



PLANNING STATEMENT

1. On 4 January 2012, the Planning Inspectorate issued a decision on the proposed diversions of FP2988 and FP154 at Site 6, Felpham. The Inspector did not confirm either Order.

2. With regard to the diversion of FP154, the Inspector stated:-

‘Although I accept that the presence of water-filled basin necessitates the diversion of Footpath 154, I consider that the diversion proposed will result in a route which is unacceptably inconvenient to both current and potential users of the path. I consider that the plans demonstrate that the acoustic bund could have been designed in such a way as to permit the passage of the path. I do not consider that the arguments put forward by the applicants in support of the Order, which were principally related to road safety considerations, ought to be the main factors in determining Orders of this type. Thus, although I have taken them into consideration, they do not outweigh the disadvantages to the public wishing to use the public right of way, insufficient regard having been had to the possibility of constructing a formalised at-grade crossing.

I conclude that the disadvantages to the public of a longer and circuitous route, following an artificial line not consistent with the overall direction of travel, outweigh the advantages of the Order to the developers. A less extensive diversion would not compromise the development as a whole, although I accept that it would require some amendments’.

3. With regard to the diversion of FP2988, the Inspector stated:-

‘Nevertheless, I can give little weight to the existence of the acoustic bunding, since drawings have subsequently been produced, and still exist, which indicate that the bunding could have been designed in such a way as to accommodate the footpath. The fact that these drawings are now said by the developers to have been superseded is irrelevant because their very existence demonstrates that it is not, in fact, necessary to divert the footpath due to the presence of these engineering features. Furthermore, at the time the Order was made and until very recently, there was no indication that the bunding could not have been designed to incorporate the definitive line of the path’.

4. The present proposal is a detailed planning application for an amendment to the existing proposed bunds adjacent to the new Bognor Regis Relief Road to be breached to allow both public footpaths to stay on their existing alignments where they cross the road.
5. FP2988 is not now being proposed to be diverted at any point. FP154 is proposed to be diverted to reach a point where to the south it goes around the playing field and to the north where it goes around the storm attenuation pond. However, the diversions are the subject of separate applications under the relevant legislation.
6. The bund to the south of the Bognor Regis Relief Road is proposed to be 2m in height with a 1m acoustic fence on top where the two footpaths exist, and a bund is proposed on the northern side of the Bognor Regis Relief Road where FP2988 crosses and this is **2m** in height with a 1.5m acoustic fence. It is proposed that the bunds are breached and the footpaths would be at existing ground level. The bunds would be graded back at an angle of **approximately 25** degrees.
7. The purpose of the bunds are to ensure that noise levels to the proposed and existing housing are not excessive and meet the terms of the outline planning permission granted by the Secretary of State. Further work by the applicant's noise consultant's show that the nearest house (Plot 101) would have an increase of 3.4dBA from 51.1 to 54.5. It is considered that this is just within acceptable levels.
8. The tapered bunds would be completed with a grassed finish.
9. Signage and any surfacing demarcation would be a matter for the West Sussex County Council as Highway Authority.