 agreement) was contrary to the previous refusal on the site, the reasons for this are set out in some detail in the officers’ committee report. In particular, the Council is currently unable to demonstrate a five year supply of sites as required by government policy and so must consider applications on a case by case basis, giving significant weight to the identified need. As a result of the change in the planning definition of gypsies and travellers in August 2015, the Council has decided at this stage not to continue preparation of a site allocation development plan document as substantial further background work will be required. The Council cannot therefore rely on this as a basis to object to proposals that come forward for its consideration. Secondly, the Inspector’s comments in respect of the recent (April 2016) appeal decision for 4 gypsy pitches on Land West of Harwood were considered to be relevant and material to the application for the Old Army Camp. In particular, officers considered that her conclusions regarding the cumulative impact of such development on the settled community and the effect of the appeal proposal on the cemetery needed to be considered carefully and given weight in assessing the application for the Old Army Camp. The importance of this was reinforced as a result of the decision by the Inspector to award costs against the Council on the grounds of unreasonable behaviour in refusing permission on these grounds. There were therefore considered to be sound planning reasons for the recommendation to grant permission, notwithstanding the earlier decision although I would clarify that there is no requirement for a legal justification by the Council in making its decision. I would advise therefore that I am satisfied that the committee report is thorough and comprehensive and that members debated the key planning issues in detail before reaching the decision to grant permission.

*4. Applicant’s offer to reduce the application to accommodate fewer plots*The application was submitted as a proposal for four travelling show persons’ plots and so needed to be considered on its planning merits. For the reasons outlined above and within the officers’ committee report, there was not considered to be sufficient planning justification to pursue a reduction in the number of plots shown.

*5. Current case officer’s comments to applicant’s agent*The role of the case officer is to objectively assess the proposal before them in light of all the relevant planning considerations, weigh the issues raised in the balance and make a recommendation as to whether permission should be granted or not. It is not unusual for the case officer to request further information; to ask for clarification on certain matters or to indicate amendments or changes that might be required to render a proposal more acceptable, in carrying out this assessment. From reading the correspondence to which you refer, this relates to the accuracy of the site boundaries shown on the plans and the landscaping proposals and in general terms is the type of advice that local planning authorities are expected to give in providing the Development Management service. I would emphasise however that such advice is given without prejudice to the decision finally reached by the Council. I would add that Parish Councils can also seek advice from either the case officer or manager on the progress of individual cases, particularly where they have concerns.

*6. Biodiversity factors and biodiversity corridor*It is acknowledged that the officers’ committee report does not contain reference to biodiversity as a key issue, beyond the impact on Chichester Harbour as explained above (point 2). However, a planning condition was attached to the permission requiring details of any external lighting to be agreed with the local planning authority prior to first occupation of the development. Floodlights have not been approved by the Council and I have asked the Enforcement Team manager to investigate this matter further.

7. *Cumulative adverse impact created by clustering of pitches*Contrary to your assertion, this issue is, I believe, addressed at paragraph 8.6 of the officers’ committee report. In particular and as indicated above (point 3), the Council had to be mindful of the appeal decision in respect of Land West of Harwood where the Inspector commented in relation to this issue:  
*‘There is no firm estimate of the number of pitches in the locality before me, but Westbourne is a village of some 2300 people. While there is another traveller site in Cemetery Lane this and the appeal proposal would amount to amount to 24 pitches. Other sites are dispersed around the local area, but I have seen no evidence that this amounts to a significant number of pitches. I am therefore not persuaded that, with the proposed development, travellers would comprise a disproportionate section of the population so that they could be said to dominate the settled community’.* (para 23)

Given the proximity of that site to the Old Army Camp, the Inspector’s conclusions on this issue do, in my view, equally apply to the application for the Old Army Camp. Members’ attention were therefore rightly drawn to the appeal decision and so they were able to take it into account in assessing the extent to which the settled community would be dominated by the cumulative impact of the gypsy and traveller and travelling show persons development that has taken place in the vicinity of Cemetery Lane. Whilst I appreciate the concerns raised on this point, I am satisfied that this important issue was addressed properly and in detail. I would add that the Westbourne Neighbourhood Plan is at an early stage in its preparation and so has limited weight at this point in the development management process. I understand however that officers’ in the Council’s Planning Policy Team have provided advice on the evolving neighbourhood plan and will continue to offer advice and support where required.

*8. Impact on Character and Appearance of the Area*Contrary to your comments, the effect of the proposals on the cemetery heritage asset is assessed at paragraph 8.8 of the officers’ committee report. The assessment concludes:  
*‘It is considered that having regard to the distance, orientation, location, the levels of existing and proposed supplementary landscaping to the boundaries, with the stationing of any equipment set to the rear (east) of the plots and the expected minimal increase in traffic movements, that the development would on balance not have any discernible impact on the tranquillity of the cemetery and would therefore not harm the significance of the non-designated heritage asset’*

The committee report also identifies that the site is outside any specific landscape designations (including the South Downs National Park) and is well screened by hedgerows and trees (paragraph 8.7) and explains that with additional proposed landscaping, the impact of the development would not be significantly harmful. The committee report goes on to conclude at paragraph 8.9 that:   
*‘Overall by reason of the current unmet need in the district, the brownfield status of the land and the level of screening that exists, and which can be reinforced, it is not considered that the proposal would cause due harm to the character and appearance of the area’.*

I note your reference to the comments from WSCC on the earlier application (for 12 pitches under 14/01132/FUL) but it is pertinent to note that the case officer’s report concluded in relation to the effect on the character of the area (notwithstanding the WSCC consultation response) that ‘*the landscape impact is therefore considered to be localised and on balance no objections are raised.’* Consequently, although planning permission was refused, the grounds for refusal did not include an adverse impact on the character of the area. I do not agree therefore that the issues of local character that you refer to were not assessed by the Council.

*9. Impact on the Setting of a Heritage Asset*Contrary to your assertion, the impact on the heritage asset is addressed at paragraph 8.8 of the officer’s committee report (see also points 3 and 8 above).

I acknowledge your reference to the previous application for 5 traveller pitches on this site (14/03139/FUL) on which the Council refused planning permission on grounds that included the adverse impact on the cemetery and chapel which are non-designated heritage assets. However, the recent appeal decision in relation to Land West of Harwood represents a material planning consideration and so was taken into account by the Council. As indicated in point 3 above, the Inspector in allowing the appeal concluded that there was no substantiated evidence that the appeal proposal would result in a material increase in traffic or that this would have a discernible effect on the tranquillity of the cemetery. She found that there would not therefore be harm to the significance of the non-designated heritage asset. The Inspector also noted that the appeal site did not lie between the village and the cemetery and so did not give rise to the concerns identified by the previous Inspector in dismissing the Foxbury Lane appeal for housing development. Given the proximity of the Old Army Camp to the appeal site, I believe it was appropriate for the Council to reach the same conclusion. Paragraph 135 of the NPPF states that: ‘…..*In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.*

In assessing the effect on the heritage asset, I am satisfied that the Council took all of the relevant considerations into account and reached a balanced judgment based on the planning merits of the proposal.

*10. Impact on South Downs National Park*Your comments on this issue are addressed under point 8 above. The Council considered the landscape impact of the development to be localised and not significantly harmful and therefore not harmful to the character or setting of the national park.

*11. Emerging Westbourne Neighbourhood Plan as a material consideration*It is acknowledged that the Neighbourhood Plan has weight in the planning process but as indicated in point 7 above, its weight is at this stage limited. I am afraid that your reference to the NPPG is incomplete as it goes on to state:   
*‘Refusal of planning permission on the grounds of prematurity will seldom be justified where a draft Local plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period… ‘*

The Neighbourhood Plan is clearly not at the stage identified by the NPPG where a refusal of permission based on the ‘prematurity’ of a proposed development might have been justified and I understand that Andrew Frost (Head of Planning Services) advised members on this important point at the Planning Committee meeting. Your further comments regarding the clustering of pitches have already been addressed in point 7 above.

*12. Site is identified as a Local Gap and Biodiversity Corridor in emerging WNP*Whilst the weight of the plan is limited at this point, it is a material consideration and so I have asked Andrew Frost to ensure that this is made clearer in officer reports on planning applications in future.

*13. Infrastructure Considerations*The Council adopted the Community Infrastructure Levy (CIL) in January 2016 and expects that funding for infrastructure to support the growth of the area (including additional school places) will largely come from this source, via planning applications that are liable to pay the CIL. In this respect, the Council is working closely with WSCC to ensure that future necessary and essential improvements to existing infrastructure are understood and can be considered through the Council’s annual Infrastructure Business Planning process. Cemetery Lane is a private unadopted road and it will therefore be necessary for the applicant to obtain the necessary rights to use it and to agree to contribute towards future maintenance. This point was debated by members and is noted in the minutes of the Committee meeting.

*14. CDC’s Legal Obligation*The Council had a responsibility to consider the planning application for this site on its individual planning merits. Applications must also be determined in accordance with the development plan unless other material considerations indicate otherwise. In this case therefore, the starting point is the Council’s adopted Local Plan and it is evident that this is referenced in the officers’ Committee report together with a number of relevant policies of the plan, including policy 36 which relates specifically to gypsies, travellers and travelling show persons development. Policy 36 contains a series of criteria which must be satisfied and I believe that it is evident that these were all fully assessed within Section 8 of the committee report. There is no requirement within this policy for either the applicant to demonstrate that they have looked at alternative sites or for the Council to carry out such an exercise as part of the assessment of individual planning applications. I have already explained under point 3 above why the Council is not at this stage continuing with the preparation of the Gypsies and Travellers DPD but would advise that this is an important area of policy that will be considered as part of the forthcoming review of the adopted Local Plan. Your letter does not explain why you consider the three court cases referred to as being relevant to the proposals at the Old Army Camp other than by reference to comments from Mr Justice Coulson. I would advise however that the Old Army Camp is not subject to any specific landscape designation in contrast to the designations referred to in the court case.

*15. Gypsy and Traveller Pitches and Traveling Show persons Plots in the CDC District*The figures in the tables set out in your letter were, as you know, provided by the Council earlier this year in response to requests for clarification of the position.  The Council is fully aware from this assessment that Westbourne Parish has a higher proportion of permitted pitches/plots compared to other Parishes located either entirely or partly within the Chichester Local Plan area (i.e. excluding the area within the South Downs National Park). Notwithstanding this, I have to advise that there is no specific targeting of Westbourne by the Council but rather that the Council is reacting to planning applications that are submitted for its consideration. I appreciate that the current position is of particular concern to the Parish Council and can only emphasise again that all such planning applications are assessed by the Development Management service objectively and transparently.

As outlined above, work on the Gypsy, Travellers and Travelling Showpeople Site Allocations DPD was halted due to changes in government guidance in particular relating to the planning definition of gypsies. It was recognised that further background work was needed to support any subsequent allocation documents and had the Council proceeded it is highly likely that the allocation document would have been vulnerable to a successful legal challenge.  This is an unfortunate consequence of the change in definition.  Given the timing of the Local Plan review, this work will now be undertaken through the review, work on which is shortly to commence. In the meantime when planning applications are received by the Council from applicants, the Government’s document ‘Planning Policy for Traveller Sites’ (August 2015) and Policy 36 of the adopted Chichester Local Plan: Key Policies 2014-2029 provide the policy basis on which the submitted planning applications can be determined, which is line with government guidance.

In summary, although I acknowledge the extensive concerns of the Parish Council regarding this matter, I am satisfied that the decision made by the Council was based on a detailed assessment of all of the relevant planning issues and was soundly made on valid planning grounds. I have seen no evidence whatsoever that either the Council or Planning Committee was misled or that mistakes were made by the Council in assessing the proposals. I hope my detailed explanation will assist in explaining the reasons for the decision but please let me know if you have any further queries.  
Yours sincerely,

****

Diane Shepherd

Westbourne Parish Council

53 Skylark Avenue

Councillor Louise Goldsmith Emsworth

Leader of West Sussex County Council PO10 7GB

County Hall

Chichester 07775 654483

PO19 1RQ westbournepc@outlook.com

5 September 2016

Dear Councillor Goldsmith

**WE/15/04086/FUL**

Many thanks for your email of 15th August. Apologies for not having responded but, as I am sure you will appreciate, it is extremely challenging for a small group of volunteer non-experts to come to terms with the complexities of planning law.

I read with interest your statement that “the current use of a site was a material planning consideration” and that “these vehicles were already on the network and using the Foxbury Lane/Cemetery Lane junction”. I am not quite sure which vehicles are being referred to here. As far as I am aware, the occupants on the current site do not possess or operate any HGV or long vehicles from the site. However, as stated in my original letter to you, Part 2 of the Road Traffic Act (RTA), Authorisation of Special Types (General Order 2003) - STGO - stipulates that the maximum legal size of Travelling Showmen rigs allowed is 22m length (72.61ft) x 2.75m width (9.02ft) and articulated vehicles with an overall length exceeding 15.5 metres require: ‘Turning Circle - must be able to turn within concentric circles with radii of 12.5 metres (41ft)’. I am unaware of any condition in the planning permission that would prohibit occupants of the four new travelling showmen plots from operating such large rigs.

In my letter, I go on to say the following. “Due to the existing width of the roads and the positioning of the hedgerows, it is currently impossible for a rig even approaching the maximum legal size to turn safely from Foxbury Lane into Cemetery Lane without extensive remodelling of the entrance splays. The land that would be required for this is in private ownership and is adjacent to the Cemetery Heritage Asset. The Travelling Showmen vehicles would be sharing this very narrow private Lane (4.2m wide) with the regular funeral corteges destined for the Cemetery. It should be noted there are no passing places in this part of the Cemetery Lane. An application should not give rise to highway danger and clearly Cemetery Lane is inadequate for the vehicles proposed and undoubtedly would give rise to potential highway safety issues. WSCC Highways has clearly failed to assess the actual situation properly, for whatever reason.

I would very much appreciate if you could provide me with the drawings that were used by WSCC to show that a rig of the dimensions described in Part 2 of the Road Traffic Act (RTA), Authorisation of Special Types (General Order 2003) – STGO could negotiate the junction of Cemetery Lane and Foxbury Lane safely and that, indeed, there would be no problems when the vehicles travel along the narrow roads of Westbourne, as they would be obliged to do.

Towards the end of your letter, you write: “No details were shown on the approved drawing to imply that the occupants have or could operate HGV/long vehicles from the site”. I would have thought that WSCC should be aware of the fact that such vehicles could potentially be used by future occupants of the plots and that all eventualities would be factored in when arriving at a decision. I look forward to receiving further clarification.

Yours sincerely

Cllr Richard Hitchcock, Chair of Westbourne Parish Council

**From:** Clare Tivey <[clare.tivey@westsussex.gov.uk](mailto:clare.tivey@westsussex.gov.uk)> on behalf of Louise Goldsmith <[louise.goldsmith@westsussex.gov.uk](mailto:louise.goldsmith@westsussex.gov.uk)>  
**Sent:** 20 September 2016 07:40  
**To:** Parish Clerk (Westbourne)  
**Subject:** RE: WE/15/04086/FUL

Dear Mr Hitchcock

Thank you for your recent email letter.

West Sussex County Council, in its role as Local Highway Authority (LHA), was required to review the information submitted with the planning application and base its formal consultation information on this.  Section 10 of the planning application form establishes the types of vehicles to be parked on the site.  This section makes no reference to the applicant’s intention to park HGVs or other such oversized showmen’s vehicles on the site.  The submitted planning statement, along with the approved layout plan, also makes no reference to HGV’s or other similar vehicles parking on or operating from the site.  Based upon the approved layout plan, it is apparent that the constrained nature of the site would prohibit large vehicles from turning within or parking on the approved plots.

A condition preventing HGVs or other oversized showmen’s vehicles from parking on or operating from the approved site was not sought.  The physical constraints of the site, that restrict access by HGV’s and do not provide sufficient space to park such vehicles, make this requirement self-enforcing.

Notwithstanding the above, the principle of showmen’s vehicles using the B2147 Foxbury Lane/Cemetery Lane junction has already been established by way of WE/05/00756 and WE/09/00091.  These permissions relate to the provision of a travelling showmen’s plot on Cemetery Lane along with additional storage.  There have been no recorded accidents at this junction in the last three years.  The geometry of the junction may restrict turning for larger vehicles, however, there is no evidence to suggest that these constraints are resulting in a highway safety issue arising from these infrequent manoeuvres.

The overall planning application has been considered against current planning policy.  Paragraph 32 of the National Planning Policy states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.  Based upon the information available, the LHA are satisfied that the residual cumulative impact of the development would not be severe, and that there would be no reasonable highway safety or capacity grounds to have justified a highway objection.  The final decision on the planning application and the requirement for conditions was made by Chichester District Council, as the Local Planning Authority.

Yours sincerely,

Louise

Louise Goldsmith, Leader, West Sussex County Council

**From:** Michael Elkington <[michael.elkington@westsussex.gov.uk](mailto:michael.elkington@westsussex.gov.uk)>  
**Sent:** 26 September 2016 11:04  
**To:** Parish Clerk (Westbourne)  
**Subject:** RE: Stage One Corporate complaint : Cllr Richard Hitchcock WE/15/04086/FUL

Dear Ms Kennett,

Further to the attached email, I will be dealing with this matter under Stage 1.  However, I am on leave next week and will not be able to meet the 7 October deadline.  Therefore, I will have to put it back by a week and will respond no later than 14 October 2016.

Regards

Mike Elkington

From: "**Michael Elkington**" <[michael.elkington@westsussex.gov.uk](mailto:michael.elkington@westsussex.gov.uk)>  
Date: Thu, Oct 13, 2016 at 3:36 PM +0100  
Subject: RE: Stage One Corporate complaint : Cllr Richard Hitchcock WE/15/04086/FUL  
To: "Parish Clerk (Westbourne)" <[westbournepc@outlook.com](mailto:westbournepc@outlook.com)>  
  
Dear Mr Hitchcock,   
I have been asked to respond to your letter of 22nd September 2016 under Stage One of the corporate complaints procedure, and address the actions of the County Council as the local highway authority (LHA) in responding to planning application reference 15/04086/FUL.  This response addresses the 18 questions raised at the end of your letter.  The response should be read in conjunction with the letter, as the response uses the same numbering format.

1.       When consulted by Chichester District Council (CDC), in their capacity as the local planning authority (LPA) on 26th January 2016, the application description on the consultation was ***‘****Change of use of land to provide 4. no gypsy/traveller pitches and ancillary works’****.***  It was clear from the planning statement, submitted as supporting documentation by the applicant, that this incorporated references to travelling show persons.  The application was assessed on this basis, taking account of all the information submitted to, and validated by, the LPA.

 2.       Please see the answer to question 1.  It is noted that the application has since been changed on the CDC planning website.  The LHA was not approached to make any changes to the submitted consultation document.  The LHA were not contacted to discuss the proposal or requested to attend the Planning Committee meeting by CDC.

 3.       The information submitted by the applicant and reviewed by the LHA did not indicate that such vehicles were expected to use this site.  The site plans do not allow for such vehicles to be catered for on the site.

 4.       Please see answer to question 3.

 5.       Please see answer to question 3.

 6.       The LHA will advise the LPA on any condition it considers are necessary to make the site acceptable in planning terms.  The LPA are the determining body, and they would need to be satisfied that any conditions are necessary and accord with rules and regulations governing the use of conditions.

7.       A condition preventing HGVs or other oversized showmen’s vehicles from parking on or operating from the approved site was not sought.  The physical constraints of the site, that restrict access by HGV’s and do not provide sufficient space to park such vehicles within the site, make this requirement self-enforcing.

8.       The use of conditions is governed by national Planning Practice Guidance and usage tests set out in the National Planning Policy Framework (NPPF).  Requesting such a condition would not comply with the requirements of these governing documents, given that the physical constraints of the site do not facilitate access by such vehicles.

 9.       Please see answer to question 8.

 10.    The LHA is a statutory consultee in the planning process.  It is required to review development proposals, consider the impact against appropriate national and local policy, guidance and design standards and report its recommendations to the LPA.

 11.    The current application was assessed against different policy compared to that of the 2009 application, most notably the introduction of the NPPF in March 2012.  Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

The LHA took full account of previous history of both this and surrounding sites, giving full consideration to previous officer observations, consultation responses and site visits.  With regards to 09/00091, this sought only to extend the travelling showman’s plot approved by way of WE/05/00756, to which no objection was raised by the LHA.  The principle of travelling showmen’s vehicles using Cemetery Lane has already been established through previous grants of planning consent.

 12.    In accordance with the WSCC Transport Assessment Methodology and appendix (b) of the Department for Transport publication “Guidance for Transport Assessment”, a development of this scale would not require a formal trip generation assessment.  Notwithstanding this, the Trip Rate Information Computer System (TRICS) was used to cross-reference the likely trip generation against a comparable location for 16 residential dwellings.

13.    There is no aspect within the supporting application documents to imply that large HGV vehicles will be on, or using, the site.

14.    Any planning consultation that is considered to be a ‘major’ application, such as 15/04086/FUL, involves a site visit by the responding officer.  Based on the extensive planning history for Cemetery Lane, the site and its environs have been visited on a number of occasions by various officers responding to applications.  For the current application, the site was visited during the 21 day consultation period on Tuesday 2 February 2016.

15.    This is a statement of fact; the LHA are a statutory consultee in the planning process and provide a formal recommendation to the LPA.  The LHA have no power of direction to determine planning applications.  In this instance, the LHA recommendation to the LPA was that there was no evidence supporting a reason for refusal, when considering the application against current national and local planning policy and guidance.

 16.    TRICS is industry standard, online trip generation assessment software; printouts or copies of the results are not retained after use.

17.    All planning documents used to assess the application are available for public viewing on CDC planning page, and are the same documents used by the LHA when undertaking an assessment.

18.    Through the planning process, the LHA can only recommend conditions or other such controls necessary to make the development acceptable in planning terms.  In this instance, such a control is not considered relevant, necessary, or reasonable for the reasons set out in the answers above.  In addition, Cemetery Lane is a private road and even if a ban could be applied, this would still need to allow for HGV access to consented uses accessed by the road.

I hope this email addresses your complaints but if you remain dissatisfied, you have the right to request a review of the complaint for the Chief Executive under Stage Two of the Corporate Complaints procedure.  The request should be made in writing to Dave Loveman, Customer Relations Team Manager, County Hall, Chichester, West Sussex, PO19 1RQ, or by sending an email to [feedback@westsussex.gov.uk](mailto:feedback@westsussex.gov.uk).  You should include the reasons why you are dissatisfied with my response and what you wish to see happen to put things right.  
Regards  
Mike Elkington

Westbourne Parish Council

53 Skylark Avenue

Emsworth

PO10 7GB

Diane Shepherd Chief Executive

Chichester District Council, East Pallant House, 1 East Pallant, Chichester PO19 1TY

24 October 2016

Dear Mrs Shepherd

**Gypsy/Traveller and Travelling Showpeople planning department concerns - Westbourne**

Thank you for your letter dated 19 August 2016 in response to my own. Westbourne Parish Councillors have studied and discussed your reply in detail and do not feel that your response satisfactorily addresses or answers the serious procedural and policy issues we have raised. The WPC have concluded that CDC has behaved either incompetently, recklessly or out of political expediency in this case. The responses we are dissatisfied with and that inform our conclusion are stated further on in this letter. We ask that we are supplied with specific and detailed responses to all the questions raised. I write here on behalf of the whole Parish Council as well as for the great majority of Westbourne residents, all of whom are alarmed at the way the community is being undermined by CDC’s high handed attitude to its local parishes.

0.1 One of our major concerns is the lack of regular and useful communication between CDC and our own parish council. As we understand it, this is not an uncommon complaint among many CDC parishes that we liaise with at various parish forums. As a parish council we see our role as the local eyes and ears in Westbourne. We believe we are best placed to comment on local proposals and to advise on them, or where appropriate, feed those local concerns, issues and aspirations through to CDC to consider to both inform and to help shape future policy. However on planning matters and enforcement, the issues we raise and pass on are very often ignored and we very rarely receive any informed feedback. As a recent example, a local Westbourne businessman, when preparing a planning application, offered to enter into a S106 agreement to provide the village with a part of his land for village car parking use, something Westbourne desperately needs and wants. In turn the WPC, as consultee, responded to CDC supporting the application and requesting a S106 be included. But then we heard no more; no case officer enquiries, no feedback, no comment, absolutely nothing. CDC then proceeded to grant permission without a S106 included, or a condition stating that village parking should be provided, or even any reference to village parking at all. It seems improbable that CDC would want to deliberately antagonise local ratepayers, but by failing to inform or brief local representatives, parish councils are unable to convey CDC’s new, revised or amended policies to the local community, and indeed are themselves left completely in the dark about important policy changes.

0.2 For many years the settled residents of Westbourne lived in harmony with the Gypsy/Traveller and Travelling Showpeople (GTTSP) community, centred predominantly on Cemetery Lane, who in the main assimilated well and contributed to our Parish. The numerical balance of the settled and GTTSP communities, up until 2012, worked reasonably well and there was little friction between the two.

0.3 But as we have already made you aware the amount of new GTTSP plots and pitches have become a matter of great concern for our parishioners; indeed it was the number one issue stated in our NP consultations (for your information - a village car park was second). We have come to believe that CDC is failing to give the Parish the support it needs in maintaining a proper balance between the GTTSP community and the Parish’s settled community. Since 2012 the GTTSP community has more than doubled as a result of CDC granted permissions, and/or CDC failures to enforce or as a result of unannounced changes to previously stated CDC policies. In 2012 there were 18 pitches and plots in the Parish; now there are in excess of 40. Westbourne now houses 25% of all the pitches and plots in the entire Chichester District Council area, and the increase in granted permissions has more than doubled in the last four years. The friction between the settled and GTTSP communities has increased, with both anecdotal and reported occurrences of trouble, intimidation, traffic and general incidents all of which have risen alarmingly; and this all exacerbated by the recent withdrawal of a dedicated PCSO service to police the escalating situation, as a result of financial cuts.

0.4 Parish councillors have tried to raise the GTTSP issue with CDC senior planning officers at various parish council forums over the last fifteen months, but they have always been dismissed as not relevant to the gathering, not on the agenda, etc, etc, and no alternative time or venue for a discussion has ever been offered. It took the WPC several months to dig out the CDC cabinet briefing paper on the abandonment of the GTTSP DPD; we were totally unaware that this action had taken place and we certainly were not told by CDC of it, despite it being of greater significance to us than any other Parish. What began as irritation has now morphed into anger amongst the community and frankly CDC’s actions are regarded as an arrogant dereliction of duty by failing to notify or discuss important policy changes with the people most directly affected. To this day we have not received any official communication or statement from CDC regarding this policy change and certainly no offer to discuss it or explain its ramifications to us. It is this endemic disdain for the local parishes that must be addressed urgently.

0.5 We would strongly recommend that CDC make a much greater effort to communicate, cooperate, inform and attempt to work more closely with the many local volunteer CDC area parish councils; councils and councillors who continue to strive to improve the lot of their communities in spite of CDCs attitude towards them. CDC’s current approach makes a mockery of the Localism Act by its high handed and autocratic behaviour and undermines and discourages the efforts of all those who are trying to contribute, and make a difference, to their communities. We respectfully suggest that as Chief Executive you should rapidly review of CDC’s current policies and practice in this regard, and urgently introduce guidelines to rectify current practices as soon as is practicably possible. With the current cuts in services and the parishes having to take on a lot of that strain, we believe you should be acting without delay. If the content of this letter seems ‘punchy’, then we are sorry, but as Chief Executive we feel you should be aware of both the strength of feeling amongst many parishes and the current attitudes of some of your senior staff.

**Responses we are dissatisfied with and our request for detailed, specific answers to the questions raised:**

1 Access *– CDC procedural mistake in consultation*

1.1 You grudgingly acknowledge ‘whilst *the description of development... referred incorrectly to gypsy and traveller pitches.’* You go on to say *‘highway officers were aware from the application documentation that the proposal was in fact for travelling show persons plots’*. Whilst the officers might have been aware, and maybe also some of CDC committee members, what about parish councils like ourselves, and members of the public? We and they certainly weren’t aware from looking at the application online and most certainly we and they were misled. As we receive no direct communication from you, the WPC has to rely on the portal for information. We also rely on our parishioners to have their say and to convey their feelings to us, and thereafter to you. That process is disrupted or destroyed by erroneous and misleading information being published by CDC themselves. Further, we note you avoid mentioning CDC’s role in this, addressing only WSCC’s. Yet even in the case officer’s committee report for the members (15\_04086\_FUL-COMMITTEE\_REPORT\_20.07.16-2161888) the confusion continues. It states in 6.2: *‘WSCC Highways response: The LHA has been consulted previously on highways matters relating to this site under the following planning applications; 14/01132/FUL, 14/03139/FUL, 15/00381/FUL and 15/03979/FUL to which no highway objections were raised. The application seeks to provide the change in use of land* ***to provide 4 gypsy/traveller*** *pitches and ancillary works.*’ It should be noted that the WSCC quoted four precedent cases in their assessment. Three of them, 14/01132/FUL, 14/03139/FUL and 15/03979/FUL were for gypsy & traveller pitch assessments **not** travelling showman plots. 15/03979/FUL is an application for travelling showman plots, but if you read the WSCC LHA consultation for that case, it quotes 14/01132/FUL, 14/03139/FUL - both for gypsy & traveller pitches - as the precedent to allow the application for travelling showman plots. The different definitions for the two GTTSP communities come from the very different and specific needs they have. Showpeople are much more likely to have large vehicles and fairground attractions and rides, and require the appropriate road access. Did the case officer check and realise that the precedents quoted and relied on were for gypsy & traveller pitches, not travelling showman plots?

**1.1 Questions:** a)Please explain how your department made these highly misleading mistakes and what measures will be taken to prevent such mistakes re-occurring? b) Did the case officer check the precedents, or realise that they were for gypsy & traveller pitches not travelling showman plots? c) If the case officer did check the precedents and did realise that they were for gypsy & traveller pitches, why was a re-consultation not sought?

1.2 We did not write originally just to nit-pick procedural mistakes, of which there were clearly several. Our point is that this is a serious road safety issue. The NPPF is crystal clear. Para 32 states that ‘*development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe*’ and to require that ‘*safe and suitable access to the site can be achieved*’. We say again, it is impossible for a 22 metre, maximum size rig, to turn from Foxbury Lane into Cemetery Lane and thereafter into the site.

**1.2 Question:** Please explain why, under these circumstances, the application was granted, particularly when the serious road safety issues were specifically pointed out to senior planning officers, by WPC members who were present, in the committee room?

1.3 If, as we suspect and as she stated in correspondence, the WSCC LHA consultee considered access for a Gypsy/Traveller site rather than for Travelling Showpeople (quite reasonably, as a Gypsy/Traveller site consultation had been specifically requested by the CDC case officer), it is hardly surprising that there were no highway grounds found to resist the proposal. It is also surprising that the CDC case officer didn’t re-check that WSCC had assessed this conclusion correctly. After all whilst WSCC are responsible for checking the access to the site, the case officer was responsible for checking that the maximum permissible vehicles could turn within the plot. It must have become obvious at that point that for such a 22 metre rig (the legal maximum usable size under the Road Vehicle (Construction and Use) Regulations 1986 and the Road Traffic Act 1988 being 22m x 2.75m), it would be physically impossible for it to turn from Foxbury Lane into Cemetery Lane, or from Cemetery Lane into the site, or then turn within it.

**1.3 Question:** Once it was obvious to the case officer that a maximum size TSP rig could not access the site, why was no condition to restrict the size of vehicles allowed either recommended, or applied, to the granted permission?

1.4 We requested that you supply copies of the case officer’s drawings and the assessment documents that would have been prepared to demonstrate that the 22 metre maximum legally permissible rig could indeed turn into, and also within, the plot. Why did the planning department take such a cavalier approach to serious road safety issues, in both their wording of the WSCC Highways consultation as well as in assessing both the site itself and the turning circle within it? These road safety issues greatly affect our parish and our parishioners, so we request we receive a detailed explanation, an explanation that we have not received to date.

**1.4 Question**: a) If the case officer did, as they were obliged to, check the maximum turning circle that could be achieved within the site, what was the conclusion as to the maximum turning circle that could operate here, in metres? b) We previously requested copies of the case officer’s drawings and the assessment documents but so far they have not been received. Why not? **Requirement:** Please supply those copies directly.

1.5 In the case officer’s committee report the LHA’s comments are quoted, stating under: ‘*Access/Visibility: This application is very light on detail and there are no clear plans to indicate access, visibility and parking or turning on site.’* Given that it is now claimed that all the parties knew this application was for travelling show persons plots, that the vehicles were by definition going to be very large, and presuming that both the LHA and the case officer would have to know, or at the very least checked, the Road Vehicle (Construction and Use) Regulations 1986 and the Road Traffic Act 1988 regarding the 22 metre legal maximum size of TSP rigs, how come, in light of LHA’s comments regarding the inadequacy of the plans supplied, the case officer didn’t request further information or clarification from the applicant? Why didn’t LHA request further information or clarification from the case officer?

**1.5 Question:**  Why didn’t the case officer request further information or clarification from the applicant regarding the plans showing access, visibility and parking or turning on site?

2 *Planning application form wrongly made and misleading*

2.1 We note that you acknowledge **Sections 3 and 15** of the application were incorrectly made yet they were not challenged by the case officer or the planning department senior officers. Patently the application should not have been validated as submitted because some of the information was false. For both Sections 3 and 15, you defend these mistakes on the grounds that the committee members had carried out a site visit, seen what was going on and so therefore they weren’t likely to have been misled, however not all the committee members visited the site. But what about the public ratepayers trying to follow it online not being made aware of this? CDC has a duty of care to all its ratepayers to undertake the proper scrutiny diligently. If an application is incorrectly validated how on earth is anyone trying to follow it on the CDC planning portal going to discover these mistakes? They undoubtedly would been misled.

**2.1 Questions:** a) Why did the case officer validate Sections 3 and 15 knowing them to be incorrectly stated? b) Why didn’t the case officer challenge Sections 3 and 15 or seek greater clarification from the applicant, was it oversight or lack of due diligence? c) What measures are CDC going to introduce to tighten up scrutiny of submitted planning application forms in the future, and to prevent the public ratepayers being misled by false information being published online?

2.2 As to **Section 6** of the application form entitled: ‘*Pedestrian and* ***Vehicle*** *Access, Roads and* ***Rights of Way***’ the final question is ‘*Do the proposals require any diversions/extinguishments* ***and/or creation of rights of way****?*’ Clearly by your statement further down (at the end of Section 25) ‘*the applicant will need to secure rights from the owner(s) of the road to use it to obtain access to the site*’ you accept that it did indeed require the creation of a new vehicular right of way. The question on the application form is very clear and unequivocal and the proposal certainly does require the creation of a new vehicular right of way. Your statement then that ‘*the proposals do not as far as the Council is aware, affect any existing rights of way and so the response on the application form is in my view appropriate*’ is frankly weasely and disingenuous. The proposal may indeed not affect any **existing** rights of way, but it certainly requires a **new** vehicular right of way, *ie* the ‘creation of rights of way’ as specifically asked for in the question on the application form. The case officer states in the committee report that Cemetery Lane is a privately owned road and therefore was well aware of this situation, and that it would require ‘creation of rights of way’ by a grant of rights from the owner/s or frontager/s before any access could be gained. Clearly this part of the application was, again, incorrectly made and it should not have been validated.

**2.2 Questions:** a) Why didn’t the case officer challenge Section 6 or seek greater clarification from the applicant? Was it an oversight or lack of due diligence? b) Did the case officer seek advice from the CDC legal department regarding whether new vehicular rights, the creation of rights of way, would be required in this case? c) Does CDC routinely ignore parts of the wording on planning application forms if it deems them inconvenient?

2.3 As to **Section 13** - you state: ‘*There was no specific comment from the Environmental Strategy officer as the site was not considered to contain significant nature conservation features.*’ Not considered by whom? This is a remarkable and untrue response, because the Environmental Strategy officer had recently been consulted and had raised the bat and bird issue. In *15/00381/FUL,* a near identical earlier application for the exact same site, the exact same usage and in the same year (refused), the previous case officer consulted the Environmental Strategy officer who specifically commented regarding Bat and Bird protection. In his Report Sheet the previous case officer, records under ‘List Designations’ both Sussex Bats and Notable Birds Buffer. Presumably the case officer for this newer application would have used the previous report as the basis for any new report, given that there were only a few months between the two? CDC’s Environmental department have identified Cemetery Lane as an important Bat Network; indeed they have even supplied us with an excellent ecological map showing this important Bat Corridor in the lane, for inclusion in the WNP. The WNP itself makes comment on the biodiversity in this area, but as has been made clear CDC chose to ignore the NP on ‘technical’ grounds, despite it meriting material consideration, as well as encapsulating the community’s views. The real answer appears to be that the case officer failed/forgot to consult Environmental Strategy, which would explain why there was no response. The consultation that the case officer sought was to Environmental Health only, regarding the question of contaminated land. So, both questions a) & b) of Section 13 were incorrectly answered and that was quite obvious from just a cursory glance at the application form. Another reason why the application should not have been validated.

**2.3 Questions:** a) Why didn’t the case officer challenge Section 13, questions a) & b), or seek greater clarification from the applicant? Was it an oversight or lack of due diligence? b) Why wasn’t the Environmental Strategy officer consulted? c) Who determined that ‘*the site was not considered to contain significant nature conservation features?*

2.4 As to **Section 25**, you state *‘Where a site is served by a private road as in this case, it is not unusual within this district, where there are many private roads, for applicants for planning permission to show the application site extending to the road rather than including it and for the application to be validated by the Council on this basis.* We find this statement extraordinary. The DCLG Planning Practice Guidance, Validation Requirements, are quite clear; and they are not optional. They state; ‘*What are the national information requirements? An application for planning permission* ***must be accompanied by****:* • *Plans and drawings. • Ownership Certificate and Agricultural Land Declaration. • Design and Access Statement (for some planning applications).* These requirements continue: *‘The DCLG Planning Practice Guidance, Validation Requirements, Para: 024 states: What information should be included on a location plan? … A location plan should identify sufficient roads and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear. The application site should be* ***edged clearly with a red line*** *on the location plan. It should* ***include all land necessary*** *to carry out the proposed development (e.g.* ***land required for access to the site from a public highway****, visibility splays, landscaping, car parking and open areas around buildings).’*  The national validation requirements are unequivocal and obligatory, yet it seems that you are suggesting that CDC do not follow them in all cases. The land needed for access to the application site from a public highway is private, as the case officer’s report identifies: *‘Cemetery Lane is not adopted highway and doesn’t form part of the highway network.........Cemetery Lane meets the adopted Highway at Foxbury Lane.’* Clearly then an accurate location plan, as mandatorily required by the national validation requirements, should have been supplied. It should have been edged clearly with a red line around all the land necessary to carry out the proposed development, including the land required for access from the public highway. The location plan, to meet the validation requirements, had to include the application site, and the access from the application site to the junction with Foxbury Lane. Clearly it did not.

**2.4 Questions:** a) Why didn’t the case officer challenge Section 25, or seek greater clarification from the applicant? b) Was it an oversight or lack of due diligence? c) Are you really claiming that CDC do not, or do not have to, follow the mandatory national validation requirements in all cases? **Requirement:** Regarding your statement: ‘*Where a site is served by a private road as in this case, it is not unusual within this district, where there are many private roads, for applicants for planning permission to show the application site extending to the road rather than including it and for the application to be validated by the Council on this basis.* Please supply CDC reference numbers and brief details of any recent applications where this has been the case, and the national validation requirements ignored or overruled.

2.5 You say ‘*it is not unusual within this district’,* and ‘*do not agree that the wrong certificate was served*’. Your statement is frankly breath-taking. Given that the National Validation Requirements are mandatory, and the application should only have been validated if an accurate location plan, edged clearly with a red line that included all the land necessary to carry out the proposed development, including land required for access to the site from a public highway, had been provided. Even the most junior of planning officers are aware that this is a compulsory requirement in the validation procedure. Knowing this, how come the case officer validated the application that not only had a falsely drawn location plan, but was also erroneously accompanied by a Certificate A? Assuming the case officer decided to turn a blind eye to the location plan’s deficiencies, how was the ownership issue of the land covering the access lane running from Foxbury Lane to the site ignored? That action can only be legitimately explained if the case officer believed that the applicant owned Cemetery Lane. If that is the case, what evidence was this based on? Was a Land Registry check undertaken? As your planning department is well aware, a Certificate B (or conceivably a Certificate C or D) is required ‘*Where the applicant does not own the whole of the site (or is a joint owner) a declaration that Notice has been served on the other owner(s). The name and address of the person(s) on whom Notice has been served should be listed, together with the date on which the Notice was served (which must not be later than the date of the application declaration).’* Completing a false or misleading Article 12 certificate is a serious issue. Clearly this part of the application was indeed incorrectly made and, as proscribed by DCLG’s Planning Practice Guidance. The law is clear: ‘*An application is not valid, and therefore cannot be determined by the local planning authority, unless the relevant certificate has been completed. It is an offence to complete a false or misleading certificate, either knowingly or recklessly, with a maximum fine of up to £5,000.’*

**2.5 Questions:** a) Why did the case officer validate the application with an incorrect Certificate A provided? b) Did the case officer believe that the applicant owned Cemetery Lane? c) Was a Land Registry check undertaken? d) Did the case officer seek advice from the CDC legal department regarding which Article 12 Certificate would be required in this case?

2.6 Any planning application form has to be validated by the LPA before it is accepted and is published for public inspection. In this case multiple erroneous claims were made on the application form that the case officer either failed to pick up, or ignored. It is virtually impossible to believe that so much incompetence or errors were made as a result of mistakes or oversight. It is also extremely difficult to believe that such a sensitive GTTSP application, which completely reversed the policies that had been applied up to a few months earlier, would not have been very closely directed by, or liaised with, a senior planning policy officer or officers. An officer or officers who, if they were closely involved, must also have been fully aware of the application’s validation requirement deficiencies.

**2.6 Questions:** a) Did the case officer make all these mistakes alone by oversight, or were they directed by senior colleagues to allow the validation as it was presented? b) If the case officer was closely directed by, or liaised with, senior planning policy officer or officers, which officer or officers were involved?

2.7 In your previous reply you attempted to shrug off of these points by saying *‘I think it is clear that members were not misled on this point’* and *‘Again, I am satisfied that the committee was not misled on this point.’*  We believe that that answer is both arrogant and condescending and amply demonstrates a complete disregard for the CDC ratepayers as a whole. You seem oblivious to the fact CDC has a duty of care to all who live in the CDC area, not just to your own planning committee members. Frankly it is outrageous to conclude that only your ‘inner circle’ should be privy to the additional information made available to the committee members. Certainly any ordinary resident, relying on the CDC publicly available information, could not fail to have been misled by what was validated. Indeed without a lot of concerted and painstaking digging, and detailed analysis of the documents, this parish council would certainly also have been totally misled in this. All CDC ratepayers have a right to expect CDC to conduct planning matters, correctly and diligently and, where mistakes are made, that they are corrected and the revised documents are immediately published on the CDC portal as a marked revision to bring them to the attention of those interested in any particular application.

**2.7 Questions:** a) Please provide a statement of CDC’s policy on providing all CDC’s ratepayers with accurate and timely information regarding all aspects of planning applications. b) Please provide a statement of how CDC intend dealing with mistaken information posted on the portal from now on, and how that corrected information will be highlighted when it is revised/changed.

3 *Previous reasons for refusal still valid*

3.1Regrettably in your response to this the only statement that has a solid factual base is *‘The Council has decided .... not to continue preparation of a site allocation development plan document.* Indeed the most devastating effect on our community is directly due to the Cabinet’s decision to abandon work on the site allocation DPD, effectively throwing our community to the wolves.

**3.1 Question:** Does CDC agree or disagree that in light of abandonment of the GTTSP DPD, Westbourne Parish has been left without a means of defending itself against speculative GTTSP applications?

3.2 *The* 03-11-15 Cabinet briefing paper on abandoning work is revealing: *‘3.15. If work ... is significantly delayed, there is the potential risk of additional planning applications and appeals being submitted.’* And *‘6.1. ...The Council may need to deal with increased speculative planning applications.’* Under *‘8.1. There is a lack of certainty about the overall need and location of sites for gypsies and travellers. This could have an adverse impact for both traveller and settled communities,* and *8.2. While it can be argued that the gypsy and traveller community is disadvantaged through the delay in the production of the Gypsy, Traveller and Travelling Showpeople DPD, there remains an opportunity to submit planning applications for the provision.’*

**3. 2 Question:** Does CDC agree or disagree that it was fully aware of the possibility of speculative GTTSP applications as a result of its actions?

3.3The flimsy reason given for abandoning work was that to carry on it might result in the DPD being found unsafe or later challenged; this despite a simple internet search indicating that the vast majority of other LPAs and District Councils nationwide have now completed, or are continuing to progress, their GTTSP DPDs. A cynic can only conclude that CDC has chosen this path out of political expediency. For as long as there is no GTTSP site allocation DPD in place, CDC can quietly continue to fulfil its long term GTTSP sites requirement by granting GTTSP permissions in Westbourne. If the rate that permissions have been granted in Westbourne over last two years continues, it is highly likely that CDC will not need to undertake a GTTSP DPD at all, as its provision of GTTSP sites in the 2012-2027 period will have been satisfied in Westbourne Parish alone.

**3.3 Question:** Does CDC agree that it is unlikely to resume work on a GTTSP DPD given that it is now a year since it ceased work and its requirements are virtually completely filled?

3.4 CDC’s course of action will doubtless save CDC considerable expense, both financially and in human resources. But without a GTTSP site allocation DPD in place, Westbourne Parish is denied any chance of defending itself against an apparent ongoing epidemic of speculative GTTSP planning applications that it has endured in recent times. As highlighted in the briefing paper, CDC is well aware that this Parish is unable to defend itself; yet there no sign of any action is being taken to rectify this.

**3.4 Question:** Does CDC agree or disagree that its course of action will save itself considerable expense as a result of its abandonment of a GTTSP DPD?

3.5 You state: ‘*Whilst I appreciate it......was contrary to the previous refusal on the site ...........the Council is currently unable to demonstrate a five year supply of sites as required by government policy and so must consider applications on a case by case basis, giving significant weight to the identified need’.* In the previous refusal on the site the case officer recommended refusal as only 2 TSPs were required. At the time of this application that requirement was reduced to 1 TSP. So there was very good reason to refuse, or at least negotiate, given that the applicant had offered to reduce the application to 2 TSPs previously. Further it seems preposterous to us that all the previous reasons for refusal on this site for travelling show people have been reversed because of a change in the Gypsy, Traveller and Travelling Showpeople definition. That is a particularly lame excuse, as the previous refusal reasons still had, and have, a sound basis in planning terms.

**3.5 Questions:** a) Does CDC agree or disagree that it had good grounds for refusal as the application was for 4 TSPs and only 1 was required? b) Please explain why a change in GTTSP definition reverses previous sound planning reasons for refusal?

3.6 You quote the Harwood Appeal as reason. ‘*In particular, officers considered that her conclusions regarding the cumulative impact of such development on the settled community and the effect of the appeal proposal on the cemetery needed to be considered carefully and given weight in assessing the application.’* But you have illogically assumed that an inspector will continue to believe that the balance is still acceptable despite the many extra permissions that have been allowed since the appeal was heard. Further CDC shot itself in the foot at the appeal, the inspector saying: ‘*it was clear that the Council had not ascertained the level of traffic currently using Cemetery Lane. Neither had it calculated the likely traffic from the appeal site to demonstrate that any increase would be material.’*

**3.6 Question:** Does CDC agree or disagree, that by not providing the inspector with the requisite data on traffic usage, it had failed to prepare the necessary research for the appeal, a contributory factor to the appeal failing?

3.7 CDC also failed to provide the evidence from its own Historic Buildings Advisor that the Cemetery was indeed recognised as a non-designated Heritage Asset: *‘The Council argues that the proposed development would have an adverse effect on the nearby cemetery. The Council considers this to be a non-designated heritage asset, though it is not locally listed and the Council could not point to any document in which it is identified as such.*’ This evidence existed and could have been provided to the inspector. Had CDC prepared and presented the appeal properly it would not have succeeded. To use this as an excuse to grant this current application for fear of an appeal is a highly dubious back covering exercise.

**3.7 Question:** Again does CDC agree or disagree that it failed to prepare the necessary research for the appeal?

3.8 On the face of it, it appears that GTTSP applications in Westbourne are being ‘nodded through’ out of political expediency by CDC, while similar GTTSP applications in other Parishes are being staunchly defended. The extraordinary inconsistency of policy applied to Westbourne GTTSP applications as compared to other Parishes certainly appears to support our fears.

**3.8 Question:** Does CDC agree or disagree that GTTSP applications in Westbourne are being ‘nodded through’ out of political expediency?

3.9 An example of this is clear in *15/02504/FUL* Change *of use of land......to Gypsy and Traveller site, Scant Road, Hambrook,* along with CDC’s Statement of Case arguments prepared for the coming appeal proceedings. The refusal reasons for Scant Road, Hambrook are given as:

1) .....*’the applicant has failed to demonstrate to the satisfaction of the Local Planning Authority, that future occupiers of the 10 caravans are Gypsies and Travellers, and will meet the definition contained at Annex 1 of the Planning Policy for Travellers and Showpeople (PPTS) (August 2015). In the absence of this evidence, the proposal falls to be determined in accordance with the Development Plan unless material considerations indicate otherwise...........’*

Whilst in Scant Road CDC is prepared to defend their decision at appeal by citing that potential occupiers have failed to identify themselves, in advance of occupation, as bona fide Gypsies and Travellers, when it comes to Cemetery Lane, where the same situation existed, the CDC case officer does not appear to have made any enquires at all of the potential occupiers and their bona fides. There is nothing in the case report to indicate that any enquiries were made at all, and no evidence was put to the committee members.

2) *’The site is located adjacent to 18 established Gypsy and Traveller Sites and Travelling Showperson’s sites, with extant permission for a further plot. The cumulative provision of 29 pitches and plots in this rural location, would represent an over intensification of Gypsy and Traveller sites in one location outside a settlement boundary, leading to a development that would dominate the Gypsy, Traveller and Travelling Showpeople community, contrary to policy 36(6) of the Adopted Chichester District Local Plan Key Policies: 2014-2029.’*

Again CDC is prepared to defend at appeal this reason for refusal, when they have declined to defend Cemetery Lane, which undoubtedly has a stronger claim to over intensification in one location, outside a settlement boundary, than Scant Road.

4) *’The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority, how the proposal will mitigate for the impact of the development on the Chichester Harbour SPA/SAC/SSSI/Ramsar sites in terms of additional recreational pressure will be secured. In the absence of this information it is not possible to conclude that the development would not have a likely significant effect on the protected habitats of Chichester Harbour contrary to the Conservation of Habitat and Species Regulations 2010, paragraphs 14, 109, 113, 118 and 119 from the NPPF and policy 50 of the Adopted Chichester Local Plan Key Policies: 2014-2029.’*

Again CDC is prepared to defend at appeal this reason for refusal; this when the Cemetery Lane case officer ignored a previous report on biodiversity issues and failed to consult the Environmental Strategy officer even though it was known and well documented that they had advised on this previously. At Cemetery Lane the applicant was allowed to pay a small fee in mitigation and a S106 was rushed through on the same day as the permission was granted.

**3.9 Questions:**  a) Can CDC offer a logical explanation why different GTTSP policies are being applied to different Parishes? b) Why were the planning grounds in Cemetery Lane not sufficient to merit a refusal, when the very same grounds of bona fide GTTSPs, over intensification*,* and biodiversity at Scant Road, deemed sufficient to merit not only a refusal, but also CDC support in appeal?

4 *Applicant’s offer to reduce the application to accommodate fewer plots*

4.1 We have asked why the case officer didn’t try negotiate the application down to 1 or 2 TSPs, given that the applicant had already offered this in the recent past, and the CDC requirement was for 1 TSP only. You stated that: ‘*The application was submitted as a proposal for four travelling show persons’ plots and so needed to be considered on its planning merits’......*and ‘*there was not considered to be sufficient planning justification to pursue a reduction in the number of plots shown.*’ The consensus of nationally accepted good practice states that a showman’s yard should be: *‘Yard size - allow for a minimum of 0.5 to 1 acre per yard which can comprise space for equipment and multiple residential accommodation plots; in terms of longer term sustainability and allowing for household growth, a preference was indicated for larger yard sizes where possible.’* See frequent local district authorities’ references via internet search or use the link: *‘*http://www.ryedaleplan.org.uk/attachments/article/259/TH11\_North\_Yorkshire\_Accommodation\_Requirements\_of\_Showmen\_Final\_Report\_Arc4\_Ltd\_(Dec\_2009).pdf. The application site extends to a mere .49 hectares or 1.2 acres making it suitable for a maximum of two plots only if national guidelines are followed. If this is not ‘*sufficient planning justification to pursue a reduction in the number of plots’,* then what is? In point 16 below we have included the letter from Mr Joseph Crick, Showman’s guild no 5402, who wrote to CDC in March 2015. He stated: *'My chief concern is that is that because the application failed now the land owner has been made aware that the council has to provide 6 showman’s yards by 2017 in order to comply with the needs assessment is that the application has been submitted in order to pull the wool over the councils eyes. As a genuine showman my fear is that if this development is permitted then that will take up 4 yards of the 6 that the council has said is needed by 2017 and these yards will be used by non-showman as I can‘t imagine any genuine showman buying one.’* It is clear to us that CDC has been conned in this, and in time this site will revert to another gypsy and traveller site. What we have to try to decide is whether CDC did this knowingly to opportunistically fill their GTTSP quota, or whether it was just downright incompetence.

**4.1 Questions:**  a) Why when the CDC requirement was for 1 TSP only was it not considered to be sufficient planning justification to pursue a reduction in the number of plots? b) What were the planning merits that were identified that persuaded CDC to accept the application for 4 TSPs rather than negotiate for 2 or 1 TSP? c) Was the acceptance of the application for 4 TSPs born out of political expedience to allow CDC to gain a surplus of GTTSP plots and pitches while the going was good, and thereby save itself both a GTTSP DPD and also any possible resistance or confrontation with other Parishes in the CDC area in the future? d) Why were the national guidelines for the size of showman’s plots ignored and not followed?

5 *Current case officer’s comments to applicant’s agent*

5.1 You say that *‘It is not unusual for the case officer to request further information; to ask for clarification on certain matters or to indicate amendments or changes that might be required to render a proposal more acceptable’.* From this we assume that had you wanted to, you could easily have requested full clarification of the obvious false statements contained in the planning application form, and clarified the plans, the access, visibility, the parking and turning on site. We also assume from this that you could have negotiated, or attempted to negotiate, with the applicant for 1 or 2 TSPs on the grounds that was the outstanding requirement for the CDC area. Indeed that is precisely what the previous case officer successfully managed, presumably with senior officer support and/or knowledge. So it is a mystery to us as to why neither of these paths were pursued. The only conclusion we can come to is that CDC, having given itself the opportunity by ceasing work on a GTTSP DPD, is exploiting it by attempting to build a future proofed surplus of GTTSP sites while it can; and at Westbourne’s expense.

**5.1 Questions:**  a) Is CDC attempting to build a future proofed surplus of GTTSP sites while it can? b) If that is not the case why didn’t the case officer negotiate fewer plots and insist that the false statements made in the planning application form be corrected?

*6. Biodiversity factors and biodiversity corridor*

6.1 You say: ‘*It is acknowledged that the officers’ committee report does not contain reference to biodiversity as a key issue, beyond the impact on Chichester Harbour.’*  How come? Given that the Environmental Strategy officer had specifically commented on the Bat and Bird issue during the previous application for the site, and given that biodiversity concerns are one of only four principal reasons for refusal in the very similar Scant Road application, why was it ignored here? The facts, inconsistencies and failures throughout this serve to build a compelling case to fuel the suspicion that this application was ‘nodded through’ without proper scrutiny or the proper application of the stated policies, to serve the goal of stockpiling CDC’s future GTTSP requirements.

**6.1 Question:**  Why were the general biodiversity issues not considered and the Environmental Strategy officer not consulted?

7. *Cumulative adverse impact created by clustering of pitches*

7.1 It is understandable that CDC is ‘appeal adverse’ unless the outcome has a good chance of success. But given that Westbourne’s number of pitches and plots has increased so dramatically recently it is highly unlikely that appeal inspectors could, or would, continue to claim that there is no over intensification in the parish; each time you grant another block of permissions that over intensification increases and it has now reached critical proportions. The population density per hectare in Westbourne is far greater than in Hambrook, so the clustering of sites in Cemetery Lane has a much greater adverse impact as compared to the sites at Scant Road, which CDC is preparing to defend at appeal. Your response, quoting the inspector as saying: *‘There is no firm estimate of the number of pitches in the locality before me’,* begs the question, why was there no firm estimate provided to the Inspector? Again it reflects the half-hearted way CDC goes about defending our community. If CDC commits ratepayers’ funds to an appeal, it is incumbent on them to properly and thoroughly research the case, and thereafter present it competently. We would point out that the Harwood Inspector also observed: ‘*it was clear that the Council had not ascertained the level of traffic currently using Cemetery Lane. Neither had it calculated the likely traffic from the appeal site to demonstrate that any increase would be material.’* CDC also failed to provide the evidence from its own Historic Buildings Advisor team that the Cemetery was indeed considered a non-designated Heritage Asset: *‘The Council argues that the proposed development would have an adverse effect on the nearby cemetery. The Council considers this to be a non-designated heritage asset, though it is not locally listed and the Council could not point to any document in which it is identified as such.’*

**7.1 Questions:**  a) What CDC policy/policies in GTTSP cases determine which Parishes warrant support at appeal and which ones don’t? b) Why didn’t CDC present the Harwood appeal inspector with the data that she identified was not provided; the number of pitches and plots, traffic levels and evidence regarding the heritage asset?

*8. Impact on Character and Appearance of the Area & 9. Impact on the Setting of a Heritage Asset*

8/9.1 Whilst it is accepted that: *‘Contrary to your comments, the effect of the proposals on the cemetery heritage asset is assessed at paragraph 8.8 of the officers’ committee report,’* it is also true to say that the assessment is at complete odds with CDC’s Historic Buildings Advisors’ advice over the preceding years and a complete reversal of the previous case officer’s assessment of the site a few months earlier, observing: *‘Heritage: There is particular concern about the effect of the increased activity, noise and disturbance on the setting of the adjacent cemetery with its chapel, considered to be a non-designated heritage asset. The significance of this asset has been considered at appeal (PINS: 13/2205297, LPA: 12/04779/FUL) in relation to an adjacent site for residential development. With reference to English Heritage guidance on setting, this envelope goes beyond physical proximity and visual interaction to encompass considerations of the surrounding landscape character, tranquillity and experience of the asset. Of particular concern is the level of activity and traffic movement. While the former use of the site for army accommodation is noted, the site has not been intensively used for many years. This proposal not only retains the existing industrial use but would provide accommodation for up to 12 families where there is currently only equestrian grazing. The intensification of the use of the site is material, as is the associated activity, including vehicle (Cars, trailers, HGVs and other large commercial vehicles) movements using this relatively narrow rural lane as the primary route between the village and site and travel further afield. These effects will be in addition to the existing impacts caused by the larger WSCC run site and existing use of the lane. These changes to setting are likely to be harmful to the quality of people's experience, appreciation and interaction with the asset, which at present is one of quiet serenity befitting a place of rest, reflection and serenity in an historic rural setting. The effects of this have not been satisfactorily considered by the applicant.*‘ It is also accepted that the case officer would have taken note of the Harwood appeal inspector’s comments: ‘*The Council considers this to be a non-designated heritage asset, though it is not locally listed and the Council could not point to any document in which it is identified as such.’* But this observation does not change the existing status of the heritage asset and its setting; instead it simply underlines CDC’s failure to provide the appeal with the requisite documentation in a timely fashion. It flies in the face of NPPF guidelines then for the case officer to use this self-inflicted wound to justify overturning all the previous assessments of this heritage asset and its setting. It is also notable that the case officer failed to consult CDC’s Historic Buildings Advisor; they are certainly not listed as consultees in the committee report. And apparently no weight was given to several earlier assessments, including the previous case officer’s conclusion above. So where did the case officer draw the data from for this assessment, or was it just a personal conclusion that would help oil the wheels and allow this case to pass through committee more easily?

**8/9.1 Questions:** a) What informed the case officer’s conclusion that there would be no adverse impact on the Cemetery and its setting by this proposal. b) Whose opinions were consulted and relied on?

*10. Impact on South Downs National Park*

10.1 Accepted

*11. Emerging Westbourne Neighbourhood Plan as a material consideration*

11.1 We find that your statements: ‘*The Neighbourhood Plan is clearly not at the stage identified by the NPPG where a refusal of permission based on the ‘prematurity’ of a proposed development might have been justified and I understand that Andrew Frost (Head of Planning Services) advised members on this important point at the Planning Committee meeting’* and the line from point 12 below ‘*Whilst the weight of the plan is limited at this point, it is a material consideration’.* We are confused by what seem to conflicting statements. The Westbourne NP has passed through extensive consultation and it reflects the wishes of the residents of the Parish. Those residents have responded that they wish to protect the Cemetery and its setting by nominating it as a Local Green Space, and that they object to the balance of the settled and travelling communities being disrupted by speculative and, in most cases, inappropriate GTTSP applications being granted. They have nominated the area around the proposal (both north and south) as a Local Gap and have nominated Cemetery Lane as Biodiversity Corridor. Whilst we accept that the WNP may not yet be at a stage to justify refusal on those grounds alone, we are adamant that it is sufficiently advanced to be given material consideration. If it had been given material consideration by the case officer and the senior officers, and that conveyed to the committee members, the balance would certainly have resulted in a refusal, given all the other glaring problems with this site that we have highlighted in this, and our previous, letter. You also say: *‘I understand that Andrew Frost (Head of Planning Services) advised members on this important point* (of prematurity) *at the Planning Committee meeting.’*  As several members of the WPC present at the meeting will attest, Mr Frost certainly did not advise that the NP be given material consideration; on the contrary he actually advised the Committee meeting that **no** weight could or should be given to the emerging Westbourne NP. He most certainly did not mention or advise them that it should be given any material consideration at all when considering the issues presented.

**11.1 Question:**  Given that you have confirmed that material consideration should have been given to the emerging WNP, whilst the Head of Planning Services advised the committee members that no weight could or should be given to it, do you agree that the committee members were misled?

*12. Site is identified as a Local Gap and Biodiversity Corridor in emerging WNP*

12.1 You say: *‘Whilst the weight of the plan is limited at this point, it is a material consideration and so I have asked Andrew Frost to ensure that this is made clearer in officer reports on planning applications in future.’*  We are grateful for your clarification.

**12.1 Question:**  Who will be shutting the stable door now the horse has bolted?

*13. Infrastructure Considerations*

13.1 You say: ‘*The Council adopted the Community Infrastructure Levy (CIL) in January 2016 and expects that funding for infrastructure to support the growth of the area (including additional school places) will largely come from this source.’* We believe this an unhelpful comment, given that GTTSP mobile homes, as you know, make no CIL contribution. Further the CIL Regulations state that 25% of CIL funds collected from a development will be passed directly to the parish council in which the development is located, if there is an adopted Neighbourhood Plan in place. The amount is reduced to 15% (capped at £100 per existing house) in areas without an adopted Neighbourhood Plan. So currently Westbourne is entitled to 15% of nothing as GTTSP sites are largely exempt from CIL payments. By continuing to grant permissions for so many GTTSP sites CDC is imposing an impossible burden on the residents of Westbourne, who cannot get doctors’ appointments or school places or anywhere to park because of CDC’s ill-judged permissions. It is interesting that you state that ‘*it will therefore be necessary for the applicant to obtain the necessary rights to use it and to agree to contribute towards future maintenance.’* Why was the point not made clear to the committee members that by granting permission for the development, it condemned Westbourne to the extra expense in the increased maintenance of Cemetery Lane due to the grant of the application and the associated increase in traffic, particularly given the size and weight of TSP rigs.

**13.1 Question:**  What financial contribution will CDC be making to the Parish to compensate it for the extra expenditure that has been inflicted on Westbourne Parish by this ill-judged permission?

*14. CDC’s Legal Obligation*

14.1 You say: *Applications must ..be determined in accordance with the development plan unless other material considerations indicate otherwise.*  It has already been established above that material considerations within the WNP were ignored by the planning department and that the application form was reckless and false in several respects. The case officer’s report was in part contradictory and in part failed to state salient facts which if they had been known to the committee members would have resulted in a refusal. The case officer failed to consult the relevant CDC departments on both the heritage and the biodiversity issues. There is absolutely no way that CDC can claim that it carried out its assessment with proper due diligence or fulfilled its duty of care to its ratepayers in the grant of this application. Whether CDC fulfilled its legal obligation is a matter for the lawyers to debate, but there can be no shadow of a doubt that it completely failed to fulfil its moral obligation to this community.

**14.1 Question:**  Does CDC agree or disagree that it failed to undertake proper due diligence and failed in its duty of care to its rate payers in the grant of this application?

*15. Gypsy and Traveller Pitches and Traveling Showman Plots in the CDC District*

15.1 You say: *The figures in the tables set out in your letter were, as you know, provided by the Council earlier this year in response to requests for clarification of the position’.* That is not actually true: we soon discovered that the figures supplied by CDC were inaccurate in regard to the number of plots and pitches in Westbourne so had to be re-researched; CDC listed only those parishes that housed GTTSP sites while ignoring the vast majority that housed none, which we researched. Further the calculations of the percentages were also our own. Your statement: ‘*I have to advise that there is no specific targeting of Westbourne by the Council but rather that the Council is reacting to planning applications that are submitted for its consideration’* is again disingenuous. Had CDC had a GTTSP DPD in place, the pitches and plots would have been distributed more equitably, thus ensuring that Westbourne Parish did not have a higher proportion of permitted pitches and plots compared to other Parishes. But as a result of lax site assessments of applications and lacklustre enforcement, the GTTSP community have come to regard Westbourne as a ‘soft touch’ for gaining a permission (much of it by stealth and/or illegal occupation and subsequent appeal). We have spoken to several of the GTTSP community about this over the last few years and they readily confirm it. It should be noted that a GT pitch in Westbourne now changes hands for around £100,000. With that sort of incentive, and with no chance of defending speculative applications it is hardly surprising Westbourne is becoming inundated. You say the abandonment of the GTTSP DPD *‘is an unfortunate consequence of the change in definition.’* That simply does not ring true. The vast majority of other LPAs and District Councils continued and completed their DPDs during and after the change in definition, or have elected to carry on working towards their DPS completion to this day, unaffected by the change. Your 03-11-15 cabinet briefing notes predicted this exact outcome and yet CDC continued with this folly without putting in place any defensive measures or any mitigation for the predicted consequences for this Parish. Your claim of an ‘*unfortunate consequence*’ and ‘*no specific targeting of Westbourne*’ rings very hollow when it was CDC that stripped us of any ammunition to defend ourselves with. You say that the application ‘*was soundly made on valid planning grounds. I have seen no evidence whatsoever that either the Council or Planning Committee was misled or that mistakes were made by the Council’.*

**15.1 Question:**  a) You have acknowledged that Sections 3 and 15 of the application were mistaken and incorrect. Under the national validation requirements guidelines you will be aware that the application should not have been validated until those mistakes had been rectified. How then can you state: ‘*I have seen no evidence whatsoever ….that mistakes were made by the Council’*?b) Given the rest of the case we have set out in this, and our previous letter, how on earth can you justify making such a claim?

*16 Previous consultations ignored*

16.1 Mr Joseph Crick, Showman’s guild no 5402, wrote to CDC in March 2015 (CDC document: 15\_00381\_FUL-JOSEPH\_CRICK\_\_24.3.15\_-1981106), objecting to the previous application for this site, 15/00381/FUL. His letter of 23/05/2015reads:

*‘Dear Sir/Madam*

*It has come to my attention that my letter of intent to purchase one of the proposed family yards at Priors Leaze Lane has been used for another application, no 15/00381/ful. This has been done without my knowledge or consent, I have already arranged with Mr. Matthews to purchase one of his yards at Priors Leaze Lane Hambrook in the event that his application is successful. Since it has been brought to my attention i have visited the proposed site at the old army camp cemetery lane and deemed it to be totally unsuitable in my opinion as a viable showman’s yard for the reasons below.*

*1) First and foremost the road network leading to the proposed development at cemetery lane is holy unsuitable for modern day fun fair equipment to access the site from the 82147 you would need to go down foxbury lane which is a narrow single track lane unsuitable for H.G.V vehicles then once you have navigated foxbury lane you would then be faced with the junction into cemetery lane which is a reversed hair pin turn which in my opinion as a professional showman and an experienced H.G.V driver is an impossible turn with the majority of the modern day fun fair equipment. This leaves no other option but to go throw the village high st. which would inevitably cause conflict both in terms of vehicle movements and with the local residents and as a professional showman this would be the last thing we would won’t as conflict with the local community can only be bad for business.*

*2) It is of serious concern that to access the proposed development we would need to go past the cemetery on a single track narrow lane with large H.G.V vehicles and this would cause serious disruption to mourners and especially funeral processions.*

*3) On inspection the proposed development is located immediately next to the existing large gypsy site. This in my opinion is less then desirable as romany gypsy culture differs from our own on many levels as a showman, I can say with some certainty that most showman i know would prefer to live and raise their children where other showman are. and with this development i doubt that will be the case.*

*4) I’ve took the time to consider the site to determine it’s viability as a showman’s yard and to help make that decision i’ve looked into the history of the site and found that an application for 12 gypsy pitches ref no 14/01132/ful and ref no 14/03139/ful has been refused. My chief concern is that is that because the application failed now the land owner has been made aware that the council has to provide 6 showman’s yards by 2017 in order to comply with the needs assessment is that the application has been submitted in order to pull the wool over the councils eyes. As a genuine showman my fear is that if this development is permitted then that will take up 4 yards of the 6 that the council has said is needed by 2017 and these yards will be used by non showman as I can ‘t imagine any genuine showman buying one.*

*5) For the reasons stated above i strongly object to this application.*

*Mr Joseph Crick*

*Showman’s guild no 5402’*

This letter was obviously on the file for this site, indeed it had been highlighted by the previous case officer in his report a few months earlier. As it came from a bone fide showman the concerns stated carry material weight to the arguments concerning both the dangerous access as well as the unsuitability of this site for genuine showmen who need to find a base in the area. How come the case officer ignored these points and did not make any further enquiries about the dangerous vehicular access or to dig deeper to discover whether ‘the wool was being pulled over CDC’s eyes’? We have to assume, however lax the case officer may have been in assessing many parts of this application, that they would have come across the above letter. That begs the question, did the case officer personally choose to ignore these allegations or were they directed to ignore them, in order to achieve this permission and thereby help fill the GTTSP quotas.

**16.1 Questions:**  a) Did the case officer bring this letter to the attention of the WSCC LHA consultee, or confirm that the LHA were aware of it, and the serious highway concerns expressed? b) Did the case officer personally choose to ignore the allegations that CDC was being ‘conned’ in this application, or were they directed to ignore them?

What is particularly depressing and galling is your smug statement that the application ‘*was soundly made on valid planning grounds. I have seen no evidence whatsoever that either the Council or Planning Committee was misled or that mistakes were made by the Council’.* The fact that you apparently refuse to recognise the many mistakes that have clearly been made is a huge concern for the Westbourne community, because if you cannot recognise the mistakes made, you will not learn from or correct them and will carry on making them. And Westbourne will continue to suffer as a result of them. As a parish then, please be aware that we feel we have no choice but to pursue this case to culmination, by any legal means at our disposal, and if necessary through any court or arbitration service we can find, to force CDC to recognise their mistakes in this, in order that we can prevent them from re-occurring.

I look forward to your reply. For convenience we have appended a list of specific questions we are seeking the answers to. We would respectfully ask that this time, rather than supplying generalised and vague answers, that our points are answered individually and specifically.

Yours sincerely

Richard Hitchcock, on behalf of the WPC and the residents of Westbourne.

For convenience and for the avoidance of doubt, the questions we require specific, detailed answers to are:

1 Access *– CDC procedural mistake in consultation*

**1.1 Questions:** a)Please explain how your department made these highly misleading mistakes and what measures will be taken to prevent such mistakes re-occurring? b) Did the case officer check the precedents, or realise that they were for gypsy & traveller pitches not travelling showman plots? c) If the case officer did check the precedents and realise that they were for gypsy & traveller pitches, why was a re-consultation not sought?

**1.2 Question:** Please explain why, under these circumstances, the application was granted, particularly when the serious road safety issues were specifically pointed out to senior planning officers, by WPC members who were present, in the committee room?

**1.3 Question:** Once it was obvious to the case officer that a maximum size TSP rig could not access the site, why was no condition to restrict the size of vehicles allowed either recommended, or applied, to the granted permission?

**1.4 Question**: a) If the case officer did, as they were obliged to, check the maximum turning circle that could be achieved within the site, what was the conclusion as to the maximum turning circle that could operate here, in metres? b) We previously requested copies of the case officer’s drawings and the assessment documents but so far they have not been received. Why not? **Requirement:** Please supply those copies directly.

**1.5 Question:**  Why didn’t the case officer request further information or clarification from the applicant regarding the plans showing access, visibility and parking or turning on site?

2 *Planning application form wrongly made and misleading*

**2.1 Questions:** a) Why did the case officer validate Sections 3 and 15 knowing them to be incorrectly stated? b) Why didn’t the case officer challenge Sections 3 and 15 or seek greater clarification from the applicant, was it oversight or lack of due diligence? c) What measures are CDC going to introduce to tighten up scrutiny of submitted planning application forms in the future, and to prevent the public ratepayers being misled by false information being published online?

**2.2 Questions:** a) Why didn’t the case officer challenge Section 6 or seek greater clarification from the applicant? Was it an oversight or lack of due diligence? b) Did the case officer seek advice from the CDC legal department regarding whether new vehicular rights, the creation of rights of way, would be required in this case? c) Does CDC routinely ignore parts of the wording on planning application forms if it deems them inconvenient?

**2.3 Questions:** a) Why didn’t the case officer challenge Section 13, questions a) & b), or seek greater clarification from the applicant? Was it an oversight or lack of due diligence? b) Why wasn’t the Environmental Strategy officer consulted? c) Who determined that ‘*the site was not considered to contain significant nature conservation features?*

**2.4 Questions:** a) Why didn’t the case officer challenge Section 25, or seek greater clarification from the applicant? b) Was it an oversight or lack of due diligence? c) Are you really claiming that CDC do not, or do not have to, follow the mandatory national validation requirements in all cases? **Requirement:** Regarding your statement: ‘*Where a site is served by a private road as in this case, it is not unusual within this district, where there are many private roads, for applicants for planning permission to show the application site extending to the road rather than including it and for the application to be validated by the Council on this basis.* Please supply CDC reference numbers and brief details of any recent applications where this has been the case, and the national validation requirements ignored or overruled.

**2.5 Questions:** a) Why did the case officer validate the application with an incorrect Certificate A provided? b) Did the case officer believe that the applicant owned Cemetery Lane? c) Was a Land Registry check undertaken? d) Did the case officer seek advice from the CDC legal department regarding which Article 12 Certificate would be required in this case?

**2.6 Questions:** a) Did the case officer make all these mistakes alone by oversight, or were they directed by senior colleagues to allow the validation as it was presented? b) If the case officer was closely directed by, or liaised with, senior planning policy officer or officers, which officer or officers were involved?

**2.7 Questions:** a) Please provide a statement of CDC’s policy on providing all CDC’s ratepayers with accurate and timely information regarding all aspects of planning applications. b) Please provide a statement of how CDC intend dealing with mistaken information posted on the portal from now on, and how that corrected information will be highlighted when it is revised/changed.

3 *Previous reasons for refusal still valid*

**3.1 Question:** Does CDC agree or disagree that in light of abandonment of the GTTSP DPD, Westbourne Parish has been left without a means of defending itself against speculative GTTSP applications?

**3. 2 Question:** Does CDC agree or disagree that it was fully aware of the possibility of speculative GTTSP applications as a result of its actions?

**3.3 Question:** Does CDC agree that it is unlikely to resume work on a GTTSP DPD given that it is now a year since it ceased work and its requirements are virtually completely filled?

**3.4 Question:** Does CDC agree or disagree that its course of action will save itself considerable expense as a result of its abandonment of a GTTSP DPD?

**3.5 Questions:** a) Does CDC agree or disagree that it had good grounds for refusal as the application was for 4 TSPs and only 1 was required? b) Please explain why a change in GTTSP definition reverses previous sound planning reasons for refusal?

**3.6 Question:** Does CDC agree or disagree, that by not providing the inspector with the requisite data on traffic usage, it had failed to prepare the necessary research for the appeal, a contributory factor to the appeal failing?

**3.7 Question:** Again does CDC agree or disagree that it failed to prepare the necessary research for the appeal?

**3.8 Question:** Does CDC agree or disagree that GTTSP applications in Westbourne are being ‘nodded through’ out of political expediency?

**3.9 Questions:**  a) Can CDC offer a logical explanation as to why different GTTSP policies are being applied to different Parishes? b) Why were the planning grounds in Cemetery Lane not sufficient to merit a refusal, when the very same grounds of bona fide GTTSPs, over intensification*,* and biodiversity at Scant Road, were deemed sufficient to merit not only a refusal, but also CDC support in appeal?

4 *Applicant’s offer to reduce the application to accommodate fewer plots*

**4.1 Questions:**  a) Why when the CDC requirement was for 1 TSP only was it not considered to be sufficient planning justification to pursue a reduction in the number of plots? b) What were the planning merits that were identified that persuaded CDC to accept the application for 4 TSPs rather than negotiate for 2 or 1 TSP? c) Was the acceptance of the application for 4 TSPs born out of political expedience to allow CDC to gain a surplus of GTTSP plots and pitches while the going was good, and thereby save itself both a GTTSP DPD and also any possible resistance or confrontation with other Parishes in the CDC area in the future? d) Why were the national guidelines for the size of showman’s plots ignored and not followed?

5 *Current case officer’s comments to applicant’s agent*

**5.1 Questions:**  a) Is CDC attempting to build a future proofed surplus of GTTSP sites while it can? b) If that is not the case why didn’t the case officer negotiate fewer plots and insist that the false statements made in the planning application form be corrected?

*6. Biodiversity factors and biodiversity corridor*

**6.1 Question:**  Why were the general biodiversity issues not considered and the Environmental Strategy officer not consulted?

7. *Cumulative adverse impact created by clustering of pitches*

**7.1 Questions:**  a) What CDC policy/policies in GTTSP cases determine which Parishes warrant support at appeal and which ones don’t? b) Why didn’t CDC present the Harwood appeal inspector with the data that she identified was not provided; the number of pitches and plots, traffic levels and evidence regarding the heritage asset?

*8. Impact on Character and Appearance of the Area & 9. Impact on the Setting of a Heritage Asset*

**8/9.1 Questions:** a) What informed the case officer’s conclusion that there would be no adverse impact on the Cemetery and its setting by this proposal. b) Whose opinions were consulted and relied on?

*11. Emerging Westbourne Neighbourhood Plan as a material consideration*

**11.1 Question:**  Given that you have confirmed that material consideration should have been given to the emerging WNP, whilst the Head of Planning Services advised the committee members that no weight could or should be given to it, do you agree that the committee members were misled?

*12. Site is identified as a Local Gap and Biodiversity Corridor in emerging WNP*

**12.1 Question:**  Who will be shutting the stable door now the horse has bolted?

*13. Infrastructure Considerations*

**13.1 Question:**  What financial contribution will CDC be making to the Parish to compensate it for the extra expenditure that has been inflicted on Westbourne Parish by this ill-judged permission?

*14. CDC’s Legal Obligation*

**14.1 Question:**  Does CDC agree or disagree that it failed to undertake proper due diligence and failed in its duty of care to its ratepayers in the grant of this application?

*15. Gypsy and Traveller Pitches and Traveling Show Persons Plots in the CDC District*

**15.1 Question:**  a) You have acknowledged that Sections 3 and 15 of the application were mistaken and incorrect. Under the national validation requirements guidelines you will be aware that the application should not have been validated until those mistakes had been rectified. How then can you state: ‘*I have seen no evidence whatsoever ….that mistakes were made by the Council’*? b) Given the rest of the case we have set out in this, and our previous letter, how on earth can you justify making such a claim?

*16 Previous consultations ignored*

**16.1 Questions:**  a) Did the case officer bring this letter to the attention of the WSCC LHA consultee, or confirm that the LHA were aware of it, and the serious highway concerns expressed? b) Did the case officer personally choose to ignore the allegations that CDC was being ‘conned’ in this application, or were they directed to ignore them?

Councillor Louise Goldsmith

Leader of West Sussex County Council

County Hall

Chichester

PO19 1RQ 1 November 2016

Dear Councillor Goldsmith

Thank you for your email dated 15 -08-16 in response to my own. Westbourne Parish Councillors have studied and discussed both yours and Michael Elkington’s (13-10-16) replies in detail and do not feel that they satisfactorily address or answer the serious issues we have raised. The WPC has concluded that the LHA has behaved either incompetently, recklessly or out of political expediency in this case. The responses we are dissatisfied with, and inform our conclusion, are stated further on in this letter. We ask that we are supplied with specific and detailed responses to all the questions raised.

Whilst we have an excellent and supportive County Councillor, one of our major concerns is the lack of regular and useful communication between the WSCC Executive and our own Parish Council. As we understand it, this is not an uncommon complaint among many parishes that we liaise with at various parish forums. As a parish council we see our role as the local eyes and ears in Westbourne. We believe we are best placed to comment on local proposals and to advise on them, or where appropriate, feed those local concerns, issues and aspirations through to CDC and WSCC to consider to both inform and to help shape future policy. However on highways matters, the issues we raise and pass on are usually ignored and we very rarely receive any informed feedback. It seems improbable that WSCC would want to deliberately antagonise local ratepayers, but by failing to inform or brief local representatives, parish councils are unable to convey WSCC’s new, revised or amended policies to the local community, and indeed are themselves left completely in the dark about important policy changes.

I write here on behalf of the whole Parish Council as well as for the great majority of Westbourne residents, all of whom are alarmed at the way the community is being undermined by sloppy and lacklustre consultee assessments of planning applications that have led to ongoing serious and adverse impacts on our Parish.

Having researched in some detail LHA consultee responses to CDC over the last few years, it is clear to us that LHA officers are confused and apparently rarely able to distinguish between ‘Gypsies and Travellers’ and ‘Travelling Showpeople’.This is extremely worrying given the dangerous ramifications to road safety. Whilst Gypsies and Travellers are unlikely to give rise to highway concerns (unless the sites housing their pitches become over intensified), Travelling Show people’s vehicles pose the most serious of all the problems that LHAs have to deal with, as they are permitted to use the largest of all the vehicles legally allowed on UK roads. *‘The PPTS defines travellers as ‘Gypsies and Travellers’ and ‘Travelling Showpeople’. The different definitions for the two communities comes from the very different and specific needs they have. Showpeople are much more likely to have large vehicles and fairground attractions and rides, resulting in a need for space to test and repair machinery. GTTSP provision has its own specific terminology. Gypsy & Traveller provision is expressed in ‘pitches’ on sites whereas Showpeople provision is expressed as ‘plots’ on sites often called a ‘yard’. This terminology recognises the different needs of the Gypsy & Traveller community and the Showpeople community and that the two different groups should not be located on the same areas of land. (North Yorkshire, Accommodation Requirements of Showmen Final Report).’*

It is recognised that Gypsies & Travellers are more likely to work in the immediate vicinity. Recent research indicates that Gypsies & Travellers are travelling less as the provision of more permanent pitches have become available. Typically their work vehicles tend to be pick-ups, 4x4s, vans and occasionally small sized lorries.

Showpeople however are likely to have large vehicles to transport fairground attractions and rides. The current maximum size of general haulage lorries legally permitted on UK roads, as set out in the *‘Road Vehicles (Construction and Use) Regulations 1986 (SI 1986/1078), as amended,’* are: an individual truck length of 12 metres, an articulated truck and trailer length of 16.5 metres and road trains of up to 18.75 metres. The legal exception to this is for Travelling Showpeople where a showman's motor vehicle + 1 drawbar trailer (where the trailer is living accommodation) of up to 22 metres is permitted, or a showman's motor vehicle + 3 trailers of up to 25.9 metres is legally permitted. Travelling Showpeople then are permitted to drive the largest vehicles legally permitted on UK roads. In turn, any planning permission granted for a Travelling Showpeople plot allows and condones the use of any Showman's vehicle, up to the maximum size, to access that granted plot, unless conditioned to restrict that size.

1.1 In your answer to our question 1, you say*: ‘the application description on the consultation was* ***‘****Change of use of land to provide 4. no gypsy/traveller pitches and ancillary works’****.*** *It was clear from the planning statement, submitted as supporting documentation by the applicant, that this incorporated references to travelling show persons.  The application was assessed on this basis, taking account of all the information submitted to, and validated by, the LPA.’* In the sentence you say that it ‘*was assessed on this basis’;* I assume from that, that ‘*this basis*’ means you assessed for 4 x Travelling Showperson’s plots rather than 4 x Gypsy/Traveller pitches, although this is not made completely clear. Mrs Goldsmith’s email 15-08-16 is slightly less equivocal, but in it she does refer to travelling showman’s *‘pitches’* rather than plots: *‘WSCC officers’ commented on the content of the documents submitted in support of the application, and not the subject title alone. The applicant’s Planning Statement made it clear that the application sought permission for four travelling showman’s* ***pitches****. When responding, officers were aware of the permission that was being sought.’* And again in a 01/08/16 email Mr Dominic Smith stated: *‘.. the LHA concluded that the 4 showman’s* ***pitches*** *would not ...generate such vehicles to have a severe highway impact.’* It seems that the thread of confusion has run through this case right from the very outset.

**1.1 Questions:**

a) Please explain why the LHA consultee’s response to CDC, reproduced verbatim in the planning committee report, states that*: ‘The application seeks to provide the change in use of land to provide 4 gypsy/traveller pitches and ancillary works’* when according to your answer she was apparently completely aware that it was actually for 4 travelling showman’splots? How come?

b) Was the LHA consultee aware that by describing ‘*the change in use of land to provide 4 gypsy/traveller pitches’* instead of change of use to 4 travelling showman’splots it could not fail to mislead the CDC case officer, the planning committee members, the WPC, as well as all the ratepayers, relying on the CDC publicly available online portal as their only source of information?

1.2 The LHA consultee’s report states: *The LHA has been consulted previously on highways matters relating to this site under the following planning applications; 14/01132/FUL, 14/03139/FUL, 15/00381/FUL and 15/03979/FUL to which no highway objections were raised. The application seeks to provide the change in use of land to provide 4 gypsy/traveller pitches and ancillary works.*’ It should be noted that the LHA quoted four precedent cases here. Three of them, 14/01132/FUL, 14/03139/FUL and 15/03979/FUL are for gypsy & traveller pitches not for travelling showman plots. 15/00381/FUL is for travelling showman plots but if you read the LHA consultation for that case, it again quotes 14/01132/FUL, 14/03139/FUL, both for gypsy & traveller pitches, as its precedents. Did the LHA consultee check any of this and realise that the precedents quoted were for gypsy & traveller pitches not travelling showman plots?

**1.2 Questions:**

a) Did the LHA consultee check the precedents, or realise that they were for gypsy & travelling showman’s pitches not travelling showman plots?

b) If the LHA consultee did realise that they were for gypsy & traveller pitches, why were they used as precedents in the consultee report, without any warning to the committee members, WPC, and the ratepayers that they were not for travelling showman’s plots?

1.3 In the response to CDC, the LHA consultee confirms that four named applications had been considered during the assessment: *‘The LHA has been consulted previously on highways matters relating to this site under the following planning applications; 14/01132/FUL, 14/03139/FUL, 15/00381/FUL and 15/03979/FUL...’* That then confirms that the LHA consultee must have been aware of the following letter, which is attached to the 15/00381/FUL file. Mr Joseph Crick, Showman’s guild no 5402, wrote to CDC in March 2015 (*CDC document: 15\_00381\_FUL-JOSEPH\_CRICK\_\_24.3.15\_-1981106*), objecting to the previous application for this site, 15/00381/FUL. His letter of 23/05/2015 reads:

*‘Dear Sir/Madam*

*It has come to my attention that my letter of intent to purchase one of the proposed family yards at Priors Leaze Lane has been used for another application, no 15/00381/ful. This has been done without my knowledge or consent, …... Since it has been brought to my attention i have visited the proposed site at the old army camp cemetery lane and deemed it to be totally unsuitable in my opinion as a viable showman’s yard for the reasons below.*

*1) First and foremost the road network leading to the proposed development at cemetery lane is holy unsuitable for modern day fun fair equipment to access the site from the B2147 you would need to go down foxbury lane which is a narrow single track lane unsuitable for H.G.V vehicles then once you have navigated foxbury lane you would then be faced with the junction into cemetery lane which is a reversed hair pin turn which in my opinion as a professional showman and an experienced H.G.V driver is an impossible turn with the majority of the modern day fun fair equipment. This leaves no other option but to go throw the village high st. which would inevitably cause conflict both in terms of vehicle movements and with the local residents and as a professional showman this would be the last thing we would won’t as conflict with the local community can only be bad for business.*

*2) It is of serious concern that to access the proposed development we would need to go past the cemetery on a single track narrow lane with large H.G.V vehicles and this would cause serious disruption to mourners and especially funeral processions.*

*3) On inspection the proposed development is located immediately next to the existing large gypsy site. This in my opinion is less then desirable as romany gypsy culture differs from our own on many levels as a showman, I can say with some certainty that most showman i know would prefer to live and raise their children where other showman are. and with this development i doubt that will be the case.*

*4) I’ve took the time to consider the site to determine it’s viability as a showman’s yard and to help make that decision i’ve looked into the history of the site and found that an application for 12 gypsy pitches ref no 14/01132/ful and ref no 14/03139/ful has been refused. My chief concern is that is that because the application failed now the land owner has been made aware that the council has to provide 6 showman’s yards by 2017 in order to comply with the needs assessment is that the application has been submitted in order to pull the wool over the councils eyes. As a genuine showman my fear is that if this development is permitted then that will take up 4 yards of the 6 that the council has said is needed by 2017 and these yards will be used by non showman as I can ‘t imagine any genuine showman buying one.*

*5) For the reasons stated above i strongly object to this application.*

*Mr Joseph Crick, Showman’s guild no 5402’*

This letter is on the file for this site, and indeed it had been highlighted by the previous CDC case officer in his committee report a few months earlier when that application was refused. As it came from a bone fide showman, the concerns stated carry material weight to the arguments concerning the dangerous road network and access. How come the LHA consultee ignored these points and did not make any further enquiries about, or comment on, the dangerous vehicular access? We must assume, however lax the LHA consultee may have been in the assessment, that they must have considered the above letter. That begs the question, did the LHA consultee personally choose to ignore the allegations made or were they directed to ignore them by a senior manager, in order to achieve this permission and thereby help achieve the GTTSP site requirement quotas?

**1.3 Questions:**

a) Did the LHA consultee bring this letter to the attention of the CDC case officer, or check that CDC were aware of it, and the serious highway concerns expressed?

b) Did the LHA consultee personally choose to ignore the allegations of dangerous vehicular access in this application, or were they directed to ignore them by senior managers?

2.1 In answer to our question 2 you stated: ‘*Please see the answer to question 1.  It is noted that the application has since been changed on the CDC planning website.  The LHA was not approached to make any changes to the submitted consultation document.  The LHA were not contacted to discuss the proposal or requested to attend the Planning Committee meeting by CDC.’* Your statement that ‘*It is noted that the application has since been changed on the CDC planning website’* is somewhat of a mystery to us.

**2.1 Question:**

a) Please explain and detail which element of the application *‘has since been changed on the CDC website*.’

3.1 Your response does not answer the question we put. In question 3 we asked if the LHA consultee had checked the legal permissible size for Showman’s vehicles before writing their report. Your reply was: *‘The information submitted by the applicant and reviewed by the LHA did not indicate that such vehicles were expected to use this site.  The site plans do not allow for such vehicles to be catered for on the site.’* That simply does not answer whether the LHA consultee checked what the permissible sizes were or not. Your response does however suggest remarkable naivety. If you grant a planning permission for a travelling showman’s plot, without any condition/s applied, you are permitting access, using any legally approved sized vehicle, to the site. You say that the plans *‘did not indicate that such vehicles were expected to use this site’* yet your own consultee states ‘*Access/Visibility: This application is very light on detail and there are no clear plans to indicate access, visibility and parking or turning on site.’* If the plans were very light on detail, but were for a Travelling Showman’s plot, simple logic dictates that large HGVs were certainly going to be used. How on earth can a Travelling Showman ply his trade without? It is an insult to everyone’s intelligence to try to pretend that this was the applicant’s fault and not your own by claiming they *‘did not indicate that such vehicles were expected to use this site’.*

**3.1 Questions:**

a) Please answer our original question, did the LHA consultee check the maximum legal permissible size for Travelling Showman vehicles before writing their report or not?

b) When undertaking the assessment what did the LHA consultee decide was going to be the largest size vehicle used in connection with these plots?

c) Given that the LHA consultee was assessing potential usage by the largest vehicles legally permitted on UK roads, and had discovered that the applicant’s plans were deficient, why didn’t they request further clarification from the CDC case officer, or refer the situation to a senior LHA manager to clarify further?

4.1 Again your response does not answer the question we put to you. In our question 4 we asked if the LHA consultee had checked the legal permissible size, why was there no mention of the potential dangers in the consultation report given to CDC?

**4.1 Question:**

a) Please answer our original question; if the LHA consultee had checked the legal permissible size, why was there no mention in the consultation report of this obvious potential danger?

5.1 Again your response does not answer the question we put to you. In our question 5 we asked, despite the application form not making reference to HGV usage, did the LHA consultee consider, given the nature of the Travelling Showperson’s trade, whether HGVs would be used?

**5.1 Question:**

a) Please answer our original question; despite the application form not making reference to HGV usage, did the LHA consultee responsible consider, given the nature of the Travelling Showperson’s trade, whether HGVs would be used?

6.1 You state: *‘The LHA will advise the LPA on any condition it considers are necessary to make the site acceptable in planning terms.’* By your later statement: *The physical constraints of the site, that restrict access by HGV’s’* you accept that the site is incapable of access by the size of vehicles that Showmen are legally permitted to drive. You also say: *’The LPA are the determining body, and they would need to be satisfied that any conditions are necessary and accord with rules and regulations governing the use of conditions.’*

**6.1 Questions:**

a) Why did the LHA feel that a condition or an objection was not warranted, once it had concluded that there existed ‘*physical constraints of the site, that restrict access by HGV’s’*?

b) Which specific *‘rules and regulations governing the use of conditions’* did the LHA feel were germane to this case? Please supply the references to them.

7.1 You state: ‘*A condition preventing HGVs or other oversized showmen’s vehicles from parking on or operating from the approved site was not sought.  The physical constraints of the site, that restrict access by HGV’s and do not provide sufficient space to park such vehicles within the site, make this requirement self-enforcing’.*  Your position here is ridiculous. You argue that the site is constrained (agreed) and restricts access by HGVs (patently), yet the LHA consultee fails to mention either of these factors in the report to CDC and raised no objection, despite your claim that all concerned knew the application was for Travelling Showmen plots which would require access by HGV vehicles capable of transporting fairground rides and equipment.

**7.1 Questions:**

a) Why did the LHA consultee fail to mention that the site is both constrained and restricts access by HGVs in the report to CDC?

b) Given that you accept that the site is constrained and restricts access by HGVs, what is the largest size vehicle the LHA consultee concluded could safely access the site?

8.1      You state: ‘*The use of conditions is governed by national Planning Practice Guidance and usage tests set out in the National Planning Policy Framework (NPPF).  Requesting such a condition would not comply with the requirements of these governing documents, given that the physical constraints of the site do not facilitate access by such vehicles.’*

**8.1 Question:**

a) Please specify the precise requirement within these governing documents that the imposition of a condition in this case would fall foul of? Please supply the references to it/them.

9.1 We requested: *‘Please supply details of any previous or subsequent consultation assessments*

*where WSCC have recommended self-enforcement as a road safety measure?’* Your response, *‘Please see answer to question 8’* simply does not answer the question we put to you.

**9.1 Question:**

a) Please supply details of any previous or subsequent consultation assessments where WSCC have recommended self-enforcement as a road safety measure?

10.1 You state: *‘The LHA is a statutory consultee in the planning process.  It is required to review*

*development proposals, consider the impact against appropriate national and local policy, guidance and design standards’.*  The Road Vehicles (Construction and Use) Regulations 1986 (SI 1986/1078), as amended must fall within your ‘*national and local policy, guidance and design standards*’ review requirements. Those Regulations legally permit a showman's motor vehicle + 1 drawbar trailer of up to 22 metres, or a showman's motor vehicle + 3 trailers of up to 25.9 metres.

**10.1 Question:**

a) Please confirm that The Road Vehicles (Construction and Use) Regulations 1986 were considered by the LHA, as the statutory consultee in its requisite review, as part of its assessment of impact, given that the regulations are national policy.

11.1 The LHA consultation assessment of 09/00091/FUL in 2009 concluded *‘.. regarding the use*

*of the junction of Cemetery Lane and B2147. This junction is substandard in terms of geometry and visibility, and the intensification of use of this junction, particularly by large vehicles is unlikely to be supported by the Highway Authority..’.* You now state that: *‘the current application was assessed against different policy compared to that of the 2009 application, most notably the introduction of the NPPF in March 2012.  Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.’* The Foxbury Lane/Cemetery Lane junction now is the same as it was in 2009 and just as ‘*substandard in terms of geometry and visibility*, albeit the road surface has deteriorated further and the hedges more overgrown. Nothing has changed, the junction is as unfit for purpose now as it was then. Paragraph 32 of the NPPF does not in any way change the physical deficiency of this junction, and the legislation is most certainly not drawn to allow LHAs, LPAs or any other authority to now try to turn blind eyes to situations that were previously substandard and dangerous; if they were previously, they still are now. Presumably you have to accept that attempts to access Cemetery Lane from Foxbury Lane with a 22 or 25.9 metre Showman’s rig would result in a very severe residual cumulative impact.

**11.1 Questions:**

a) What factors do the LHA believe have changed between 2009 and 2016?

b) What new factors did the LHA consultee rely on to overturn/alter/contradict the original assessment?

c) Please name a junction in the area that produces a more severe residual cumulative impact than this one?

12.1 You state that the LHA used TRICS to assess the likely trip generation associated with the

occupation of the 16 caravans on site against a comparable location for 16 residential dwellings.

**12.1 Question:**

a) What were the results of the assessment of the additional vehicle movements associated with the occupation of these caravans?

13.1 You state that: *‘There is no aspect within the supporting application documents to imply that*

*large HGV vehicles will be on, or using, the site.’*

**13.1 Questions:**

a) What is your definition of ‘large HGV vehicles’ in this context? Please specify dimensions and weights.

b) What do the LHA consider to be the largest HGV vehicle that could safely be on, or using, the site?

14 Accepted.

15 The LHA recommendation to the LPA was that there was no evidence supporting a reason for refusal, or even a condition when considering the application against current national and local planning policy and guidance is both false and downright dangerous. As has been outlined throughout this letter, there are several sound highway grounds for objecting to this application.

16/17 We have previously requested the LHA’s drawings of the turning circle of the junction of Cemetery Lane and B2147 both North and South, and the turning circle of the site entrance, along with sight of the officer’s assessment notes on the additional vehicle movements associated with the occupation of the 16 new caravans. You state: *‘TRICS is industry standard, online trip generation assessment software; printouts or copies of the results are not retained after use.’* If that is the case and the print outs and copies have not been retained in this case, please print them out again, either as digital pdfs or as hard copies, and supply them to us.

We would strongly recommend that WSCC makes a much greater effort to communicate, cooperate, inform and attempt to work more closely with the many local volunteer parish councils; councils and councillors who continue to strive to improve the lot of their communities in spite of WSCC ‘s attitude towards them. WSCC’s current approach makes a mockery of the Localism Act by its high handed and autocratic behaviour and undermines and discourages the efforts of all those who are trying to contribute, and make a difference, to their communities. We respectfully suggest that as Leader of WSCC you should rapidly review current policies and practice in this regard, and urgently introduce guidelines to rectify current practices as soon as is practicably possible. With the current cuts in services and the parishes having to take on a lot of that strain, we believe you should be acting without delay. If the content of this letter seems ‘punchy’, then we are sorry, but as Leader of WSCC we feel you should be aware of the strength of feeling amongst many local parishes.

What is particularly depressing, high handed and galling is the complete failure to acknowledge that the LHA could in any way be at fault.The fact that the LHA apparently refuse to recognise the mistakes that have clearly been made is a huge concern for the Westbourne community, because if the LHA cannot recognise the mistakes made, they will not learn from or correct them, and will carry on making them. And Westbourne will continue to suffer as a result. As a Parish, please be aware that we feel we have no choice but to pursue this case to culmination, by any legal means at our disposal, and if necessary through any court or arbitration service we can find, to make the LHA recognise their deficiencies in this, in order that we can prevent them from re-occurring again.

I look forward to your reply. For convenience we have appended a list of specific questions we are seeking the answers to. We would respectfully ask that this time, rather than supplying generalised and vague answers, and evasive answers to questions we haven’t even asked, that our points are answered individually and specifically.

Yours sincerely

Cllr Richard Hitchcock, On behalf of the WPC and the residents of Westbourne

For convenience and for the avoidance of doubt, the questions we require specific, detailed answers to are:

**1.1 Questions:**

a) Please explain why the LHA consultee’s response to CDC, reproduced verbatim in the planning committee report, states that*: ‘The application seeks to provide the change in use of land to provide 4 gypsy/traveller pitches and ancillary works’* when according to your answer all the LHA staff involved were completely aware that the application was actually for 4 travelling showman’splots? How come?

b) Was the LHA consultee aware that by describing ‘*the change in use of land to provide 4 gypsy/traveller pitches’* instead of change of use to 4 travelling showman’splots it could not fail to mislead the CDC case officer, the planning committee members, the WPC, as well as all the ratepayers, relying on the CDC publicly available online portal as their only source of information?

**1.2 Questions:**

a) Did the LHA consultee check the precedents, or realise that they were for gypsy & travelling showman’s pitches not travelling showman plots?

b) If the LHA consultee did realise that they were for gypsy & traveller pitches, why were they used as precedents in the consultee report, without any warning to the committee members, WPC, and the ratepayers that they were not for travelling showman’s plots?

**1.3 Questions:**

a) Did the LHA consultee bring this letter to the attention of the CDC case officer, or check that CDC were aware of it, and the serious highway concerns expressed?

b) Did the LHA consultee personally choose to ignore the allegations of dangerous vehicular access in this application, or were they directed to ignore them?

**2.1 Question:**

a) Please explain and detail which element of the application *‘has since been changed on the CDC website*.’

**3.1 Questions:**

a) Please answer our original question, did the LHA consultee check the maximum legal permissible size for Travelling Showman vehicles before writing their report or not?

b) When undertaking the assessment what did the LHA consultee decide was going to be the largest size vehicle used in connection with these plots?

c) Given that the LHA consultee was assessing potential usage by the largest vehicles legally permitted on UK roads, and had discovered that the applicant’s plans were deficient, why didn’t they request further clarification from the CDC case officer, or refer the situation to a senior LHA manager to clarify further?

**4.1 Question:**

a) Please answer our original question; if the LHA consultee had checked the legal permissible size, why was there no mention in the consultation report of this obvious potential danger?

**5.1 Question:**

a) Please answer our original question; despite the application form not making reference to HGV usage, did the LHA consultee responsible consider, given the nature of the Travelling Showperson’s trade, whether HGVs would be used?

**6.1 Questions:**

a) Why did the LHA feel that a condition or an objection was not warranted, once it had concluded that there existed ‘*physical constraints of the site, that restrict access by HGV’s’*?

b) Which specific *‘rules and regulations governing the use of conditions’* did the LHA feel were germane to this case? Please supply the references to them.

**7.1 Questions:**

a) Why did the LHA consultee fail to mention that the site is both constrained and restricts access by HGVs in the report to CDC?

b) Given that you accept that the site is constrained and restricts access by HGVs, what is the largest size vehicle the LHA consultee concluded could safely access the site?

**8.1 Question:**

a) Please specify the precise requirement within these governing documents that the imposition of a condition in this case would fall foul of? Please supply the references to it/them.

**9.1 Question:**

a) Please supply details of any previous or subsequent consultation assessments where WSCC have recommended self-enforcement as a road safety measure?

**10.1 Question:**

a) Please confirm that The Road Vehicles (Construction and Use) Regulations 1986 were considered by the LHA, as the statutory consultee in its requisite review, as part of its assessment of impact, given that the regulations are national policy.

**11.1 Questions:**

a) What factors do the LHA believe have changed between 2009 and 2016?

b) What new factors did the LHA consultee rely on to overturn/alter/contradict the original assessment?

c) Please name a junction in the area that produces a more severe residual cumulative impact than this one?

**12.1 Question:**

a) What were the results of the assessment of the additional vehicle movements associated with the occupation of these caravans?

**13.1 Questions:**

a) What is your definition of ‘large HGV vehicles’ in this context? Please specify dimensions and weights.

b) What do the LHA consider to be the largest HGV vehicle that could safely be on, or using, the site?

**16/17 Requirement:**

Copies of\*\*:

a) LHA’s drawings of turning circle in and out of the junction of Cemetery Lane and B2147, N & S

b) LHA’s drawings of the turning circle in and out of the site

c) Copies of the officer’s assessment notes regarding the additional vehicle movements associated with the occupation of the 16 new caravans.

\*\*You stated: *‘TRICS is industry standard, online trip generation assessment software; printouts or copies of the results are not retained after use.’*

If that is the case and the print outs and copies have not been retained, please print them out again, either as digital pdfs or as hard copies, and supply them to us.