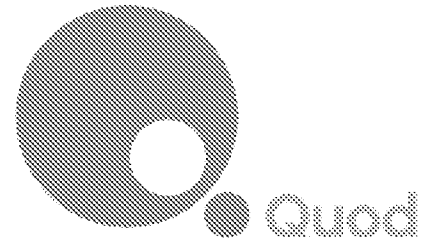


our ref: **TR/Q50031**
your ref: **BE/73/14/PL**

date: **7 August 2014**



Head of Planning
Arun District Council
First Floor
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

FAO: Cian Cronin

By Email

Dear Sirs,

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
LAND AT OLDLANDS FARM, SHRIPNEY ROAD, BOGNOR REGIS, PO22 9NN
ERECTION OF 2NO. DETACHED INDUSTRIAL/DISTRIBUTION UNITS (B1(c)/B2/B8) INCLUDING ACCESS AND
SERVICING ARRANGEMENTS, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS INCLUDING FLOOD
COMPENSATION AREA
RESPONSE TO REPRESENTATIONS MADE ON BEHALF OF SIME DERBY (LONDON) LIMITED

We write on behalf of the Applicants, Bericote Properties Limited and Hanbury Properties Limited, in response to representations, dated 24 July 2014, submitted by WYG on behalf of Sime Derby (London) Limited.

Our client appreciates that Sime Derby are generally supportive of the proposed development as it will result in a number of benefits, particularly bringing investment and jobs to Bognor Regis. Nevertheless, the purpose of this letter is to address a number of points raised by WYG which require further clarification.

WYG state that their comments are submitted in the context that ADC wishes to see the LEC Airfield brought forward as part of a comprehensive vision for the wider Enterprise Bognor Regis scheme, which includes Oldlands Farm. Whilst this is the Council's aspiration, the LEC Airfield has recently been removed from the area covered by the Local Development Order (LDO) which is currently being preparing by the Council and is made up of three sites – Oldlands Farm, Saltbox and Rowan Park. It is understood that the LEC Airfield Site is considered to be undeliverable in the short term due to ecological and other constraints and the Council does not envisage the site to be come forward for development until the latter stages of the overall development, circa 2023. The proposed development will not impact on the deliverability of the LEC Airfield and in this context, we address below the matters raised by WYG.



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a) Bognor Northern Relief Road

Planning permission (ref: BE/61/13) was granted in March 2014 to Hanbury Properties Limited for a mixed commercial and industrial use development on Oldlands Farm. Hanbury was not requested to provide funding for the BNRR or the link road and the application was the subject of consultation with the Highways Authority (WSCC) who did not request a contribution to the road and, significantly, had no objection to this development without a contribution to the road.

Notwithstanding this, it is clear that the east/west link road referred to by WYG, which is being brought forward to enable development at the LEC site, would not be necessary to make the proposals acceptable at Oldlands Farm, nor is the link road directly related to the proposals. Requiring the Applicant to contribute towards this road would not therefore meet the tests for planning obligations as set out in CIL Regulation 122.

It is also relevant that the Coast to Capital Local Enterprise Partnership funding application to the government was granted on 7 July 2014 for the A29 between the Bognor Regis Relief Road and the A27. This announcement further strengthens the deliverability of the realigned A29 through external funding as well as through appropriate planning obligations.

b) Compliance with Local Plan Policy

At the time the application was submitted, the February 2014 publication version of the emerging Local Plan was a material consideration, albeit with relatively limited weight. However the sections relevant to the proposed development, specifically Employment and Transport, have since been included in the summer 2014 Version of the Local Plan, which has not yet been published but was approved by the Local Plan Sub Committee at a meeting on 31 July 2014. These sections will not be presented to the Full Council until September 2014 and are not currently material considerations, holding no weight for decision making purposes. As such, the policies referred to by WYG in regard to the comprehensive redevelopment of the BREZ sites will not be used in considering the planning application.

As noted by WYG in their representations, the Site forms part of two policies in the 2003 Local Plan, namely Site 5 and Site 6. The Local Plan 2003 does indeed allocate the Site for a high quality business park, albeit allowing for some B2/B8 uses, if appropriate. However this policy was based upon an evidence base that is approximately 15 years old and is therefore considered to be out of date. It is also noteworthy that the ASDA refusal on part of the Oldlands Farm site included a high quality business park, but one of the issues was that there was no proven need for the scale of offices proposed, despite the site's allocation.

The Employment and Enterprise chapter of the Core Strategy has not yet been agreed but the version which was presented to the Local Plan Sub Committee in July 2014 provides evidence of the Council's 'direction of travel' in regard to the Oldlands site by identifying it as a Strategic Employment Land Allocation, designed to serve and promote local economic development.

In any event, as the Council has not yet agreed the Employment and Enterprise policy, the NPPF is a material consideration of significant weight. At the heart of the NPPF is the presumption in favour of sustainable development and paragraph 14 confirms that development proposals which accord with the development plan or when a development plan is absent or out of date should be approved 'without delay'. The NPPF affords significant weight on the need for the planning system to support economic growth. The government's growth agenda specifically supports the delivery of sustainable economic development and in particular paragraph 20 of the NPPF advises LPA's to

"plan proactively to meet the needs of business and support an economy fit for the 21st century"

Paragraph 21 of the NPPF recognises that planning policies should not hinder economic development and encourages LPA's to address any potential barrier to investment such as poor environment or lack of infrastructure. It states that policies should be flexible enough to accommodate needs which were not anticipated when preparing the development plan and that the Local Plan should

"identify strategic sites for local and inward investment to match the economic strategy and to meet anticipated needs over the plan period;"

The NPPF encourages authorities to review their employment land regularly and also to maintain flexible policies that are 'able to react to market signals' (our emphasis).

In summary, the Arun Local Plan (2003) is the starting point for assessing the proposals, however given the out of date status of this plan, the NPPF and its underlying 'presumption in favour of sustainable development' is a key material consideration which should be given significant weight. It is also relevant that the Oldlands Farm site also forms part of the land that will be subject to a Local Development Order which is currently under preparation and, in summary, will grant automatic planning permission for employment uses, which provides further evidence of the Council's aspiration for a full range of employment uses on this site.

Whilst the Proposed Development is therefore a departure from the development plan, significant material considerations indicate that planning permission should be granted including: the existing permission on the site for up to c. 33,000 square metres of B1(c), B2 and B8 uses; full compliance with the NPPF; and consistency with the emerging local planning policy.

c) Current and previous planning applications

The current application benefits from joint applicants: Bericote Properties Limited and Hanbury Properties Limited. The joint applicants are working together, with the support of Officers, to enable dual implementation of the current application and the previous application.

If approved, our client will be on site in autumn 2014, ending a 10 year period of no development on this site despite being allocated for B use classes throughout this time.

d) Public Consultation & Occupier Identification

It is alleged that our client has not complied with a legal duty to undertake a public consultation exercise given the scheme is over 10,000 square metres. This allegation is without foundation. Section 122 of the Localism Act introduced Section 61W which requires that a pre-application consultation be carried out where

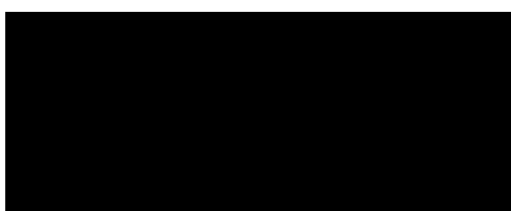
"a person proposes to make an application for planning permission for the development of any land in England and the proposed development is of a description specified in a development order"

The order referred to is the 2013 Order which introduced new provisions into the Town and Country Planning (Development Management Procedure) (England) Order 2010 ("DPMO") that provides further details of the certain developments to which the pre-application consultation duty relates. The changes in the 2013 Order are limited to the installation of wind power for energy production where the development meets certain criteria. The current application does not involve any wind power generation. On this basis the duty to undertake pre-application public consultation exercise is not relevant in this instance.

Finally, at the time the full planning application was submitted, a tenant could not be named as no contract was in place. Officers have now been made aware that the tenant will be Rolls Royce Motor Cars Limited who have exchanged contracts with Bericote Properties Limited to lease the proposed buildings. To this end, the tenant is already working proactively with the Council's Economic Development Officers.

We trust the above is clear, but do not hesitate to contact me if you have any queries.

Yours faithfully,



Tim Rainbird
Director