

SB6

Chronology of the Appeal Application

June 2025

Introduction

This document summarises the communications between the Appellant, Wealden District Council (“WDC”) and East Sussex County (“ESCC”) as the Local Highways Authority (“LHA”) during the pre-application process, submission of the application and the appeal being lodged.

Table 1 provides a summary of the communications between the Appellant and WDC, whilst *Table 2* provides a summary of the communications between the Appellant and ESCC as the LHA.

Supporting plans and particulars are included at Documents **SB6.1** to **SB6.8**, which plans and particulars are **provided below**. They comprise as follows:

SB6.1	The Illustrative layout submitted with the pre-application request (March 2024)
SB6.2	WDC’s pre-application advice (LPA Ref: PE/2024/0122/E) (June 2024)
SB6.3	A letter from Wealden District Council dated 5 th August 2024 acknowledging receipt of the planning application.
SB6.4	A letter from Wealden District Council dated 19 th August 2024 citing s70A of the Town and Country Planning Act 1990 (as amended).
SB6.5	Email from WBP to WDC (23.08.2024) and an opinion from A Tabachnik KC (39 Essex Chambers), issued to Wealden District Council on 23 rd August 2024.
SB6.6	Email correspondence between Woolf Bond Planning at Wealden District Council (October 2024)
SB6.7	Further email correspondence between Woolf Bond Planning at Wealden District Council (October 2024)
SB6.8	Email correspondence between Croudace Homes Ltd and Wealden District Council (Oct-Nov 2024)

Summary of Communications with WDC

The Applicant sought to engage with WDC and the LHA prior to the submission of the Appeal Application.

A pre-application request was submitted to the LPA (and the requisite fee paid) for the LPA’s pre-application advice. A pre-application meeting was convened, and written pre-application advice was received.

The Appellant subsequently submitted a planning application (informed by the pre-application advice received).

The iterative approach to the Appeal Scheme design is explained in the Design and Access Statement (VD1.4) and the more recent Highways SoCG (**CD4.2**) and Addendum SoCG (**CD4.4**).

A summary of the communications between Woolf Bond Planning (“WBP”) on behalf of the Appellant and WDC between submission of the pre-application request and the Appeal being lodged is set out in *Table 1* below.

Table 1: Summary of Communications with WDC

Date	Details
20.3.24	Pre-application request submitted to WDC, proposing development of the Site for up to 235 dwellings, amenity space and SANG. The submission included Illustrative Site Layout – Drawing Ref. PRB/BIE/202 (SB6.1). The pre-application submission included the payment of a [REDACTED] pre-application for to the LPA for their consideration of the draft proposals.
23.5.25	Pre-application meeting convened to discuss the draft proposals for the Site.
4.6.24	Pre-application written advice letter issued by the LPA (SB6.2).
11.7.24 – 29.7.24	Croudace consulted with residents about the draft proposals for the Site (CD1.34 refers)
31.7.24	Outline planning application submitted to WDC proposing the development of the Appeal Site for up to 190 dwellings. A planning application fee in the sum of approximately [REDACTED] was paid by Croudace.
5.8.24	Letter issued by WDC acknowledging receipt of the application (SB6.3), with the LPA allocation it application number WD/2024/1799/O.
19.8.24	Letter issued by WDC citing s70A of the T&CP Act 1990 (As amended) (SB6.4).
23.8.24	Email response issued by WBP to WDC, enclosing an opinion from A Tabachnik KC (SB6.5).
1.10.24 – 10.10.24	Email correspondence between WBP and WDC about validation of the application and s70A (SB6.6).
11.10.24 – 23.10.24	Further email correspondence between WBP and WDC about validation of the application and s70A, including an article from Planning Resource (22.10.24) summarising a recent High Court case (Evans and Bridgend County Council [AC-2024-CDF-000038 and 000039] (Oct 2024) relating to a Council’s refusal to consider a planning application(s). The email, article and judgment are included at SB6.7 .
11.10.24 25.10.24 1.11.24	Correspondence between Croudace and WB about the Council’s failure to validate the planning application (SB6.8).
3.12.24	Appeal lodged against the Council’s failure to determine application WD/2024/1799/O.

Summary of Communications with WDC

The engagement undertaken between Milestone Transport Planning and the LHA is provided in Table 2 below.

The Appellant is grateful to the LHA for their engagement on the access design, which matters are set out in the Highways Statement of Common Ground at **CD4.2**.

Table 2: Summary of Communications with ESCC Transport Development Planning Team

Date	From / To	Details
12.12.23	MS - KK	Introduction to revised application & request for meeting
12.12.23	KK - MS	Provision of link and instructions to enact ESCC Pre-App request process. Advised that Pre-App with WDC should be pursued alongside ESCC Pre-App
03.01.24	MS - KK	Issue of formal ESCC Pre-App request, enclosing completed ESCC form and copy of Pre-Application Technical Note [MTP Ref: 23138 Pre-App Tech Note (V3) (03.01.24)] Confirmed that client team will run WDC Pre-App in parallel
03.01.24	KK - MS	Confirmed receipt of ESCC Pre-App submission Advised that WDC Pre-APP on planning matters should be sought first and to put ESCC Pre-App on-hold until this is undertaken Queried as to whether the intention is to pursue Pre-App alongside emerging proposals for land north of Bird in Eye Hill ("BIEN")
20.03.24	SB - WDC	Formal request for pre-application with LPA
11.04.24	WDC - SB	Pre-App acknowledgement from WDC noting that they did not intend to have a Pre-App with ESCC Highways at this stage
15.04.24	MS - KK	Confirming WDC Pre-App made and keen to re-engage with Highways Pre-App, seeking confirmation of next steps, fees and timescales
23.04.24	KK – MS	Confirmed registration of ESCC Pre-App [ESCC Ref: PRE/WD/2024/2080] Further request for coordination with BIEN proposals
23.04.24	MS – KK	Confirmed that collaborative working with the BIEN proposals was acceptable in principle to client team
24.04.24	ESCC Dev Control - MS	Confirmed Pre-App fee to be [REDACTED] + VAT
19.05.24	KK - SB	Responding to query as to whether ESCC will attend WDC Pre-App

		KK confirmed that attendance was not requested but that transport discussion can commence once ESCC is aware of the planning context
23.05.24		WDC Pre-App meeting
03.06.24	MS - KK	Querying whether ESCC had received feedback from WDC Pre-App Confirmed desire to progress transport discussions and reiterated objective to not prejudice BIEN proposals
07.06.24	MS - KK	Further email to follow up post WDC Pre-App mtg
07.06.24	KK - MS	Confirmed receipt of feedback from WDC Pre-App mtg Confirmed that ESCC will need to outsource some Highways Pre-App work which will incur additional fees Concern regarding conflicts with BIEN proposals and that, on this basis, the sites should be considered together
29.07.24	KK / MS (Tel. call)	MS confirmed timing for application submission KK requested sight of TA / FTP package as well as RSA Brief so that she can respond to Pre-App in advance of formal application response
01.08.24	KK - MS	Confirmed no fee received for Pre-App Requested clarification as to whether the client requires the Pre-App to be closed or whether the fee is paid to engage discussions
01.08.24	MS - KK	Confirmed a revised fee was awaited (the total Pre-App cost with additional outsourcing)
01.08.24	KK - MS	Resent email from ESCC Dev Control colleagues dated 24.04.24 (prior to KK stating that additional fees would be required in email dated 07.06.24)
05.08.24	EC – ESCC Dev Control	Requesting invoice and bank details to process Pre-App payment
06.08.24	ESCC Dev Control - EC	Advice on payment options
06.08.24	EC – ESCC Dev Control	Requesting link for online payment
07.08.24	ESCC Dev Control - EC	Invoice to pay online issued
07.08.24	EC – ESCC Dev Control	Alerted ESCC to error message using invoice number provided online

08.08.24	EC – ESCC Dev Control	Further request for updated invoice number details to address error message and pay fees
08.08.24	ESCC Dev Control - EC	Revised invoice details issued for online payment
09.08.24	EC – ESCC Dev Control	Confirmed that invoice paid
09.08.24	KK - MS	Noting that formal application submitted to WDC but not yet validated Requesting confirmation of suite of documents submitted (Transport) with the formal application
09.08.24	MS / ZM - KK	Copies of the submitted TA, FTP and RSA1 Brief issued
12.08.24	KK - ZM	Confirmed that RSA1 Brief has been forwarded to ESCC Road Safety (“RS”) and Technical (“Tech”) colleagues Provided interim comments before formal response from RS & Tech colleagues: - Transitional speed limit not accepted - Dragons teeth road markings not accepted - 30mph speed limit west of access not previously supported Recommended holding commissioning of RSA1 until formal RS & Tech colleagues response
14.08.24	KK - MS	Issued review of TA with comments - Trip rates / Origin / Destination assumptions require review - ‘Committed’ sites list changed Confirmed RSA1 Brief still with RS & Tech colleagues Confirmed FTP generally on the right track Requesting quick introductory mtg. but not full mtg. until comments received from RS & Tech colleagues
14.08.24	MS - KK	Confirming that a meeting (same day) was too early as there is a need to digest feedback – suggested a revised mtg. date 19.08.24
14.08.24	KK - MS	Confirmed leave dates of 23.08 – 05.09 so mtg. will have to wait till then when RS & Tech colleagues’ comments should also hopefully of been received
14.08.24	MS – KK (various)	Agreed to meet 11.09.24 at 10:30
		Meeting subsequently cancelled due to illness & unable to agree date / time for Teams call

11.09.24	KK - MS	Confirmed that response received from Tech colleagues – no further comments to those issued 12.08.24
12.09.24	KK - MS	Confirmed that response received from RS colleagues – no further comments to those issued 12.08.24
23.12.24	MS - KK	Confirmed Appeal submission and keenness to agree Highway SoCG and RSA1
02.01.25	ZM - KK	Issued updated RSA1 brief
06.01.25	ZM - KK	Chasing feedback on updated RSA1 brief
06.01.25	KK - ZM	Confirmed that RS & Tech colleagues cannot respond to updated RSA1 brief by return but that she was reviewing in any event Advised that we can instruct RSA 'at risk' but that there may be a requirement for a further RSA if RS & Tech colleagues raise issues with the RSA1 Brief once they have had opportunity to consider Sought clarification on how we anticipate Appeal will proceed
06.01.25	KK - ZM	Raising concern on location of proposed 30mph speed limit as a potential issue in advance of comments from RS colleagues Awaiting Tech colleagues comments on street lighting requirement for 30mph speed limit and proposed roundabout Concern regarding deflection west to east through roundabout Reiterating that further RSA may be required if we instruct in advance of RSA1 brief being signed off by ESCC
06.01.25	ZM - KK	Confirming that RSA1 has been instructed
07.01.25	KK - MS	Confirming RSA team had no further comments on brief beyond those issued 08.24 Reiterating concerns over Appeal procedure Confirming that meeting would be a good next step
07.01.25	SB - KK	Confirming that Appeal had been validated
13.01.25	KK – MS / ZM	Confirming that ESCC have been consulted on the Appeal and comments are due 03.02.25 Requiring circulation of completed RSA1 and Designers Response as soon as it is available Requesting confirmation of suite of Appeal documents (Highways)
13.01.25	ZM - KK	Confirming timescales for issue of RSA1 and Designers Response as well as a full list of the suite of documents / drawings for consideration at the Appeal
20.01.25	ZM - KK	Issuing of completed RSA1 and Designers Response

21.01.25	MS - KK	Confirming that RSA1 and Designers Response issued and awaiting confirmation of meeting
22.01.25	ZM - KK	Requesting feedback on RSA1 and Designers Response and confirmation of meeting
22.01.25	KK – MS / ZM	Confirmation that RSA1 and Designers Response has been shared with RS & Tech colleagues as well as consultant who will represent ESCC at Appeal reiterating that internal consultation process can take time Confirmation that meeting for the following week with ESCC to be arranged subject to agreement on dates / times Confirmation that headlines from initial review of RSA1 and Designers Response to be sent over under separate cover
22.01.25	MS - KK	Confirming availability for meeting w/c 27.01.25

Glossary

ESCC -	East Sussex County Council
MS -	Matt Stevens (Milestone Transport Planning)
KK -	Kal Kamboh (East Sussex County Council)
WDC -	Wealden District Council
SB -	Steven Brown (Woolf Bond Planning)
TA -	Transport Assessment
FTP -	Framework Travel Plan
RSA -	Road Safety Audit
EC -	Emily Chapman (Croudace Homes)
ZM -	Zac Michaelides (Milestone Transport Planning)
SoCG -	Statement of Common Ground

WBP/MTP/7366
JUNE 2025
