

Our ref: SU 953 010
Your ref: BE/101/09 and FP/174/09

Mr Wheway
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For the attention of Mr Wheway

15 December 2009

Dear Mr Wheway,

REMOVAL OF PLANNING CONDITIONS 56, 57, 58 AND 59 RELATING TO PLANNING APPROVALS: BE/101/09 AND FP/92/04, FELPHAM AND BERTSTED – A27.

Thank you for your emails dated 12 November 2009 inviting the Highways Agency (HA) to comment on the above planning applications. For simplicity, this letter relates to both the Felpham (FP/174/09) and Bertsted (BE/101/09) applications although the associated TR110s will be issued separately.

The HA, on behalf of the Secretary of State for Transport, is responsible for managing and operating a safe and efficient Strategic Road Network (SRN) i.e. the Trunk Road and Motorway network, in England as laid down in Department for Transport (DfT) Circular 02/2007 (*Planning and The Strategic Road Network*). Our interest in this instance, therefore, is in the impact of the proposals on the A27.

The proposal is to remove conditions 56, 57, 58 and 59 of planning approvals BE/45/04 and FP/92/04 relating to the completion of junction improvements on the A27 and replace them with conditions relating to developer contributions towards the junction improvements.

In accordance with DfT's; *Guidance on agreements with the Secretary of State under section 278 of the Highway Act 1980*; 'it is a fundamental principle of all s.278 agreements that the developer must bear the full cost of administering the process, designing and implementing the works'

Consequently, the HA have fundamental concerns about the implications of amending the agreed conditions for these applications. We are therefore, seeking to have further discussions with the intention of endeavouring to find a mutually acceptable solution to the applicants desire to commence work on the Felpham and Bertsted developments.

In order to provide more time for these discussions to take place, I have attached a 'holding direction' under Article 14 of the GDPO preventing approval of either application (FP/92/04 or BE/101/09) for a period of 3 months.

Yours sincerely

GARRY FROSTICK

Network Operations (South East Division)

Development Control

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Cc. Duncan Barratt (WSCC)