



TERENCE
ROURKE

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

22 April 2022

Dear Ms Potts

Woodgate Centre Planning Application (ref. AL/107/21/PL) – Response to Comments from The Southern Consortium

We continue to act for Pye Homes in respect of the Woodgate Centre planning application (ref. AL/107/21/PL) which is under consideration by Arun District Council (“ADC”).

We have received a copy of the letter from Lichfields dated 7th April 2022 setting out various comments on the planning application on behalf of The Southern Consortium (“TSC”). We would like to take the opportunity to respond to a number of the issues raised in the letter in order to provide clarity on Pye’s position ahead of Planning Committee on 27 April 2022.

TSC raise three principal issues in their letter relating to (1) primary school capacity, (2) an east-west pedestrian and cycle link and (3) access from the Woodgate Centre site to land owned by TSC to the north. We will address each of these points in turn.

Primary school capacity

The first issue raised by TSC relates to the potential impact of the Woodgate Centre development on primary school capacity. TSC notes West Sussex County Council’s (“WSCC”) recent suggestion that there is insufficient existing primary school capacity to enable the Woodgate Centre development to proceed. TSC also raises a concern that the Woodgate Centre development may take up capacity created by the new school that TSC will be delivering on its land.

However, WSCC has only recently raised this concern and has previously been satisfied with the proposed financial contributions towards increasing primary school capacity. We agree with officers’ analysis set out in Section 14 of the committee report that the Woodgate Centre development does not generate a need for a new primary school and that the timing for delivery of new primary school capacity is not within Pye’s control, such that it would be unreasonable to refuse planning permission for reasons relating to primary school capacity.

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Pye has agreed to a substantial financial contribution of c.£1.2m towards improving primary school capacity. This figure is based on WSCC's own estimate of the cost of delivering two primary schools as part of the BEW allocation and ensures that Pye will be making a reasonable and proportionate contribution towards those costs. TSC's concern regarding the Woodgate Centre taking up capacity created by the new primary schools is therefore misplaced as Pye is making a significant contribution towards meeting the cost of delivering that capacity.

Furthermore, if WSCC's recent position is adopted then this would effectively mean that no residential development could come forward anywhere within the BEW allocation until such time as the primary schools have been delivered. However, the delivery of the primary schools is almost entirely dependent on the financial contributions that will be made by residential developments. By allowing the Woodgate Centre development to come forward, a significant financial contribution will be made available at an early stage and will limit the extent to which ADC, WSCC and/or other developers are required to forward fund delivery.

We therefore consider that there would be no reasonable grounds for refusing planning permission which are linked to primary school capacity.

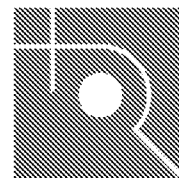
East-west pedestrian and cycle link

The second issue raised by TSC concerns a number of matters relating to the delivery of an east-west pedestrian and cycle link running from the Woodgate Centre to TSC's land to the east.

You will be aware that there has been a great deal of discussion between Pye and ADC regarding the delivery of this link. Officers' open and proactive approach in working to identify a structure that works for all parties has been greatly appreciated. As is summarised in the committee report, a framework has been agreed between Pye and ADC regarding how this link will be delivered. The proposed structure is a pragmatic approach that robustly and proportionately responds to a number of complexities around delivery.

Pye has provided an outline specification and costings for the link which adopt a 'worst case' approach to costs and include significant contingency allowances. Pye's contribution will be reasonable, proportionate and will provide ADC with comfort that there is sufficient built-in contingency that there will be no shortfall that the public purse would need to meet.

We note TSC's suggestion that they 'would expect the design to be confirmed and work to have progressed towards Agreement in Principle (AIP)/detailed design stage with WSCC'. However, we would respectfully suggest that it would be extremely unusual to have carried out the detailed design for a piece of infrastructure prior to the grant of planning permission, much less have agreed this with the highway authority. Furthermore, we do not consider that this is necessary to enable a conclusion to be reached regarding the quantum of any financial contribution. Indeed, ADC and WSCC are seeking more than £5m pounds of financial contributions towards infrastructure that is unlikely to be designed in detail for a number of years. We see no good reason why a different approach should be taken for the east-west link.



We note that the committee report states that Pye's position is that it should only be required to contribute to 40% of the cost of the link. Whilst Pye considers that position to be wholly justified, in the interests of compromise it has agreed that it will contribute 50% of the cost of the link. We would be grateful if this could be clarified to the Planning Committee in an addendum paper.

Ultimately, we consider that ADC and its Planning Committee can be confident that the section 106 agreement will contain a robust mechanism that secures delivery of this link, as explained in the committee report. We consider it entirely appropriate that the Planning Committee should delegate the negotiation of any points of detail to officers, assisted by ADC's external solicitors.

Access to TSC land to the north

TSC's third concern relates to the need for the Woodgate Centre's section 106 agreement to include provisions to enable access and servicing of TSC's land parcel to the north of the Woodgate Centre. TSC notes that details of the proposed drafting had been requested but had not been provided at the date of its letter. We can confirm that details of this drafting were subsequently provided.

We are also pleased to confirm that Pye is completely in agreement regarding the need to include appropriate provisions to enable the delivery of access from the Woodgate Centre to TSC's land to the north. This has always been Pye's intention and at no point has there been any suggestion that any ransom would be sought. We are confident that the solicitors acting for Pye and ADC can reach agreement on appropriate wording to give effect to this.

Conclusion

Pye welcomes the open and proactive approach that ADC's officers have taken to negotiating these points to date and looks forward to continuing to liaise with ADC and its solicitors to ensure that appropriate drafting is included in the section 106 agreement, assuming the Planning Committee resolves to approve the application on 27th April 2022.

We trust that this letter has helped to clarify Pye's position on the key points highlighted in TSC's letter. Please do not hesitate to contact me should you wish to discuss any of the issues raised.

Yours sincerely


Nigel Pugsley
Technical Director

Cc. Ashley Maltman, Pye Homes