

From: Amanda Scholes on behalf of Planning.Responses
Sent: 04 January 2022 08:15
To: Planning Scanning
Subject: FW: FAO Case Officer Simon Davis: National Highways OBJECTION (our ref 90580) to proposed action of Arun DC to permit application AL/20/21/PL Land At Wings Nursery, Lidsey Road, Woodgate, PO20 3SU in contravention to our recommendation
Attachments: 180223_TC_Planning_Development_on_the_Trunk_Road_Direction.pdf; 20210325 HEPR AL_20_21_PL Wings Nursery.pdf

AMANDA SCHOLES
PLANNING RECEPTIONIST



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From: Nicola Moore [REDACTED] On Behalf Of Planning
Sent: 24 December 2021 15:37
To: Planning.Responses [REDACTED]; Simon Davis [REDACTED]
Subject: FW: FAO Case Officer Simon Davis: National Highways OBJECTION (our ref 90580) to proposed action of Arun DC to permit application AL/20/21/PL Land At Wings Nursery, Lidsey Road, Woodgate, PO20 3SU in contravention to our recommendation

Obj letter

Nicky Moore
Technical Support Assistant, Planning



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From: Bown, Kevin [REDACTED]
Sent: 24 December 2021 14:36
To: Planning [REDACTED]
Subject: FW: FAO Case Officer Simon Davis: National Highways OBJECTION (our ref 90580) to proposed action of Arun DC to permit application AL/20/21/PL Land At Wings Nursery, Lidsey Road, Woodgate, PO20 3SU in contravention to our recommendation

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Dear Sirs

Copying this email to Planning@Arun as I'm getting out of office replies and want to ensure the Council sees this email at the earliest opportunity.

Regards

Kevin Bown BSc(Hons) MPhil CMS MRTPI Spatial (Town) Planning Manager
Spatial Planning Team, South East Region Operations Directorate
National Highways | Bridge House | 1 Walnut Tree Close | Guildford | GU1 4LZ
[REDACTED]
Web: www.nationalhighways.co.uk

From: Bown, Kevin
Sent: 24 December 2021 14:33
To: [REDACTED]
Cc: Planning SE [REDACTED] Cleaver, Elizabeth
[REDACTED]; Spatial Planning [REDACTED]
[REDACTED]

Subject: FAO Case Officer Simon Davis: National Highways OBJECTION (our ref 90580) to proposed action of Arun DC to permit application AL/20/21/PL Land At Wings Nursery, Lidsey Road, Woodgate, PO20 3SU in contravention to our recommendation

Planning Application No: AL/20/21/PL

Site: Land At Wings Nursery, Lidsey Road, Woodgate, PO20 3SU

Proposal: Demolition of Wings House & erection of 71 No. replacement dwellings (70 net new dwellings), access arrangements, sustainable drainage measures, public open space, landscaping & all other associated works (resubmission following AL/46/20/PL). This application is a Departure from the Development Plan.

National Highways' Ref: 90580

SENT ON BEHALF OF ELIZABETH CLEAVER WHO IS NOW ON LEAVE

Dear Mr Davis

I see that the 8/9/21 planning committee resolved to permit this application subject to Conditions and Section 106 Agreement. We are disappointed to learn that the contribution required in our formal consultation response was excluded from the section 106 agreement.

My understanding of the reason is you consider that the contribution needs to be linked to a specific scheme in order to meet the test in NPPF paragraph 57. I see that you approached us on 7 July 2021 querying the level of contribution and asking for a specific scheme where the money would be spent and that we responded on the first query but did not clarify our position on the second. I apologise for this.

In terms of naming a specific improvement scheme, we consider that the Arun Local Plan A27 mitigation is a scheme, and this contribution is required because of the amendments / enhancements to the Arun Local Plan A27 mitigation scheme that would be required in order to accommodate the additional cumulative traffic impacts of development that is additional to the Local Plan development.

We consider that a contribution towards the A27 mitigation scheme which encompasses a number of junctions meets the NPPF paragraph 57 tests.

The cumulative impact of development in Arun has an impact upon the A27 junctions beyond that mitigated by the local plan scheme.

The modelling undertaken in the *Enterprise Bognor Regis Transport Review 2017* report identifies that development in this area of Arun (at BEW) impacts on several A27 junctions and has determined the proportionate cost required by BEW towards A27 junction mitigations required by the Arun Local Plan.

We have applied the equivalent rate per dwelling in this instance. We therefore consider the contribution meets the tests of

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Our response of no objection is only on the basis that Arun District Council collects an appropriate, proportionate contribution.

If you do not collect this contribution, then we Object on the basis of potential harm to the safety and operation of the SRN.

If your Council seeks to grants permission without collecting this contribution, then you are required to inform the Secretary of State under *The Town and Country Planning (Development Affecting Trunk Roads) Direction 2018* (attached for your reference).

We hope that you will reconsider and ensure the Section 106 includes the contribution towards the A27 improvements required to enhance the local plan mitigation scheme.

We would be grateful if you would urgently confirm the Council's intended decision on this matter.

We would welcome a meeting to discuss both this and other recent cases where it appears the Council is not following our recommendations regarding the seeking of particular contributions.

Wishing you a happy and healthy Christmas break.

Kind regards,

Kevin Bown BSc(Hons) MPhil CMS MRTPI Spatial (Town) Planning Manager

Spatial Planning Team, South East Region Operations Directorate

National Highways | Bridge House | 1 Walnut Tree Close | Guildford | GU1 4LZ

Tel: 0300 470 1046 (all calls to this number will also patch through to my mobile)

Web: www.nationalhighways.co.uk

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The Town and Country Planning (Development Affecting Trunk Roads) Direction 2018

The Secretary of State, in exercise of the powers conferred by articles 18(4), 31(1) and 45 of the Town and Country Planning (Development Management Procedure) (England) Order 2015¹ (“the Order”), directs as follows;

1. This Direction shall come into force on the 23rd February 2018
2. In this Direction “strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015.
3. This Direction applies where—
 - (a) A local planning authority consults a strategic highways company under article 18 or 20 of the Order before granting planning permission;
 - (b) The strategic highways company makes a recommendation as to the determination of the application for planning permission; and
 - (c) The local planning authority does not propose to determine the application in accordance with that recommendation.
4. The local planning authority must consult the Secretary of State and, for that purpose, must as soon as practicable send to the Secretary of State—
 - (a) A copy of the application together with any accompanying plans and drawings;
 - (b) A copy of any representations made to the local planning authority in respect of the application (including those made by the company); and
 - (c) The reasons why the local planning authority does not propose to determine the application in accordance with the strategic highways company’s recommendation.
5. The local planning authority must not determine the application unless—
 - (a) The Secretary of State gives a direction under article 31 of the Order in respect of the application (and the authority must then determine the application in accordance with the terms of the direction); or
 - (b) The authority receives notification by or on behalf of the Secretary of State that the Secretary of State does not propose to give any such direction in respect of the application; or
 - (c) A period of 21 days beginning with the date which the Secretary of State tells the authority in writing is the date the Secretary of State received the material specified in paragraph 4, has elapsed without the Secretary of State giving such a direction.
6. The Town and Country Planning (Development Affecting Trunk Roads) Direction 2015 is cancelled.

Signed on behalf of the Secretary of State for Transport



Director General
Department for Transport

Date 23rd February 2018

¹ S.I. 2015/595, amended by S.I. 2017/402 and S.I. 2017/571.



Developments Affecting Trunk Roads and Special Roads

Highways England Planning Response (HEPR 16-01)

Formal Recommendation to an Application for Planning Permission

From: Nicola Bell (Regional Director, South East)
Operations Directorate
South East Region
Highways England
[REDACTED]

To: Arun District Council (FAO: Mr S Davis)
[REDACTED]

CC: [REDACTED]

Council's Reference: AL/20/21/PL

Location: Land At Wings Nursery, Lidsey Road, Woodgate, PO20 3SU.

Proposal: Demolition of Wings House & erection of 71 No. replacement dwellings (70 net new dwellings), access arrangements, sustainable drainage measures, public open space, landscaping & all other associated works (resubmission following AL/46/20/PL). This application is a Departure from the Development Plan.

Highways England Reference: 90580

Referring to the planning application referenced above received by Highways England on 18th February 2020, in the vicinity of the A27 that forms part of the Strategic Road Network, notice is hereby given that Highways England's formal recommendation is that we:

a) offer no objection*

**provided that Arun District Council collects an appropriate proportional contribution of £36,606.18 from this particular site towards further mitigation of the A27 junctions in Arun as this development is a Departure from the Development Plan.*

~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);~~

- ~~e) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);~~
- ~~d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

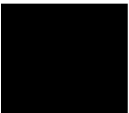
Highways Act Section 175B (covering new access to the SRN) is not relevant to this application.¹

HIGHWAYS ENGLAND (“we”) have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This represents Highways England’s formal recommendation (prepared by the Area 5 Spatial Planning Team) and is made available to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority disagree with any recommendation made under b), c) or d) above, the application must not be determined before they have:

- i) informed Highways England; and
- ii) consulted the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk.

Signature: 	Date: 25 th March 2021
Name: Kevin Bown	Position: Spatial Planning Manager
	
Highways England: Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ	

¹ Where relevant, further information will be provided within Annex