

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Arun District Council FAO: Michael Eastham
FROM:	WSCC - Highways Authority: Tim Townsend
DATE:	6th January 2021
LOCATION:	Hampton Park Toddington Lane Littlehampton
SUBJECT:	LU/337/20/PO Application for Modification of obligations on the Section 106 dated 23/1/13 (as amended) aligned to LU/47/11/ (as amended) - to extend the triggers for provision of the 'Southern By Pass and Bridge Works' from 350 occupations to 450 occupations and 'The Fitzalan link Stage 2 works to the occupation of the 400th dwelling but to include the A259 roundabout that previously formed part of the Southern By-Pass works.
DATE OF SITE VISIT:	n/a
RECOMMENDATION:	Advice
S106 CONTRIBUTION TOTAL:	n/a

This is the WSCC County Highways response to the above planning application for modification of obligations on the Section 106 dated 23/1/13 (as amended) aligned to LU/47/11/ (as amended) - to extend the triggers for provision of the 'Southern By Pass and Bridge Works' from 350 occupations to 450 occupations and 'The Fitzalan link Stage 2 works to remain at 400 dwellings but to include the A259 roundabout that previously formed part of the Southern By-Pass works.

County Highways response.

The Highway Authority does not have an in-principle objection to the planning application for the Southern By-Pass trigger being changed from 350 to 450. This is supported by the traffic impact assessment undertaken by consultants on behalf of Persimmon which did not raise any particular issues on a technical level. With regard to the Fitzalan Link Road Phase 2 works, the trigger point appears to remain at the 400th occupation but has the A259 roundabout included within its description that previously formed part of the Southern By-Pass works. However for both (and to ensure that both are built in a logical sequence), 'back-stop' dates are now proposed in the proposed Deed of Variation (DoV) and the plans showing both schemes have been amended to fall in-line with the wording in the Legal Agreement and planning application description.

Alongside any planning permission any accompanying S106 DoV must demonstrate a logical and legally binding sequence for the highways works to be completed. The current DRAFT wording of the Agreement does now appear to demonstrate this for the two specific infrastructure areas as now shown on the submitted drawings provided - 'Legal Agreement Plan's 5 and 9 (both revision P2) dated December 2020' (i.e. Southern By-Pass and Fitzalan Link Road). These latest drawings should also form part of any finalised DoV.

In its consideration of the proposal the CHA has also been mindful of the other highway-related obligations imposed on the applicant. As proposed, there does not appear to be any adverse impact on these other obligations as a consequence of the changes proposed as part of this planning application. However, any DoV will need further detailed consideration and agreement post-planning by both Arun's and the Highway Authority's legal departments prior to any planning permission being issued. As such, the LPA should not consider comments made about the DRAFT DoV in this response to be binding on the Highway Authority.

Tim Townsend
West Sussex County Council – Planning Services