

Committee	PTTC
Date	12/3/24
Item	8, 9, 10, & 11

Index		
Item	Description	Page
8	DM/24/0446 Land Off Scamps Hill	1-2
9	Lewes Road TRO	3-4
10	Trees – Policy and Volunteer Warden	5-6
11	Outstanding Action Points	7
	Appendix One – Tree Policy	8

Report:	<b>8. DM/24/0446 Land Off Scamps Hill – proposed development of up to 90 dwellings</b>
---------	--

### Summary

Members are requested to consider the above planning application and whether LPC should submit any comments, noting that the development site is located outside but immediately adjoining the parish boundary. If the application is approved by MSDC, in addition to its impact of the village environs, it is likely that many of its residents would utilise the village's facilities and accordingly it would appear appropriate to provide a representation to MSDC.

### Background

Following the developer's recent consultation for this site, which PTTC decided not to respond to at its 20/2/24 meeting, a planning application was submitted to MSDC for "*The erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.*"

The site is in Lindfield Rural Parish Council's boundary, on the east side of the Scrase Stream opposite the Enterprise Park, where LPC's office is located. LPC has not been formally consulted by MSDC despite the site's proximity to the parish, the likelihood that many residents of such a site would use the village facilities (e.g. shops, doctors, schools, etc), nor as a property owner adjoining the site.

MSDC's consultation notice period expires on 19<sup>th</sup> March, although MSDC have subsequently advised that responses can be submitted until 29<sup>th</sup> March 2023. Previously, where development sites are proposed which are likely to affect adjoining parishes, the common practice has been for the parish in which the site lies to 'take the lead' and, for larger sites, consider whether to arrange a specific public meeting to seek residents' views. At the present time, Lindfield Rural Parish Council plan to meet on Monday 8<sup>th</sup> April both to consider public comments and their consultation response. It is understood that LRPC have sought an extension until 12<sup>th</sup> April to respond to MSDC but that this has not yet been confirmed in writing.

The site was considered by MSDC as part of the updated draft District Plan (see [Site Selections Conclusions Paper](#) and [Appendix 3 Site Assessment](#) and [Appendix 4 – Site Assessment Conclusions by Settlement](#)) as ID 983 Land at Walstead Grange Scamps Hill Lindfield where it was rejected with the conclusion; "*Great weight is given to the conservation and enhancement of the historic environment. Development of the site would cause less than sustainable harm: High impact to a grade listed buildings. It is not considered that the benefits of development would outweigh harm or loss to the asset. The site is therefore considered unsuitable for development and has been excluded from further assessment.*"

Committee	PTTC
Date	12/3/24
Item	8, 9, 10, & 11

**Current Position**

Whilst the site is not contained within MSDC’s updated District Plan proposals, following its rejection in the Site Selections process as detailed above, the formal Planning Application means that MSDC will have to consider the application and the access proposals as all other matters are reserved (e.g. allowing aspects such as external appearance, layout, and landscaping to be fine-tuned after any outline permission is given).

The parish office has received several comments objecting to this proposal and MSDC has received 30 representations at the time of writing.

Should LPC decide to respond to the planning application, whether positively or negatively, it may also be appropriate to suggest appropriate infrastructure improvements which could be provided by the required S106 agreement (e.g. to benefit the King Edward Hall, improve the junction of the High Street and Lewes Road, potential crossing near the planned toilets on the common) to try and ensure that MSDC appropriately address the impact on the village, if they were to provide permission for this site.

**Budget**

None sought.

**Risk Assessment**

Not applicable for planning application response comments.

**Sustainability**

Driven by planning guidelines.

**Way Forward**

Accordingly, the following options have been considered:-

1. Await the outcome of Lindfield Rural Parish Council’s consideration of this matter before reaching any conclusions and providing a response to MSDC. At the present time this would be after the response dates currently advised by MSDC.
2. Consider a response at the Planning, Transport and Traffic Committee meeting on 12<sup>th</sup> March to be submitted to MSDC before the 19<sup>th</sup> (29<sup>th</sup>) March deadline.
3. In the event than more information becomes available and / or response deadlines are extended, to consider any revised response (either at a future PTTC meeting or, *in extremis*, under the Delegated Authority).

**Recommended Action**

1. Options 2 and 3 above would appear to be the most appropriate way forward.

**David Parsons**  
**Deputy Parish Clerk**

7<sup>th</sup> March 2024

Committee	PTTC
Date	12/3/24
Item	8, 9, 10, & 11

Report:	<b>9. Lewes Road TRO</b>
---------	--------------------------

**Summary**

Members are requested to consider future activities following WSCC’s decision not to support a TRO restricting access to vehicles over 7.5 tonnes of the Lewes Road between the High Street and Gravelye Lane. This report suggests continuing to support the original applicant’s dialogue with WSCC to utilise funds available to them under S106 agreements for improvements to the junction, alongside reviewing the make-up and activities of the associated council working group, and implementing a ‘near miss’ reporting system.

**Background**

As has previously been advised to PTTC, WSCC have (again) rejected the application for a TRO at the junction of Lindfield High Street and the Lewes Road. Whilst residents continue to report ‘near misses’, vehicles on the pavement etc, WSCC give significant weight to speed and police collision data, which does not currently report any material issues at this location, notwithstanding the widely acknowledged narrow road width, limited and unprotected footway, alongside the difficult to negotiate angle to this junction.

**Current Position**

At a recent meeting with WSCC officers, the officers’ suggested that blue ‘Unsuitable for HGVs’ signs be placed at this location, however, these have no legal enforceability. An update from WSCC is awaited in this regard.

The village resident who originally proposed the TRO and gained 1200 signatures in support, is currently in correspondence with WSCC in respect of S106 Monies obtained from developers (at The Limes, Heathwood Park, Gravelye Lane, and Walstead Park) specifically to provide improvements to the High Street / Lewes Road junction. The correspondence asserts that WSCC have failed to comply with its obligations under four separate S106 agreements to mitigate the effects of the development of 680 dwellings, despite demanding and receiving payment under those agreements. Further developments are awaited.

At the present time WSCC have not provided any further tangible suggestions as to how the problems at the junction could be addressed, notwithstanding their recognition that the junction is difficult to negotiate and the funding that is available to them under various S106 agreements.

TRO Working Group – PTTC should consider the ongoing the requirement for, name, and membership of the working group (currently Council Chair and Vice Chair, PTTC Chair and Vice Chair, Cllr Wilson, Mr Turner). If the group continues, potentially widening its brief to pursue other potential traffic calming measures such as 20mph limits, which data suggests increases accident survivability rates, and are also likely to reduce the attractiveness to HGVs of using Lindfield as a shortcut. It is perhaps worth noting that LPC employed (WSCC recommended) consultants to assist with the TRO application, and previously, an independent traffic consultant to assist with the Traffic Study undertaken in 2017. Despite the professional approach adopted and recommendations provided by the consultants, WSCC has not seen fit to implement any improvements in the village and accordingly, a significant degree of caution would appear to be appropriate before considering any future consultant engagement and expenditure.

Whilst WSCC continues to substantially rely upon “...*injury collisions reported to the police...*” it is suggested that LPC sets up a reporting system for residents to record near misses and

Committee	PTTC
Date	12/3/24
Item	8, 9, 10, & 11

similar at the junction so that over time, an evidence base can be built and shared with WSCC, to further support the case for improvements to be put in place. This can be undertaken through IT systems currently available to the office and should not require any substantial additional workload once it is put in place.

**Budget**

None sought.

**Risk Assessment**

Not required at present.

**Sustainability**

Not required at present.

**Way Forward**

Accordingly, the following options have been considered:-

1. Continue to support the resident's dialogue with WSCC in respect of S106 agreements.
2. Consider the need for, make up and remit of the 'TRO Working' group.
3. Consider the implementation of a 'near miss' monitoring system.
4. Continue to lobby the WSCC Ward Councillor and local MP to support improvements to safety at the Lewes Road / High Street junction.
5. Accept that WSCC have no plans to support improvements at this location absent a material change in circumstances and cease activities in this regard.

**Recommended Action**

1. Options 1 – 4 above would appear to be appropriate recognising the widely acknowledged issues at the junction and high levels of support from residents, ward councillors, and MP.

**David Parsons**  
**Deputy Parish Clerk**

8<sup>th</sup> March 2024

Committee	PTTC
Date	12/3/24
Item	8, 9, 10, & 11

Report:	<b>10. Trees – Policy and Volunteer Warden</b>
---------	--

### Summary

Following recent discussions at PTTC this report considers whether it might be appropriate to advertise again for a volunteer tree warden, and to update the current Tree policy.

### Background

Until September 2020 the council benefitted from the services of a volunteer tree warden, who would provide their views on tree applications being considered by LPC. Following their decision to retire from the role, adverts were placed on the council's noticeboard and in Lindfield Life seeking a replacement. Whilst a few responses were received, further discussion did not result in any of them pursuing the matter. It would ideally suit someone who has an interest in trees, was prepared to undertake some training (this has previously been available from the District Council and potentially outside bodies) and has the time to review the tree planning applications for PTTC meetings. They would not necessarily need to attend the committee meeting but to provide their comments via email or similar, in advance of the meeting.

It is probably worth highlighting the limitations in available responses to planning applications relating to trees, as recently circulated to PPTC Members:

- Trees in a Conservation Area (TCA) – there is no legal requirement for the Planning Authority to consult on these notifications, however, MSDC choose to do so. Residents choosing to do works on trees in the Conservation Area are required to notify the Planning Authority and allow the requisite period (six weeks) before undertaking any work. MSDC would normally issue a 'no objection' response unless they considered the tree worthy of having a Tree Preservation Order applied (i.e. it must meet the criteria detailed on MSDC's website).
- For trees with a TPO, the normal expectation would be for an arboricultural (or similar) report however, the Tree Officer will take a pragmatic view – if the tree is clearly diseased or fallen, they would be unlikely to insist on one.

Accordingly, whilst LPC might prefer to see an arboricultural report, for TCAs this is not legally required. Equally, whilst replacement trees would obviously be preferred by LPC this is also not a legal requirement. There is no reason responses should not request a replacement tree but in usual circumstances, it will ultimately be down to the applicant.

### Current Position

Some members of PTTC have asked whether a new recruitment exercise for tree wardens is appropriate and suggested that in addition to the advertising approaches mentioned above, organisations such as Action in Rural Sussex and MSVA may be able to assist in recruiting such volunteers. Notwithstanding any additional insight that such a person might be able to provide to councillors, the position in respect of considering tree applications detailed above would remain.

### Tree Policy

In January 2023, PTTC adopted a tree policy, and this is shown at Appendix One. Recent discussions have suggested that this be reviewed, and suggested amendments have been added (in red text at Appendix One). Feedback will be sought from MSDC's Tree Officer to ensure that the wording accurately reflects the position.

Committee	PTTC
Date	12/3/24
Item	8, 9, 10, & 11

**Budget**

None sought.

**Risk Assessment**

Undertaken if candidates were identified, recognising the volunteer role description.

**Sustainability**

No further action recommended.

**Way Forward**

Accordingly, the following options have been considered:-

1. Whether or not to advertise for a new tree warden(s)
2. Updating the current tree policy, as shown in Appendix One

**Recommended Action**

The recruitment of a new volunteer tree warden should provide an additional view on any tree related planning application. However, as detailed above, the options available to the Local Planning Authority in respect of application for Trees in a Conservation Area are limited to whether to apply a Tree Preservation Order or not to object to the works. For a Tree Preservation Order application, the requirement for an arboricultural report in most circumstances is potentially likely to provide more information from a qualified party, than many volunteers would be able to offer. Against this background, it would not appear that the recruitment of a volunteer tree warden would materially impact upon information available to decide upon responses to either Trees in a Conservation Area or Tree Preservation Orders. It is not therefore proposed that a new recruitment exercise should be undertaken.

It is recommended that the Tree Policy be updated as proposed in Appendix One, subject also to clarification with MSDC's Tree Officer.

**David Parsons**  
**Deputy Parish Clerk**

8<sup>th</sup> March 2023

Lindfield Parish Council

Committee	PTTC
Date	12/3/24
Item	8, 9, 10, & 11

Report: **11. Outstanding Action Points**

Minute	Meeting date	Subject	Action Agreed	Responsibility	Due Date	Status	Date Completed	Comments
469 37.1	22/11/22 27/6/23	Neighbourhood Plan	no response was required to the updated plan. Further, that the Neighbourhood Plan should be reviewed, with the Deputy Parish Clerk seeking guidance from MSDC accordingly	Deputy Parish Clerk	22/12/22	Overdue		Meeting arranged with LRPC 26/3/24
25.2	6/6/23	Conservation Area window treatment	Agreed to track applications and review accordingly	Deputy Parish Clerk		On Target		Tracking added to Planning Applications Index Plan review in due course
132.3	9/1/24	Lewes Road TRO	Review membership of Working Group	Deputy Parish Clerk	9/2/24	Not Started		On Agenda 12/3/24
132.4	9/1/24	Lewes Road TRO	Follow up LPC:WSCC Officer meeting at future PTTC meeting	Deputy Parish Clerk	9/2/24	Not Started		Update on Agenda 12/3/24
144.2	30/1/24	Lewes Road TRO	Publicise outcome on LPC Facebook site and in Lindfield Life	Deputy/Parish Clerk	1/3/24	On Target		FB published 13/2/23 LL article in draft

Committee	PTTC
Date	29/8/23
Item	9, 10, & 12

## Appendix Two

### Tree Policy

Policy for Tree Applications referred to LPC for consultation: -

- Reviewing councillor pairs and PTTC should form a view on the application based upon:
  - the proposed works
  - the reasons for those works being proposed, ~~and if none are provided, seeking these reasons~~
  - any professional reports from Tree Surgeons / Arboriculturists, ~~and if none, whether they should be sought~~
  - the impact of the proposed works on the street scene
  - whether a replacement tree, either at the same location or at another site within the village should be ~~required~~ requested to be planted
  - such replacements should be of a native species suitable for the site in question (e.g., an oak tree may be inappropriate on a site which is relatively small or close to buildings)
  - seeking the views of MSDC's Tree Officers, as appropriate

Notes: Applications for **Trees in a Conservation Area** are notifications to the Local Planning Authority (LPA) of intended works and allow the LPA to consider whether the trees in question meet the criteria (detailed on MSDC's website) to have a Tree Preservation Order (TPO) applied and, if so, the LPA has six weeks to do so. There is no legal requirement for the applicant to provide arboricultural reports or to plant a replacement tree.

For **Tree Preservation Order** applications, an arboricultural report is expected but where damage (e.g. disease or partial/complete collapse) is clear, the planning officer will not necessarily insist on such a report. There is no legal requirement to plant a replacement tree.

Any responses from the Parish Council seeking a replacement tree to either type of application, is consequently a request rather than something that the LPA can insist upon. Where trees are being removed as part of a building works planning application, the LPA can require replacement trees to maintain the amenity of the location.