

[REDACTED]

From: Bown, Kevin [REDACTED]

Sent: 03 November 2021 12:24

To: planning.responses@arun.gov.uk; [REDACTED]

Cc: Planning SE <[REDACTED]>, [REDACTED] Spatial Planning [REDACTED]

[REDACTED] A27 Arundel Bypass [REDACTED]

Subject: FAO Case Officer Amy Myer: National Highways response (our ref 92920 #15078) re application LY/15/21/PL Crossbush Service Station, Lyminster Road, Lyminster, BN17 7QQ

For attention of:	Ms Amy Myer
Site:	Crossbush Service Station, Lyminster Road, Lyminster, BN17 7QQ
Proposal:	Erection of a drive-thru coffee shop (Use Class E) with associated infrastructure. This application is in CIL Zone 3 (zero rated) as other development. This application is a Departure from the Development Plan
Your Reference:	LY/15/21/PL
National Highways' Reference:	92920 #15078

Dear Ms Myer,

Thank you for your email of 13 October 2021 consulting National Highways (formerly Highways England) regarding the above application. We note that you sought a response by 28 October 2021. However, as you will be aware, as a statutory consultee we have 21 days within which to respond ie no later than 3 November. While we always seek to accommodate requests for early responses, on this occasion due to current work levels it has not been possible.

Please find attached our formal NHPR response (copied to the applicant's agent) recommending a planning condition be attached to any permission which may be granted; and an important informative to be attached to any permission granted (reproduced below for convenience).

If you or others have any questions regarding our response, please contact us at

[REDACTED]

Regards

We recommend that the following condition be attached to any planning permission granted:

1. No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a Construction Management Plan have been submitted to and approved in writing by the local planning authority (who shall consult with Highways England). Thereafter the construction of the development shall proceed in strict accordance with the approved Construction Management Plan unless otherwise agreed in writing by the local planning authority (who shall consult Highways England).

Reason: To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Informative: The CMP shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include, but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site; measures to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

We also recommend that this informative be attached to any planning permission granted

General Informative:

It should be noted that the proposed development is on land which the Preferred Route Announcement (October 2020) indicates would form part of the proposed Arundel Bypass Major Project under the Government's Roads Investment Programme. Details may be found in the Engineering Layout Drawings contained within Appendix D Scheme Option Drawings of the A27 Arundel Bypass Scheme Assessment Report (October 2020).

On the basis of the available information the proposed development would directly conflict with the proposed Arundel Bypass Major Project.

It is acknowledged that the detailed design and precise location of the Arundel Bypass and associated works are evolving. It is also acknowledged that the project's Development Consent Order has yet to be submitted or consented and the final investment decision made.

Therefore, we accept that at this time National Highways cannot state with absolute certainty that application LY/15/21/PL would prejudice the construction or improvement of a trunk road. Consequently, while the site is within the Notification of Development Boundary for the Arundel Bypass (and would appear as a land charge on the local authority register), National Highways do not wish to formally object, in town planning terms, to the application.

However, the applicant and any subsequent investor or owner of the development should note that any investment or costs may not be recouped or be compensated for, in the event that the Arundel Bypass goes ahead and requires the land subject to application LY/15/21/PL.

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

Please note that:

1)Highways England became National Highways from 19 August 2021. During transition (eg IT and physical branding) both names may be used with equal affect and meaning.

2) For information about our engagement with the planning system please visit

<https://highwaysengland.co.uk/our-work/planning-and-the-strategic-road-network-in-england/>

3) For the foreseeable future we are working from home. Meetings will be via telephone or TEAMS. We will seek to work to our statutory and other deadlines (standard response period is 21 days for pre-apps, application consultations & correspondence). In case of IT or other issues, please copy all emails to



Safe roads, reliable journeys, informed travellers

Highways England:operating, maintaining and improving the strategic road network in England.



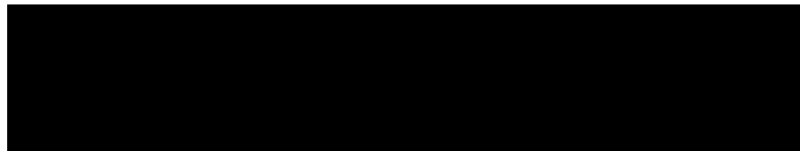
National Highways Planning Response (NHPR 21-09)
Formal Recommendation to an Application for Planning Permission

From: Nicola Bell (Regional Director)
Operations Directorate
South East Region
National Highways



To: Arun District Council (FAO Case officer Amy Myer)
planning.responses@arun.gov.uk

CC:



Council's Reference: LY/15/21/PL

Location: Crossbush Service Station, Lyminster Road, Lyminster, BN17 7QQ

Proposal: Erection of a drive-thru coffee shop (Use Class E) with associated infrastructure. This application is in CIL Zone 3 (zero rated) as other development. This application is a Departure from the Development Plan

National Highways Ref: HAMIS 92920 / #15078

Referring to the consultation on a planning application dated 13 October 2021 referenced above, in the vicinity of the A27 at Crossbush that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- ~~a) offer no objection (see reasons at Annex A);~~
- b) recommend that a condition and an informative should be attached to any planning permission that may be granted (see Annex A – National Highways' recommended Planning Condition, Informative & reasons);**
- ~~c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

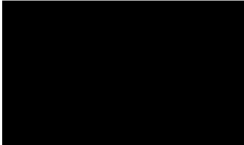
National Highways Planning Response (NHPR 21-09) September 2021

Highways Act 1980 Section 175B is/is not relevant to this application.¹

This represents National Highways formal recommendation (*prepared by the Area 4 Spatial Planning Team*) and is made available to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [REDACTED] and may not determine the application until the consultation process is complete.

The Local Planning authority must also copy any consultation under the 2018 Direction to [REDACTED]

Signature: 	Date: 3 November 2021
Name: Kevin Bown	Position: Spatial Planning Manager
National Highways, Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ 	

Annex A – National Highways’ recommended Planning Condition, Informative & reasons

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

¹ Where relevant, further information will be provided within Annex A.

² As announced on 19 August 2021 Highways England became National Highways; although our roles and responsibilities remain largely unchanged and our branding will transition over a period of time.

Recommend Conditional Response: Reasons

We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the A27.

Whilst we have concluded that the quantum of additional vehicles impacting the SRN will be low, there are potential adverse construction impacts which may be mitigated by means of a Construction Management Plan.

We recommend that the following condition be attached to any planning permission granted:

1. No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a Construction Management Plan have been submitted to and approved in writing by the local planning authority (who shall consult with Highways England). Thereafter the construction of the development shall proceed in strict accordance with the approved Construction Management Plan unless otherwise agreed in writing by the local planning authority (who shall consult Highways England).

Reason: To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Informative: The CMP shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include, but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site; measures to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

We also recommend that this informative be attached to any planning permission granted

General Informative:

It should be noted that the proposed development is on land which the Preferred Route Announcement ([October 2020](#)) indicates would form part of the proposed Arundel Bypass Major Project under the Government's Roads Investment Programme. Details may be found in the Engineering Layout Drawings contained within [Appendix D Scheme Option Drawings](#) of the A27 Arundel Bypass [Scheme Assessment Report](#) (October 2020).

On the basis of the available information the proposed development would directly conflict with the proposed Arundel Bypass Major Project.

It is acknowledged that the detailed design and precise location of the Arundel Bypass and associated works are evolving. It is also acknowledged that the project's Development Consent Order has yet to be submitted or consented and the final investment decision made.

Therefore, we accept that at this time National Highways cannot state with absolute certainty that application LY/15/21/PL would prejudice the construction or improvement of a trunk road. Consequently, while the site is within the Notification of Development Boundary for the Arundel Bypass (and would appear as a land charge on the local authority register), National Highways do not wish to formally object, in town planning terms, to the application.

However, the applicant and any subsequent investor or owner of the development should note that any investment or costs may not be recouped or be compensated for, in the event that the Arundel Bypass goes ahead and requires the land subject to application LY/15/21/PL.

Having assessed application LY/15/21/PL we are content that the proposals, if permitted, would not, at this moment in time, have a clear and unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site (A27) provided that the above condition and informative are imposed, (reflecting the DfT Circ 02/13 Para 8 -11 and MHCLG NPPF 2021 Para 110-113 tests).

Therefore, our recommendation is that we have No Objection to LY/15/21/PL, subject to the attachment of the above condition and informative to any permission granted.