

HIGHWAY STATEMENT: TIMELINE OF DISCUSSIONS BETWEEN MILESTONE AND THE LOCAL HIGHWAY AUTHORITY

Transport Development Planning Team, East Sussex County Council

Appeal Reference: APP/C1435/W/24/3334388

Application Reference: WD/2024/1799/MAO

Site: Bird in Eye Farm, Bird in Eye Hill, Framfield, TN22 5HA

Highway Case Officer: Ms Kal Kamboh

1. My name is Kal Kamboh. I hold a BSc Honours degree in Environmental Planning with Urban Regeneration and a Postgraduate Diploma in Town Planning, both awarded by the University of Central England (now Birmingham City University). I am the highway authority case officer for this appeal.
2. I have five years' experience in town and country planning gained at Mid Sussex District Council as a planning officer, followed by 21 years in transport planning at East Sussex County Council, both roles being within Development Management. For the past two years, I have held the role of Strategic Sites Transport Advisor and have been involved in advising on local plan site allocations and major planning applications for the past 15 years.
3. I confirm that this statement provides a true and accurate account of the timeline of events relating to this appeal and the proceeding period since December 2023.
4. I attended the 2023 public inquiry into appeal reference APP/C1435/W/22/3307820, concerning land at Bird in Eye Farm, south of Bird in Eye Hill. This appeal, submitted by Croudace Homes Ltd following the refusal of application WD/2021/2198/MAO, was dismissed by the Inspector on 12 October 2023. The decision cited serious and cumulative harm, including the loss and deterioration of ancient woodland and unacceptable impacts on flood risk, heritage assets and highway safety.
5. The current appeal relates to a revised application (reference WD/2024/1799/MAO) for a reduced scheme of 190 dwellings. In December 2023, the Appellant's transport consultant, Milestone Transport Consultant (MTC), contacted the Local Highway Authority (LHA) to express a desire to work collaboratively and reach agreement on highway matters. The LHA indicated willingness to engage through the pre-application process.
6. However, due to the site constraints relating to ancient woodland and heritage assets, it was advised that the LPA should first assess the implications of access

options through their pre-application process. The was to ensure that environmental and heritage constraints were understood before highway access design was fixed.

7. The LHA advised that pre-application discussions with both the LPA and LHA should be coordinated and that all planning issues, including access, should ideally be resolved prior to formal submission to avoid conflict between material considerations, especially those matters known from the earlier appeal decision.
8. On 3 January 2024, MTC submitted a formal request to engage in pre-application discussions with the LHA and provided a technical note. However, no fee was paid, and it was agreed that the LHA pre-application process would pause pending the LPA's assessment of the site's constraints, especially those affecting ancient woodland and heritage.
9. Highway matters such as access type, speed limits, and active travel measures required engagement with other LHA teams (technical and road safety). It was indicated to MTC that feedback collation would take several weeks.
10. After a 14-week pause, on 15 April 2024, MTC confirmed that a formal pre-application had been made to the LPA.
11. On 23 April 2024, the LHA registered the transport pre-application under reference PRE/WD/2024/2080. A fee was not requested at this stage, given the continued expectation that the LPA would first respond on heritage and woodland matters.
12. On 3 June 2024, MTC contacted the LHA to ask whether any LPA feedback had been received following the Appellant's planning pre-application meeting on 24 May 2024. MTC indicated a wish to progress highways engagement. On 7 June, the LHA responded, confirming that it had liaised with the LPA, who advised that further work was required on heritage and ancient woodland issues before planning support could be confirmed. These constraints could influence both the design and position of the site access.
13. MTC subsequently advised the LHA by telephone that a planning application was being submitted, despite meaningful engagement on highways matters not having occurred and no pre-application fee being paid.
14. On 31 July 2024, the outline planning application was submitted to the LPA, proposing development of the appeal site for up to 190 dwellings.
15. The application was received by the LPA on 2 August 2024. No consultations were undertaken with statutory consultees or the public at this stage. The LHA did not receive a consultation request. However, the LPA was aware of the ongoing highway pre-application process.
16. On 9 August 2024, the LHA contacted the applicant (Croudace), copying in MTC, to clarify the application status. The LHA requested confirmation of the documents to be reviewed under the pre-application request, particularly whether the technical

note or the Transport Assessment (TA) submitted with the application should be reviewed, given that the quantum of development had changed.

17. Between 9 and 14 August, a series of emails were exchanged in which MTC provided the submitted TA rev A, appendices, Framework Travel Plan Rev A (FTP) and Road Safety Audit (RSA) Brief (all dated July 2024). On 14 August, the LHA issued light-touch comments¹ on each and advised that internal technical and road safety teams were still reviewing the RSA Brief. An RSA Brief has proposal content and details that are checked by the LPA prior to the commissioning of a road safety audit. A meeting was proposed once those reviews were complete. Notably, no road safety audit was submitted with the application.
18. The pre-application fee was finally paid on 8 September 2024, enabling post-submission discussions to formally commence. A meeting was scheduled on 11 September but was cancelled due to illness.
19. On 11 September, the LHA provided a list of technical comments² based on the RSA Brief; on 12 September it was confirmed that the road safety team had no further comments beyond those already shared. In brief, the concerns raised in those technical comments were roundabout overrun section around central island; deflection; proximity of the 40mph speed limit to Sandy Lane; unsupported dragons teeth feature; incomplete cycleway infrastructure; proposed extent of highway. It was considered that as the pre-application fee had now been paid, that this was the beginning of meaningful discussions between LHA and MTC. Included in the light touch comments to the TA were queries regarding the speed limit proposals and what measures to support a 30mph speed limit would be included.
20. No further correspondence was received until 24 December 2024, when MTC informed the LHA that an appeal has been lodged on grounds of non-determination. At this point, highways discussions, including access and road safety audit, remained unresolved. During this time MTC did not correspond with the LHA at all to seek to address any of the LHA's comments provided to it in August and September. It was the Appellant's decision not to engage with the LHA during this time. The LHA expected continuation of discussions and hearing that an appeal was lodged was most unexpected. Further, the scheme submitted with the appeal did not attempt to address the points raised by the LHA in response to the TA rev A, FTP rev A in August nor RSA Brief in September 2024.
21. On 2 January 2025, MTC submitted a revised RSA1 Brief to the LHA for agreement, during a period when the highways case officer was on leave. A follow-up email was sent on 6 January 2025, to which the LHA responded the same day, advising that internal review was essential to avoid a second RSA should unsupported access designs be submitted. It was confirmed that any RSA commission without LHA endorsement would be at the Appellant's risk. Nevertheless, the RSA was progressed by the Appellant.
22. The LHA was formally notified of the appeal by the LPA on 6 January 2025, with a start date of 20 December 2024 and a deadline for representations to the Planning Inspectorate (PINS) of 3 February 2025; and Inquiry in March 2025.

23. On 13 January 2025, the LHA requested the RSA1 and Designer's Response from MTC for review. The LHA highlighted that any problems raised by the RSA would require amended plans and queried whether such amendments would be accepted by PINS post-appeal submission. The LHA also asked whether the documents published on the LPA's website were to be relied upon in its consultation response, noting the absence of an RSA and Designer's Response.
24. The RSA1 and Designer's Response were provided to the LHA on 20 January 2025.
25. A meeting between MTC, LHA and the LPA took place on 28 January 2025 to discuss the submitted access proposals. A note of the meeting was taken and reflected in the LHA's appeal submission to PINS on 3 February.
26. On 3 February 2025, the LHA submitted its formal response to PINS based on the application submission documents (NB: an administrative error listed January instead of February as the submission date). The representation raised three objections and noted the absence of an RSA in the submitted suite of transport documents. The proposal included detailed access but based on the information available at submission and appeal, the access was not considered deliverable/safe. Intermittent engagement by MTC to LHA prior to the submission of the application and lodging of appeal together with delayed preparation of a RSA and subsequent access revisions evidently demonstrated absence of agreed access proposals at both significant junctures.
27. At the Case Management Conference on 11 February 2025, the Inspector acknowledged that highways matters were substantially unresolved and postponed the inquiry (originally scheduled for March) until July 2025. The Inspector considered it necessary for the Appellant and LHA engage meaningfully to resolve or narrow the highways issues prior to the Inquiry.
28. Between February and May 2025, extensive engagement between MTC and the LHA followed, through strong steer by the LHA that the proposed 30 mph speed limit could not be supported. The LHA recommended that MTC should consider revised access design options that could be supported in a 40mph speed limit, for LHA consideration, in order to narrow down departures from Design Manual for Roads and Bridges standards. It was mainly through LHA road safety and technical led discussion that the access proposals evolved to become acceptable. During the period January-May 2025 the LHA saw seven iterations of plans for the access. Further, it was only in April 2025 that the Appellant accepted the LHA's position with regards to the 40mph speed limit and provided plans which were designed on that basis.
29. Ultimately, key elements of the access arrived at by May 2025 included:
- A compact design roundabout in the B2102
 - A short extension of the 30mph limit, speed limit proposal of 40mph to enable an appropriate roundabout access design conducive to the local speed limit policy;
 - An internal mini roundabout to facilitate turning provision for the retained employment land;

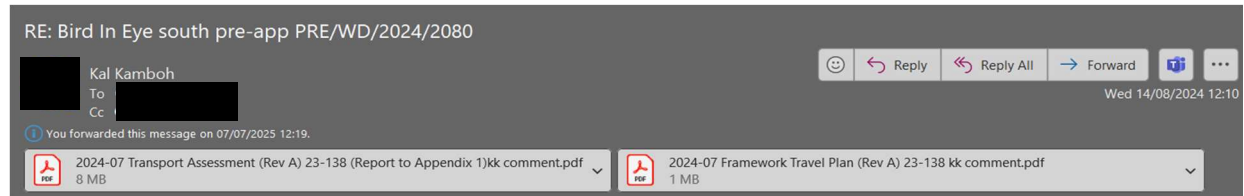
- Shared cycle and pedestrian facilities and connectivity provision;
 - A street lighting scheme and provision for road markings and signage;
 - Consideration of access to adjoining dwellings (Lycroft, 18 and 19 Bird in Eye Hill) and field access to Bird in Eye Farm (north side).
30. A Wheatcroft submission was made by the Appellant to PINS on 9 May 2025 accompanied by amended plans and documents.
31. Ultimately, because of continued engagement between MTC and the LHA, all three reasons for highways objection outlined in the LHA's January 2025 statement were addressed. Highways matters are no longer disputed in this appeal.
32. This was confirmed by the LHA in its Wheatcroft response to PINS on 19 May 2025, A Highways Statement of Common Ground was signed on 21 May 2025.
33. From the above timeline, it is evident that pre-application engagement with the LHA did not formally commence until the fee was paid in September 2024 – after the application had already been submitted. Although earlier emails indicated an intention to engage, a firm commitment was not evident until payment was made. A strong objection was made to the submitted application, and acceptable access solutions were not agreed until May 2025 – some 16 months after the initial engagement request and 10 months after the planning application was made. Further, there was a three-month period when the Appellant did not engage with the LHA after making its planning application but before making its appeal.
34. Due to the compressed timeline for Rule 6 statements following validation of the appeal, and the absence of earlier formal LPA consultation due to the Section 70A consideration period, the LHA appointed a consultant to support the post-appeal pre-application process. While all highways matters were ultimately agreed, the sequencing was suboptimal and did not facilitate an efficient planning process. In particular, the failure of the Appellant to engage in meaningful pre-application discussions with the LHA, the submission of an application where the access could not be endorsed by the LHA and not even supported by an RSA, the failure of the Appellant to engage with the comments of the LHA provided in August and September 2024 for a period of three months and even then, when making its appeal not addressing those comments. It then required the LHA to lead discussions during the appeals process, during which seven iterations of the access plans were seen by the LHA for agreement to be reached.
35. I have been asked to comment on whether, had the application been validated by the Council, it is 'likely' that agreement on highways would have been reached at the application stage. It is clearly difficult to comment on a hypothetical situation. However, I would note that the Appellant had the benefit of early comments provided by the LHA in August and September 2024 after it had made its application. Those comments would have shaped any consultation response by the LHA had the application been validated. However, the Appellant did not seek to address these or continue discussions until after the appeal had been submitted and, in fact, the key concerns which the LHA raised with regards to the speed limit were only agreed by the Appellant in April 2025 a month after the appeal inquiry was originally due to commence. Up until that date the Appellant was pursuing

access proposals which could not be supported by the LHA. Had the LHA not intervened during discussions to recommend the speed limits as is presented in the final highway proposal, it is not likely that MTC could have developed an acceptable access scheme. On that basis I don't agree that it can be said that it is 'likely' that the LHA's objection would have been addressed by the Appellant during the application stage, had the application been validated.

Date: 07/07/2025

Paragraphs 17 and 19 references ¹ and ² are attached.

¹Email to MTC dated 14/08/24



Hi [REDACTED]

I've read through the TA, and attach the doc with some comments added. Hopefully they will have saved as I had a few issues needing to keep reloading to save them. The last update should have been 10.40 today.

The RSA brief is still with my colleagues to review but I will update you when these come back.

The travel plan is generally on the right track. I have added comments to the doc and attached.

What is also important and will require changes in both documents is the trip rate review and also an updated Origin/Destination taking account of more up to date data available in [East Sussex in Figures - Data Observatory - Welcome to East Sussex in Figures](#) - to account for working from home and reduced rail travel. This info will provide a more up to date baseline person trip rate and tailor the travel plan and its expectations more accurately.

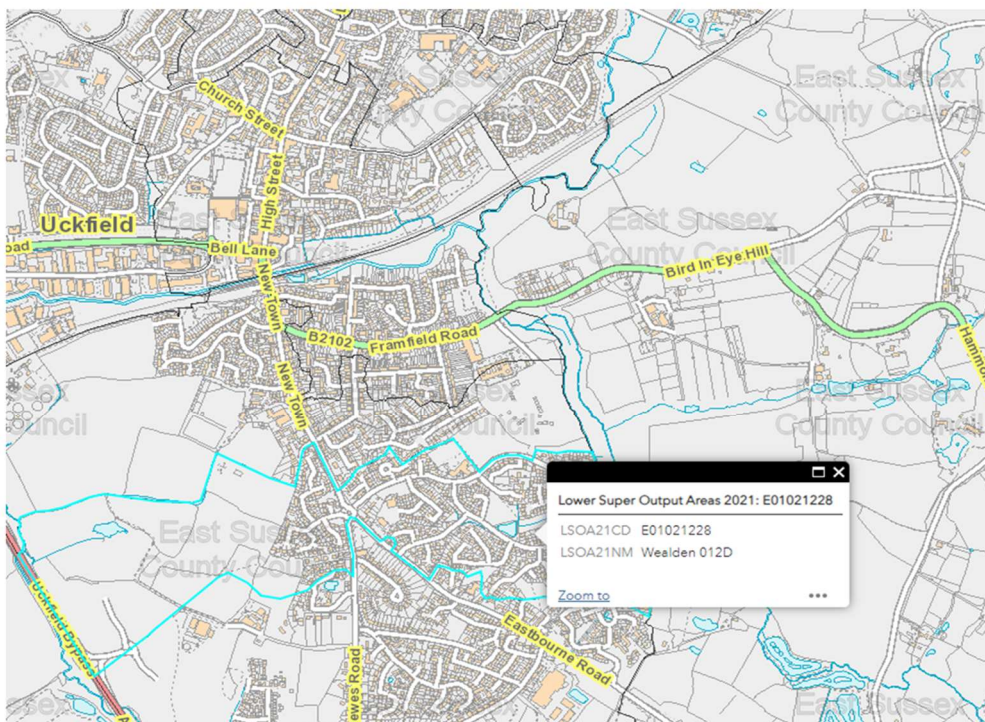
Committed sites in Uckfield have changed since the appeal decision and there are 2 committed sites and 1 pending decision (in TA comments)

I could fit in a quick chat regarding the work to date this afternoon, though I would prefer to have a proper discussion when I have comments back from my colleagues in road safety and the technical team as access is what I assume the planning application seeks detailed approval of.

Please let me know if you want to general meet/intro and any updates if any from Wealden regarding the application registration/validation. I am free from 2pm today and can spare 30 mins.

Thanks for forwarding the appendices yesterday.

Below is a screenshot of LSOA 12D as mentioned in TA comments.



Regards,

Ms Kal Kamboh
Strategic Sites Transport Advisor
Transport Development Control
Communities, Economy and Transport



²Email to MTC dated 11/09/24

RSA Brief - officer comments to ESCC RS and Tech teams

Kal Kamboh

To

Cc

😊

↩ Reply

↩ Reply All

➡ Forward

⋮

Wed 11/09/2024 11:15

📧

You forwarded this message on 07/07/2025 09:50.

Hi [REDACTED],

Here are comments I passed on to my colleagues in Road Safety and Technical/Implementation when the RSA brief was passed on to me. I still await their formal comments but be aware that the list below may not reflect all concerns and there may be more. As discussed, we will keep dialogue open in terms of getting this piece of work completed, though there will be a need to eventually consider BIEN proposals.

(Comments in blue just arrived from tech officer)

- 1) Roundabout 36m ICD is this a correct DMRB spec for B2102, very little deflection when traversing along B2102 west to east. **A 36m ICD with 18m central island is in accordance with DMRB so is fine. The are showing a 2m overrun area around the central island which I don't really like as it can lead to differential skid resistance which is an issue for cyclists and motorbikes but that's more of a detailed design point. I agree there is little deflection for eastbound traffic. Looks like they could get a little more but not much as it would impact the sight stopping distance which is already one step below the desirable minimum which is allowable on this class of road. I'm assuming its ended up like that as the available site frontage only just allows a roundabout of this size to be built and retain the full sight stopping distance for vehicles travelling westbound, which is probably more important on balance.**
- 2) The proposed 30mph limit to the west and 40mph limit to the east of the proposed roundabout this site does not consider what we discussed for the site at Bird in Eye north last week, so their proposal for extension of the 30mph has not considered any measures on the western approach or exit from the roundabout. The 40mph extension poses issues when travelling east when leaving the 40mph limit into derestricted so close to the bend with Sandy Lane (this was flagged up previously)
- 3) Dragons teeth are not accepted
- 4) No details to indicate how cyclists can join the cycleway/footway when travelling eastbound from Framfield Rd **Seems like a bit of an omission, they will need to include something before they get the scheme audited.**
- 5) There is no extent of land to be adopted.
- 6) No street lighting Full size roundabout don't necessarily need to be lit. **An assessment will need to be done in due course but as its 450m (ish) from nearest street light I don't think it absolutely has to be but worth mentioning it will need to be considered further if the scheme progresses.**
- 7) Swept path do not show a double decker bus - should we ask (16.5m long artic indicated) **They have tracked a 12m refuse vehicle which looks fine so a bus should get round without any trouble.**

I trust this assists for now. I will update when road safety team comments arrive.

regards

Ms Kal Kamboh
Strategic Sites Transport Advisor
Transport Development Control
Communities, Economy and Transport

East Sussex
County Council