

Additional comments received not relevant to the Main Modifications

Rep #	Respondent Details		Agent Details		Item/ Issue	Summary	Comment Full	Date received
	Respondent Name	Organisation (if applicable)	Agent Name	Organisation if Applicable				
1	Hugh Stebbing	SPINDAG	Na	Na	<p>[email to the DaSA independent Examination Programme Officer]</p> <p>Regarding letter from Natural England (dated 01/05) in relation to planning application RR/2017/1705/P, Land off Spindlewood Drive</p>	<p>Comments regarding SuDS and Appropriate Assessment relating to Policy BEX9.</p>	<p>I'm writing this letter for the Examination Inspector as I wish to bring to his attention a matter which I believe has significant consequences for the Examination process with regard to RDC Policy BEX9.</p> <p>The email attached dated 1st May from Alison Giacomelli at Natural England to RDC in connection with the planning application ref RR/2017/1705/PP was not posted onto the RDC planning portal for the application until 4th July. This planning application relates directly to and informed the basis of Policy BEX9. The two are interconnected. The 1st May was prior to the Examination and to the dates when Mr. Geoff Lawson and I appeared before the Inspector at that Examination. The delay in publishing this important material from Alison Giacomelli as set out in her email means that neither Mr. Lawson nor I could refer to it during the Examination.</p> <p>I do not know if the Inspector was given a copy of Alison Giacomelli's email but given the delay in publication, either contrived or in error, this seems unlikely.</p> <p>If the email was not given to the Inspector prior to the Examination then he too has been denied crucial information that could have influenced the outcome of the Examination regarding BEX9.</p> <p>The significance of the email is that in it Alison Giacomelli states quite clearly that Natural England's acceptance of any SuDS proposals for the BEX9 site is contingent on that SuDS train being at CURRENT GROUND LEVEL (my emphasis). Yet at the Examination and in response to challenges from both me and Mr. Lawson, Messrs. Herrington on behalf of the planning applicant and appearing alongside RDC at the DaSA Examination stated that, because of the high groundwater on the site, the only way a SuDS proposal would work would be for it to be raised ABOVE (my emphasis) current ground level.</p> <p>The absence of Alison Giacomelli's email and the crucial statement in it means that neither Mr. Lawson nor I could question at the Examination Messrs. Herrington's statement which demonstrably contradicts the conditional basis of approval specified by Natural England.</p> <p>The Inspector, if he was unaware of the Giacomelli email of 1st May, was equally misled.</p> <p>The consequences of the contradiction between what Natural England requires and Messrs. Herrington have stated (and which technical corroborates the evidence presented by Mr. Lawson) are that:</p> <p>1/ key information to inform the Examination was denied to one or more party to it, 2/ the statement from Messrs. Herrington which does not meet the Natural England requirements renders inadequate the RDC Habitats Regulation Appropriate Assessment (AA) for Policy BEX9. 3/ an inadequate AA for BEX9 renders the policy unsound and undeliverable, 4/ an unsound and undeliverable Policy BEX9 should not remain part if the DaSA.</p> <p>In view of the serious nature of the long delayed publication of the Natural England email and the major consequences that result from it I formally request that the Examining Inspector revisits his conclusions regarding Policy BEX9. I would expect that on reflection of the facts as set out in the Natural England email of 1st May and the contradictory statements made by Messrs. Herringtons he will agree that the inability to design a SuDS for the Policy BEX9 site at current ground level means the Policy is unsustainable and should be removed from the DaSA.</p> <p>Failing that I suggest the Inspector may wish to reconvene the Examination in Public to further debate the issues relating to the provision of SuDS on the Policy BEX9 site.</p> <p>I am aware that a formal consultation is under way currently regarding the specified Main Modifications to the Submission DaSA but I am writing here because the issues involved do not relate directly to the content of the Main Modifications as published.</p> <p>Please see attachment: email from Natural England -</p> <p>http://www.rother.gov.uk/CHttpHandler.ashx?id=32377</p>	16th August 2019

2	Hugh Stebbing	Hugh Stebbing	Na	Na	[email to the DaSA independent Examination Programme Officer] Regarding letter from Natural England (dated 01/05) in relation to planning application RR/2017/1705/P, Land off Spindlewood Drive	Comments regarding the availability of information relating to SuDS regarding BEX9	Further to my email earlier today I believe the Examining Inspector ought also be aware of the attached email from Natural England(NE). You will observe that the date has been redacted (I question why...?) and the date of posting was 25th July which implies the NE email was much earlier and possibly prior to the Examination in Public. You and the Inspector will see that the email from NE posted on 25/7/19 expands upon and reinforces the points of contention as we at SPINDAG have described and which have seemingly increasingly concerned NE. It adds substantial weight to the evidence that a SuDS train cannot effectively be constructed on the BEX9 site. Without an effective SuDS the Policy BEX9 site is unsound and cannot be delivered. Ergo it must be removed from the DaSA and the logic to support this decision is compelling with increasing technical evidence from both SPINDAG and NE to support such a decision. I await the Inspector's consideration of these matters. Please see attachment: email from Natural England - http://www.rother.gov.uk/CHttpHandler.ashx?id=32378	16th August 2019
3	Hugh Stebbing	Hugh Stebbing	Na	Na	Partial email sent to Cllr Vine-Hall of Rother District Council Regarding RR/2017/1705/P & DaSA Allocation BEX9	Comments relating to availability of information.	I am sending this to you for interest and information. The circumstances I describe in my email to Charlotte Glancy are of significant concern and are not the only example of late publication on the Rother planning portal of material information. The BEX9 site is of major significance as the level of objections to its inclusion in the DaSA and to the correlated planning application ref. RR/2017/1705/P will testify. The degree of local interest in the outcome of both aspects is considerable and well known in the council planning department. That department might reasonably be expected to have made doubly sure that proper publication procedures were adhered to and that all relevant information was put in the public domain in a timely fashion. Sadly this does not appear to have happened at a critical time prior to the Examination in Public of the RDC Submission DaSA. You need to be aware of the situation as it could well Impact the timetable for the Inspector's final report upon the DaSA...	3rd September 2019
4	Richard Caie	Na	Na	Na	[email to the DaSA independent Examination Programme Officer] Regarding letter from Natural England (dated 01/05) in relation to planning application RR/2017/1705/P, Land off Spindlewood Drive	Comments regarding SuDS and Appropriate Assessment relating to Policy BEX9.	I wish to register my deep concern regarding a highly significant matter relating to the Inspector's examination of the RDC DaSA. I believe this could have serious implications in so far as the conclusions which the Inspector might reach. An email from Alison Giacomelli at Natural England to Rother District Council dated 1 May 2019 in connection with planning application RR/2017/1705/PP appears to have been withheld from the RDC planning portal until 4 July. The content of this email relates specifically to BEX9. The effect of this information being withheld was that the public and probably the Inspector were unaware at the examination of the relevance of this highly important view expressed by Natural England, specifically, that their acceptance of any SuDS proposals on the BEX9 site would be contingent on the SuDS being situated at ground level. In the absence of this information, Herringtons (the applicant's consultants), were not challenged when they stated that because of the high groundwater of the site, the only viable SuDS method would be to raise it above ground level. Since this is in complete contradiction of Natural England's requirements, I submit that this renders the RDC Habitats Appropriate Assessment unsound which in turn means that BEX9 must not be included in the DaSA.	29th August 2019
5	Geoffrey Lawson	Na	Na	Na	[email to the DaSA independent Examination Programme Officer] Delay in the Study of A259 junctions for Rother by Peter Davidson Consultancy	Comments relating to availability of information regarding capacity of junctions on A259.	This is a question about the proceedings of the EIP of the Rother plan on 14th May. At the Examination in Public on the Rother DaSA plan in Bexhill on 14th May 2019 the Inspector asked Rother what was happening regarding Highways England (HE) objections? Rother referred to the fact that they had initiated a study of the capacity of junctions on A259 and they had published a Statement of Common Ground with HE to that effect on 13th May which is on the DaSA pages of the Rother planning portal website. At the same EIP session East Sussex County Council Highways department who were present said that they had received some preliminary results from that study and they thought it would be complete by 'early June'. I would expect that the results of that study should be made public as was the Report SJ7 'Bexhill Highway Capacity Report' November 2018. It is now 6 weeks since the ESCC statement that the study should be finished in early June. However there is no report on this study either on the Background papers list or in the Supplementary papers list on Matter 7 (which is where the Statement of Common Ground is published) to date. Do you know if this study has been completed and have Rother supplied the Inspector with copies of the report? Have you asked Rother to put the report up on the DaSA pages of their website?	25th June 2019

6	Geoffrey Lawson	Na	Na	Na	[email to the DaSA independent Examination Programme Officer] Delay in the Study of A259 junctions for Rother by Peter Davidson Consultancy	Comments relating to availability of information regarding capacity of junctions on A259.	<p>I am writing again about the absence of information from Rother about the report on the quantitative operational traffic analysis of the 4 junctions on the A259 from the Peter Davidson Consultancy. You may recall that the Inspector asked about this in the light of the objections to the DaSA from Highways England. I have also written to Ms Nichola Watters at Rother DC about this.</p> <p>This report from the Peter Davidson Consultancy which was initially said to be likely to be completed in June, was then put back to the end of July, but has not yet appeared. Meanwhile any comments on the Modifications to the DaSA have to be received by the 10th September. Has the Inspector received a copy of the Report from Peter Davidson showing how the junctions on the A259 can accommodate the projected traffic flows in 2028? And have Highways England withdrawn their objections?</p> <p>The 'Response to further questions from the Inspector regarding the Strategic Road Network' posted on the DaSA web page on 24th May 2019 is not the Report from Peter Davidson. This response is merely an indication of the possible results from an undeclared source and falls well short of what I would expect to see as the full report including Appendices for the Little Common roundabout junction with the future traffic flows forecast, and the drawings indicating where and how the entries to the roundabout are to be widened.</p> <p>Could you possibly chase Rother up on this as nothing has appeared on the DaSA Web pages either in the Examination Statements for Matter 7 or in the DaSA Examination Documents List, and it would appear that the timely publication of this Report is needed for the DaSA process to be completed.</p>	20th August 2019
7	Geoffrey Lawson	Na	Na	Na	[email to the DaSA independent Examination Programme Officer] Delay in the Study of A259 junctions for Rother by Peter Davidson Consultancy	Comments relating to availability of information regarding capacity of junctions on A259.	<p>Following your earlier intervention with Rother on my behalf at the end of June I did receive a reply from Nichola Watters (the manager for Planning Policy) on 8th July telling me that the Peter Davidson Study Report was delayed and then expected by the end of July. I replied to that email with a further detailed letter about the potential problems with the roundabout analysis dated 12th July. In view of your intention that this correspondence should be seen by the Inspector, and I am unsure if Rother will include it, I attach copies for your reference. It may be appropriate to remind Rother about these letters.</p> <p>Please see letters:</p> <p>http://www.rother.gov.uk/CHttpHandler.ashx?id=32375</p> <p>http://www.rother.gov.uk/CHttpHandler.ashx?id=32376</p>	22nd August 2019
8	Geoffrey Lawson	Na	Na	Na	[email to the DaSA independent Examination Programme Officer] Delay in the Study of A259 junctions for Rother by Peter Davidson Consultancy	Comments relating to availability of information regarding capacity of junctions on A259.	<p>I am writing again regarding the extraordinary delay to information from Rother about the report on the traffic analysis of the 4 junctions on the A259 from the Peter Davidson Consultancy.</p> <p>You may recall that the Inspector asked about this in the light of the objections to the DaSA from Highways England.</p> <p>We are expected to provide comments on the modification proposals by 10th September yet as of the 2nd September the report of the highway junction analysis has still not been published or otherwise made available.</p> <p>Has the Inspector received a copy of the Report from Peter Davidson showing how the junctions on the A259 can accommodate the projected traffic flows in 2028? And have Highways England withdrawn their objections?</p>	1st September 2019

9	Geoffrey Lawson	Na	Na	Na	<p>Delay in the Study of A259 junctions for Rother by Peter Davidson Consultancy; and in light of this delay a request that the peiord of representation regarding the Modifications to the Proposed Submission DaSA should be extended.</p>	<p>Comments relating to availibility of information regarding capcity of junctions on A259.</p>	<p>Regarding the Peter Davidson Study and analysis of the 4 junctions on the A259 in Bexhill including the Little Common roundabout. Highways England lodged objections to the DaSA because of their dissatisfaction with the Bexhill Highway Capacity Assessment Report November 2018 (Document SJ7 in the Supporting Documents list). The Inspector asked about this at the EIP on 14th May and Rother (Mrs Watters) referred to the statement of Common Ground RDC/HE dated 13th May and subsequently also published on the web page as Document RDC-SoCG-001.</p> <p>The geometry of the Little Common roundabout makes it emphatically NOT a standard roundabout particularly with respect to the deflection angles of the A259 and Cooden Sea road approaches and for this reason the analysis obtained is of great interest to the residents of Little Common and SPINDAG in particular.</p> <p>As you are aware I have written to Rother DC (hand delivered correspondence) asking about the availability of the report and analysis from this Study several times on 24th June, 12th July and 15th August. I received a holding response on 8th July stating that the study was somewhat delayed and at that time expected to be available by about the end of July. At about the same time I became aware of the document RDC-DASA-028 published on the DaSA web page stating that in respect of Little Common roundabout a mitigation solution is available by widening the A259 approaches to the roundabout and a rough estimate of cost was given. However no details have been published about this or any of the other junctions. I have again written to Rother and hand delivered my letter(to Ms Watters, the Planning Policy manager) asking for this information most recently on 2nd September.</p> <p>You will note the apparent conflict between the statement in Document DASA-028 24th May 2019 and the email to me dated 8th July 2019. The document RDC-DASA-028 'Response to further questions re Strategic Road Network' published 24th May 2019 contains an extremely bland statement in respect of Little Common roundabout effectively saying 'everything will be all right on the night'. This is totally unconvincing and falls well short of what one might reasonably expect from a professional study. The Little Common roundabout is emphatically NOT a standard roundabout on account of the deflection angles and confusion between the various turning movements and consequent hesitation of approaching drivers resulting in longer than expected traffic queues, as anyone who approaches it from the A259 or B2182 Cooden Sea road will attest.</p> <p>It is surely incumbent on Rother to publish the Peter Davidson Study report resulting from the Statement of Common Ground document SoCG-001 just as they have published the Highway Capacity Study (SJ7), and the position statement (SoCG-001) and the Response to further Questions (DASA – 028).</p> <p>I do not know when this report and analysis will be published but I wish to FORMALLY request an extension to the deadline for comment on this. I request that the deadline be extended to allow 21 days from the time of publication of the report and analysis whenever that might be. The absolute minimum would be from 10th September to at least 24th September 2019.</p> <p>I am copying this email to Rothers Leader of the Council and to the Chairman of the Planning Committee for their information as they may have an interest in the timetable for the publication of the DASA.</p>	2nd September 2019
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