

Karl Roberts
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Date: 22 April 2022

Our ref: 14677/01/SSL/VBM/20955565v3

Your ref: AL/107/21/PL

Dear Mr Roberts

Arun District Council: Woodgate Centre planning application (ref. AL/107/21/PL)

On behalf of The Southern Consortium, comprising C.C. Projects, Ashmarden Limited and Hanbury (PM) Limited, we write in respect of the above planning application, which is due to be considered by the Planning Committee on 27 April 2022. We wish to notify you that we have registered to speak at the committee as we continue to respectfully request that the application is deferred until significant and outstanding matters related to the strategic delivery of the east-west pedestrian and cycle bridge link, and the access and servicing arrangements of the land north of the Woodgate Centre are resolved. Both of these matters are considered fundamental to the ability to deliver the whole BEW allocation as set out in Policy H SP2c SD5 of the Arun Local Plan (2018). This follows our earlier letter dated 7 April 2022 submitted to officers (appended).

The Southern Consortium does not object to the principle of the development on this site and is keen to support the delivery of the BEW allocation as a whole. However, it has serious reservations that the currently drafted Section 106 Agreement is not sufficiently robust to secure the necessary contributions and provisions to allow the delivery of the east-west link. This connection is fundamental to the sustainability and acceptability of the Woodgate Centre application, as strongly resolved in the previous appeal decision dismissing development at the site (ref. APP/C3180/A/13/2196029). This identified that connectivity to the wider allocation was essential for the Woodgate Centre site to be considered sustainable development. It is therefore necessary and reasonable that these matters should be resolved before the Planning Committee makes a decision on the application.

At this stage, the mechanism for delivery of the bridge is not agreed and progress cannot be made on this because the design and cost of the bridge is not agreed. The design information provided by Pye Homes to date is not sufficiently detailed and robust; it was expected the design would have been taken to Approval in Principle stage, which would help to ascertain the likely true cost of the delivery of the bridge. The costs of constructing such infrastructure can be substantial and need to be understood before an appropriate proportionate split

can be agreed between the landowners. The Southern Consortium has sought to engage with Pye Homes and the Local Planning Authority on several occasions with a view to obtaining adequate information and finding a way forward. To date, little response has been obtained. As such, the Southern Consortium has no option but to formally seek a deferral of the application whilst a more considered and detailed bridge design is produced to enable the costing to be understood and agreed.

The issue for the delivery of the overall allocation is that, given the long lead in period for the delivery of the east-west bridge link, any additional or uplift in costs would be entirely shouldered by The Southern Consortium. As there is not sufficient detail surrounding the design and cost, Pye Home's contribution to construction and maintenance cannot be fixed to ensure a reasonable buffer now to account for any increase. In turn, this would impact upon the viability of development (and ultimately social infrastructure provision) on the land parcels south of the railway.

Similarly, the current drafting of the Section 106 Agreement shared with The Southern Consortium would not secure the necessary provisions to access and service the land parcel to the north of the Woodgate Centre, in essence creating a ransom position which is not in the interests of delivering the site allocation as a whole. The Southern Consortium has again sought to agree contractual arrangements with Pye Homes to ensure delivery; however the applicant has not engaged in this process.

If the Section 106 Agreement is the only mechanism for ensuring that the future link can be constructed, it is essential that the Local Planning Authority ensures that this is expanded and secures the necessary provisions in all eventualities. For example, the current wording of the obligation would not guarantee any rights for future occupiers to use the roads through the Woodgate Centre site if the internal roads are not formally adopted by the Highways Authority. Access is also needed for construction works and surveys which are not addressed in the drafting.

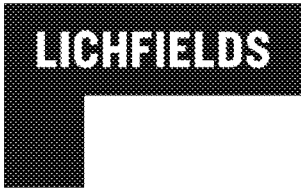
As you will appreciate, infrastructure delivery is a critical issue for local residents. We note that objections are still in place from West Sussex County Council in respect to the primary school provision. It will be important for Members to be confident that the solution before them for the Woodgate Centre site is robust and acceptable and would not undermine the delivery of the wider allocation. There is a clear risk to comprehensive delivery of the wider allocation if the permissions and associated Section 106 Agreements linked to the smaller peripheral land parcels do not guarantee a fair contribution to the overall infrastructure burden including construction of essential connections between sites.

We hope this letter will be given due consideration ahead of the Planning Committee. We would welcome the opportunity to discuss this matter further with the Local Planning Authority and, as such, please feel free to contact me or my colleague Pauline Roberts.

Yours sincerely


Victoria Barrett-Mudhoo
Associate Director

Copy - Councillor Chapman; Councillor Lury; Councillor Thurston; Councillor Charles; and Councillor Hughes



Appendix 1

Claire Potts
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Date: 7 April 2022

Our ref: 14677/01/SSL/VBM/20898034v5

Your ref: AL/107/21/PL

Dear Ms Potts

Arun District Council: Woodgate Centre planning application (ref. AL/107/21/PL) - Comments on behalf of The Southern Consortium

On behalf of The Southern Consortium, comprising C.C. Projects, Ashmarden Limited and Hanbury (PM) Limited, we write in respect of the above planning application for the development of land, forming part of Arun Local Plan (2018) site allocation SD5 'Barnham, Eastergate and Westergate'. The Southern Consortium owns most land within the site allocation and in February 2022 submitted an outline planning application for development on land north of the railway line and the route of the A29 realignment (ref. BN/11/22/OUT). This will deliver up to 1,250 homes, much needed infrastructure for the allocation including facilitating the delivery of the A29 south of Barnham Road and importantly land for the first of two primary schools within the allocation.

The Woodgate Centre planning application is at an advanced stage and we understand that Arun District Council is planning to report the application to the Planning Committee on 27 April 2022. However, The Southern Consortium is unable to support this application at this stage as there are several important infrastructure matters that remain unresolved and which have implications for the wider viability and deliverability of this important strategic allocation.

Firstly, The Southern Consortium notes that West Sussex County Council (WSCC) has raised objection in relation to primary school provision, noting that occupiers of the development would require schooling ahead of the new primary school within The Southern Consortium's application being available, and that there is no existing capacity. The Southern Consortium would add that to enable the delivery of a serviced plot for the primary school within its land, it is important that the capacity created by the new school has not already been accounted for by other land parcels within the allocation being allowed to come forward early. Allowing this could inadvertently restrict development on The Southern Consortium's site and in turn impede delivery of infrastructure for the wider allocation. Accordingly, Arun District Council and WCSS must satisfy themselves that the financial contribution arising from the Woodgate Centre site is sufficient to fund additional

primary school places at existing schools and ahead of the primary schools within the site allocation being delivered.

Secondly, the application includes a safeguarded route for a future east-west pedestrian and cycle link, which is necessary to comply with the Framework Masterplan. The application submission documents reference the safeguarding of land for this bridge link with the intention that the bridge link will be delivered on site when The Southern Consortium land east of the railway line comes forward, which could be in 5 to 10 years' time. The link provides a significant benefit to the Woodgate Centre scheme by creating the only direct connection to the sports hub, local centres and primary schools within the site allocation. Indeed the 2013 appeal decision (ref. APP/C3180/A/13/2196029) explains why connectivity to these facilities is fundamental for the Woodgate Centre scheme to be considered sustainable development, with the Inspector concluding that the site is removed from all the existing community facilities which are to the north of the railway line.

Arun District Council has advised that the safeguarding of this land and a financial contribution towards its delivery will be secured by legal agreement, a draft extract of which Pye Homes has provided to The Southern Consortium. The Southern Consortium has engaged with Pye Homes in relation to the bridge specification and the cost proportionate contributions; however, neither of these important matters have been agreed.

Fundamentally the type of construction and bridge design specification has not been agreed with WSCC and The Southern Consortium. By this stage, we would expect the design to be confirmed and work to have progressed towards Agreement in Principle (AIP)/detailed design stage with WSCC, which is not the case. An agreed design is necessary to understand the land required to be safeguarded on the Woodgate Centre site, to ensure deliverability in the future.

Furthermore, the draft legal agreement does not yet include a total bridge cost and contribution for Pye Homes. Presumably this is because it is unfeasible to fix this until detailed design has been undertaken and the specification is resolved. Given the long lead in period for the delivery of the bridge, the implications of the costs not being robust at this stage, is that any additional or uplift in costs would be shouldered by The Southern Consortium, which would in turn impact upon the viability of development (and ultimately affordable housing provision) on the land parcels south of the railway. The draft legal agreement includes basic provisions to guard against this, however it is reliant on being able to claw back additional funds from Pye Homes in the future, which is laden with risk, as opposed to ensuring the appropriate contributions are secured now. The bridge is a key to the holistic connectivity of the allocation so ensuring the necessary detail and funds are secured prior to committee is of strategic importance.

Thirdly, it is important to ensure that the draft legal agreement includes the necessary provisions to access and service The Southern Consortium land parcel (that could accommodate c. 30 homes) to the north of the Woodgate Centre parcel. Delivery of housing on The Southern Consortium land is required to meet the objectives of the allocation and the agreed Framework Masterplan. The Southern Consortium requested details of provisions within the draft legal agreement to ensure that the necessary rights will be forthcoming but no response has been received. The Woodgate Centre's application should not be determined unless it has been established that the proposed development is contributing fairly to the costs of the infrastructure needed to underpin, and is otherwise facilitating, the successful development of the entire allocation in accordance with policy requirements.

Ultimately, The Southern Consortium considers that Arun District Council should delay reporting the application to the Planning Committee to allow more time to resolve these important outstanding strategic infrastructure matters, that are fundamental to consideration of whether the Woodgate Centre application is acceptable. The additional time will allow the necessary design work to underpin the bridge costs to take place and for Arun District Council and the landowners to present an aligned position in terms of detailed heads of terms for financial contributions and obligations to be secured in a legal agreement.

Should you need any further information or wish to discuss this further, please contact me or my colleague Pauline Roberts.

Yours sincerely

A solid black rectangular box used to redact the signature of Victoria Barrett-Mudhoo.

Victoria Barrett-Mudhoo

Associate Director