

[REDACTED]

From: Simon Davis
Sent: 11 January 2022 11:08
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

AL/20/21/PL

[REDACTED]

From: Simon Davis
Sent: 11 January 2022 11:06
To: 'Bown, Kevin' <Kevin.Bown@highwaysengland.co.uk>
Cc: Planning SE <planningse@highwaysengland.co.uk>; Cleaver, Elizabeth <Elizabeth.Cleaver@highwaysengland.co.uk>; Spatial Planning <SpatialPlanning@highwaysengland.co.uk>; transportplanning@dft.gov.uk; Daniel Vick <Daniel.Vick@arun.gov.uk>; Tim Hickling <Tim.Hickling@arun.gov.uk>
Subject: RE: 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

Dear Kevin,

Thanks for your email. I acknowledge your apology re not responding to my question in the email of 7th July 2021 in respect of the project details. Please note that I did then also chase David Bowie (and with yourself and others copied in) for a response three times on 16/07/21, 06/08/21 and 01/09/21.

In the last email (01/09/21) I stated *"We need to know what project the Highways England contribution will go to so it can be agreed by our Committee so can you let me know by the 8th please. Otherwise we will have to remove the contribution from the s106 that is presently being drafted."* Our Committee were made aware that National Highways had not given us the information we requested to enable inclusion of the contribution and so I consider that we, the Council, acted in good faith by removing it from the s106.

Having said that, I now recognise that our deletion of the contribution resulted in your response becoming an objection and this then brings into play the need to refer to the Secretary of State for Transport. I have spoken to the applicant and they agree to the contribution and so we will include it in the s106. Unfortunately we cannot do this under delegated powers and so will have to take the report back to our Committee (02/02/22) to agree this. I would expect this to receive agreement but if for any reason, our members do not agree then of course we will follow procedure and refer the decision to the SoS.

Kind Regards

Simon J Davis MRTPI
Principal Planning Officer
Directorate of Place

[REDACTED]



Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF
www.arun.gov.uk

To register to receive notification of planning applications in your area please go to
<https://www1.arun.gov.uk/planning-application-finder>

Sign up to our newsletter [here](#)



From: Bown, Kevin <[REDACTED]>
Sent: 24 December 2021 14:33
To: Simon Davis <[REDACTED]> Neil Crowther <[REDACTED]> Daniel Vick <[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

CAUTION: This email originated from outside of the organisation. You should take extra care when clicking links or opening attachments - if you are unsure the content is safe contact the IT Helpdesk before clicking or opening.

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

[REDACTED]

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

Web: www.nationalhighways.co.uk