Highways Infrastructure Review: Pagham & Bersted, West Sussex

Objective: To examine whether community concerns and objections raised against planning applications for the Pagham district on grounds of lack of highways infrastructure are valid (or unfounded).

Summary of Findings: Very thorough studies and independent assessments were commissioned jointly by WSCC Highways Dept, Highways England and Arun District Council to determine the potential highways impact of the Pagham and Bersted developments. Those studies revealed that 2 major 'A' road junctions and 3 'B' road junctions were 'severe impact' and, under the National Planning Policy Framework, would or could result in planning consent refusal unless resolved. Highways proposals were put forward and presented to the ADC Development Control Committee that would address these issues. But while we had the 'what', and we have the 'who', 2 years later we still do not it seems have any certainty as to the 'when' and there is some suggestion that the DCC Councillors may not have been fully informed of the true situation when called upon to vote on the planning applications. The community of Pagham and other parishes in close proximity therefore have every reason to be concerned and perhaps even suspicious and, accordingly, such concerns are indeed validated.

The District of Pagham

Pagham is, or was, a small coastal village occupying an area of 9.58Km² located on the West Sussex coast sandwiched between Bognor Regis to the east and Chichester / Selsey to its west and sitting on the boundary between Arun District and Chichester District Councils.

The Pagham and Rose Green population was recorded in the last UK Census Data as 7,538 residents occupying 3,558 households averaging 2.1 per household. A new census is due in 2021. But Southern Water in 2015 put this count at 8,139 residents.

Pagham village dates back to the c13th but only really developed in the c20th and notably early 20's with its own civilian flying sea boat airline company, now long gone. It has a large caravan holiday park in close proximity to the Pagham Harbour SPA and SSSI and is within easy distance of the larger Chichester Harbour.

The Arun District Local Plan

Under pressure from the Government all district councils were obliged to prepare a new Local Plan, and in which an essential component was to be the building of new homes according to very specific targets and with 'stick' and 'carrot' methods of encouragement. This process took time to complete and after much debate, deliberation, and objection from the community and from Parish Councils over a 4 or 5-year period, was eventually finalised and adopted on 18th July 2018 whereupon it designated a number of specific agricultural land locations as 'Strategic Development Sites' of which 2 were allocated to Pagham (for 1,200 dwellings) and 1 was to be located in Bersted (for 2,500 dwellings) plus a number of care homes, schools, amenities etc.

The total Plan covering all of the Arun District Council area in West Sussex includes other sites similarly designated 'SDS'. [Littlehampton 1,000 dwellings, Barnham/Eastergate/Westergate 2,300 dwellings, Fontwell 400, Yapton 500, Ford 1,500, Angmering North 800, Angmering South & East 250, Climping 300] with an overriding objective for the district to build 20,000+ new homes by 2031. The Local Plan was extensive and well-crafted as you would expect (and therefore heavy reading) and as a strategy and objectives document it acknowledges and stresses that remedial infrastructure mitigations actions are needed in order to both address existing infrastructure problems and facilitate these new strategic developments. But does not of course contain specifics as to 'who' will actually do 'what' by 'when' ……even in general terms.

Process and Procedure

During the processing of any application for planning consent there may be of course lots of objections from the community if the development is sizeable and an action group was even established in Pagham. As happens in most if not all districts where large housing developments are proposed the community objects to the loss of green space, loss of views across to woodland, productive agricultural land, proximity to protected areas, environment, wildlife and habitat, loss or previously promised natural gaps between built up areas, inadequacy of infrastructure, traffic congestion and highways capability, flooding, wastewater, loss of a nice place to live, etc etc. The list is long. Some objections are emotional, but many if not most are genuine concerns and especially when the community is unconvinced that sufficient investigation and study has been carried out and where the planning of mitigating actions is lacking or uncertain. But suspicions can also quickly emerge that due process, while ticking the boxes, is felt to be deflected from getting to the truth of the matter and dismissive of community views and concerns.

All planning applications are screened by the district Planning Department at the start of the process and then publicised and posted within the community in accordance with the required public consultation protocol. It is then presented to a decision body, in the case of ADC its Development Control Committee, to determine whether this is appropriate to go forward. If yes, then this is granted outline approval and thereafter moves into Reserved Matters stage and the Group Head of Planning and his team is given delegated powers to rightly deal with all the technicalities through to final absolute approval, although for the Strategic Development Sites an undertaking was given to the Parish Council that all reserved matters would go back to the DCC. A planning application can also be on a full and complete basis with all the required accompanying supporting documents in which case it could move straight on to final absolute consent, and perhaps it would have been very helpful had this been the situation for the SDSs instead of, as has happened, everything presented piecemeal and not necessarily in a manner easy to follow.

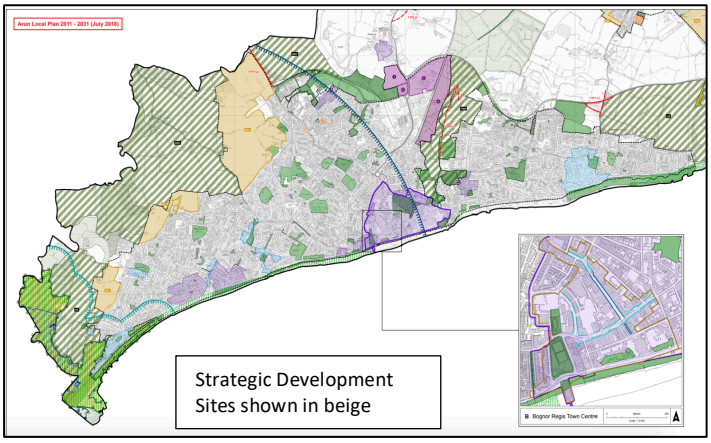
If planning consent is refused then an appeal can be raised to the Secretary of State who will, if warranted, allocate a Planning Inspector to adjudicate. Only objections from Parish Council, Town Council or requires new access or exit junctions on to 'A' roads

is an application required to go before the DCC. Where otherwise, with objections only arising from residents, then the local planning department is empowered to determine the application without reference to any approval committee.

The ADC Development Control Committee usually, but not always, consists of 15 duly elected Councillors on a proportional representative basis drawn from the 54 total Councillors in the Arun District Council. Meetings are usually attended by Group Head of Planning, Legal Officer, and other Officers to facilitate the meeting and provide appropriate technical advice and clarity on law and regulation. Up until 2011 this was 75% dominated by the Conservative party. In 2015 this dropped to 56% and in May 2019 Conservative influence diminished to 39%.

Contributions to be made for infrastructure mitigation

As a condition of approval the local planning department may recommend such developer or landowner meet certain pre-requisite obligations before or during the build stages, and especially in relation to any infrastructure mitigation actions necessary.



The Pagham planning applications were largely submitted and processed before introduction and adoption of the Community Infrastructure Levy ['CIL'] but in any event the Strategic Development Sites were determined to be 'zero' rated for CIL and therefore are subject only to s106 and/or s274 approval conditions and binding obligations under the planning department's Decision Notice. These obligations can be both financial and non-financial, but largely comprises financial contributions towards the infrastructure mitigation costs. i.e highways, environment, education and schools, Fire & Rescue, Police, library, play areas and NHS medical and care facilities. In the case of Pagham, this also includes a s106 contribution towards protective mitigating actions for Pagham Harbour and payable to RSPB who manage this protected area.

Pagham & Rose Green Planning Applications

During the Local Plan process various drafts and sections were published and released to the community under the required consultation protocols including the likely, and then definitive, Strategic Development Site locations. But before even the Local Plan was finalised and adopted by Arun District Council on 18th July 2018 planning applications began to be submitted relating to the Pagham Strategic Development Sites as follows. The following bullet points highlight only the s106 contributions in relation to highways infrastructure mitigation and the payment timings. For all other s106 conditions the reader should go to the ADC planning portal:

P/125/14/PL: Submitted 15/12/2014. Land to rear of 251 Pagham Road. 40 dwellings. It was a full one-step application with consent granted 30/6/2016. Development completed.

P/58/15/OUT: Submitted 15/6/2015. Outline approved 30/9/2016. Summer Lane, Pagham. 90 dwellings. NOT required to make any s106 contribution towards highways infrastructure mitigation. A further supplementary application was made Sept/2020 to increase this development to 105 dwellings.

P/134/16/OUT: Submitted 12/12/2016. Outline approved 12/11/2018. Land North of Sefter Road & 80 Rose Green Road. 280 dwellings, scout hut, ambulance community response post, 1FE Primary School or care home. Is required to make s106 contribution of £88,142.29 to WSCC Highways Dept towards highways infrastructure mitigation before the 100th dwelling is occupied for improvements at the junction of Pagham Road and Sefter Road and also Pagham Road and Lower Bognor Road. Also £28,572 towards upgrading of public rights of way 101, 100, 104, 106 to enable an off-road cycle route. For that developer at own cost to also undertake a scheme of improvements at Rose Green priority junction under a s278 Agreement entered into before development commences. A further £238,000 towards improvements at the A27/B2145 Whyke Road roundabout subject to a s278 Agreement with Highways England to be entered into prior to commencement and payable when 50% of dwellings are occupied.

P/140/16/OUT: Submitted 22/12/2016. Outline approved 24/10/2018, Church Barton Farm, Land South of Summer Lane & West of Pagham. 400 dwellings, 70 bed care home, 2,000sqm Local Centre, 1FE Primary School and scout hut. Is required to make s106 contribution of £143,224.73 to WSCC Highways Dept towards highways infrastructure mitigation before the 100th dwelling is occupied for improvements at the junction of Pagham Road and Sefter Road and also Pagham Road and Lower Bognor Road. Also £40,816 towards upgrading of public rights of way 101, 100, 104, 106 to enable an off-road cycle route. For that developer at own cost to undertake a scheme of improvements at the B2166/B2145 Lagness Road roundabout under a s278 Agreement entered into before development commences. A further £340,000 towards improvements at the A27/B2145 Whyke Road roundabout subject to a s278 Agreement with Highways England to be entered into prior to commencement and payable when 50% dwellings are occupied.

P/25/17/OUT: Submitted 10/3/2017. Outline approved 23/1/2019. Church Barton House, Horns Land, Pagham. 65 dwellings. Is required to make s106 contribution of £45,897.80 towards off-road cycle link between Pagham & West Bersted and £9,086 towards upgrading of public rights of way 101, 100, 104, 106 to enable an off-road cycle route**.** [However, the actual s106 Agreement states £9,086 towards upgrading of public rights of way 101, 100, 104, 106 to enable an off-road cycle route and £55,250 to Highways England under a s278 towards A27/B2145 Whyke Road roundabout and payable when 50% dwellings occupied. This change is not clearly evident in primary documents on the ADC planning portal, other than perhaps arising from a vaguely worded additional delegated powers to Group Head of Planning granted by the DCC Chair & Vice Chair 23/01/2019]

P/6/17/OUT: Submitted 18/1/2017. Application refused 24/1/2019 but then subject to appeal. 2 months before enquiry was to be held was replaced with duplicate application P/30/19/OUT by the same developer.

P/30/19/OUT: Submitted 26/3/2019. Application approved 7/8/2019. Land North of Hook Lane, Pagham. 300 dwellings, 80 bed care home, 2FE Primary School. Is required to make s106 contribution of £158,224.73 to WSCC Highways Dept towards highways infrastructure mitigation before the 100th dwelling is occupied for improvements at the junction of Pagham Road and Sefter Road and also Pagham Road and Lower Bognor Road. Also £30,612 towards upgrading of public rights of way 101, 100, 104, 106 to enable an off-road cycle route. For that developer at own cost to undertake a scheme of improvements at B2166 Vinnetrow Road roundabout under a s278 Agreement entered into before development commences. A further £255,000 towards improvements at the A27/B2145 Whyke Road roundabout and 'best endeavours' to enter into a s278 Agreement with Highways England prior to commencement, whatever best endeavours is supposed to mean. Highways England confirmed that it is payable fully before the 50th dwelling is occupied, but that the s278 is still in progress.

P/116/19/OUT. Submitted 27/12/2019. Approved 15/10/2020. Land adjacent to Sefter School House, Sefter Road. 6 dwellings. Is NOT required to make any s106 contribution towards highways mitigation.

P/58/19/PL. Submitted 21/6/2019. Application refused 6/3/2020 and now at time of this report is subject to appeal. Land to rear of Inglenook Hotel. 9 dwellings.

All the above has been confirmed in writing by WSCC Highways Department, and with Highways England.

WSCC Highways Dept however closed their confirmation with a caveat that it will consider allocating resources towards development and delivery of these schemes only *'once payments are received'* [i.e s106]. It went on to say that '*due to resource constraints, resources cannot be guaranteed to be allocated as soon as payments are received and in all likelihood these schemes will be considered and prioritised alongside other potential priorities for investment before resources are allocated'*. It then goes on to further explain the considerations of value for money, social and environmental impacts, deliverability, and the 5 stages of their planning process which it must pass through and for which it is *'unusual for this process to take less than 2 years'* and '*once schemes are prioritised for feasibility/design work, then delivery would be through the County Council's Highways Annual Delivery Programme'.* Highways England have similarly advised that at the earliest they will start to 'roll out' their scheme of works some time 2025/2026 with an end date 2029/2030, but again with a caveat that this would be subject to a further review of Chichester District Council's revised Local Plan.

This essentially means that WSCC Highways will only start thinking about it once the 100th dwelling is occupied in likely <u>all</u> of the developments and when they have received the actual s106 payments and would then, and only then, go into a budgeting deliberation and planning process. We can guess than in all probability it will be a much more drawn out affair before any meaningful action is likely to occur and could easily be overtaken by any then more pressing higher priorities. But when responding to subsequent questioning on their contingency planning it came to light that their financial modelling was only on the basis that <u>all</u> these developments proceeding and no thought had been given whatsoever to any scenario where one or more developments did not proceed or was significantly delayed. Highways England look to get s106 when the 50th dwelling is occupied under each development but all we vaguely know is that, maybe, the 'severe impact' junctions will be sorted before end of 2030. For how many years already has the Chichester bypass been deliberated over?

This gives great cause for concern as many of these developments are inter-dependent for infrastructure mitigation actions (both financially and also operationally as outlined by the Systra reports), or the highways proposal is allocated only to a specific singular development . All this will have potential dire consequences upon residents living in Pagham, Aldwick, Bersted, Lagness, Runcton, North Mundham, Hunston, Selsey, et al.

Spend by Duration limitation

Often misunderstood is a rule pertaining to s106 contributions of a 10-year spend limitation. Meaning that if such contribution is not utilized for the purpose for which is was designated within 10 years of date of payment, then such contribution must be returned in full. If some developments proceed and remit their s106 contribution obligations but yet other critical and inter-dependent developments do not, or not within a reasonable time frame, then there is increasing possibility that s106 contributions may be required to be refunded before the balance is received from other developments which, WSCC Highways Dept tell us, is the trigger for them to begin thinking about resourcing, budgeting and planning to 'go do'.

We must remember also that under outline planning approval and its corresponding Decision Notice terms and conditions a landowner or developer has 5 years from date of such Notice or 2 years' after the last of the Reserved Matters items are approved to commence the development…whichever is the later. But there is no control parameter around when any development must be completed by. The start and finish is therefore almost entirely under the control of that landowner or developer and 4 of the above developments are actually owned by just 1 (one) landowning familiy, and are also part owner and involved in the larger proposed development BE/65/17/EIS Land west of Bersted for 2,300 dwellings. It doesn't take much imagination to think of how these multiple developments could easily slip into very different timelines and be drawn out to such extent that this spend by duration condition kicks in, and, in consequence, with implications upon the highways mitigating proposals.

The Transport Studies

For the purposes of the ADC Local Plan and also in considering these planning applications, the Arun District Council jointly with WSCC Highways Department engaged the services of Systra Limited in association with the Temple Group to conduct detailed studies of projected vehicular activities in relation to the Strategic Development Sites and determine the extent of the mitigating actions needed.

The first of the Systra studies was the Enterprise Bognor Regis Highways Infrastructure Viability Study 2014 and focused only on the A29 and A259 area. This was then followed by a wider Systra Arun Transport Study 2016, then the EBR Transport Review 2017 and more recently WSCC/ADC carried out a Local Plan Transport Mitigation Apportionment Study in June2020. These cumulative assessment studies were reviewed by WSCC Highways, Highways England, ADC and also assessed independently by consultancy firm Dougall Baillie Associates.

The Systra Review Report of 2017 provided modelling and analysis of the previously indicated mitigating actions recommended by them and therefore represents the mitigating proposals presented to the ADC Development Control Committee 24th Oct 2018. All their mitigating infrastructure recommendations had been classified 'severe impact'.

The chart to the right is taken from that Systra 2017 Transport Review Report and highlights the proposed builds and commercial premises expansion expected in the Arun District.

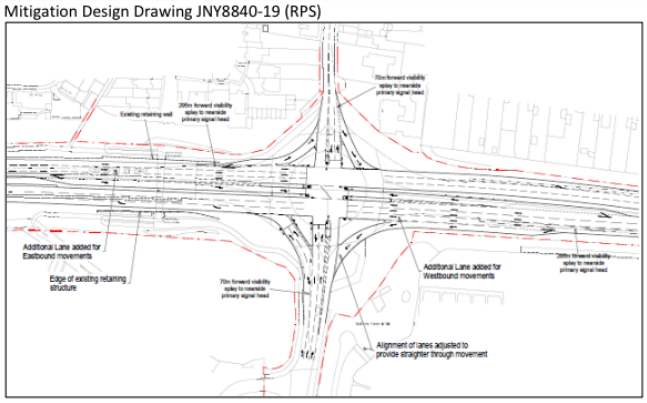
Table 8. Development Scenario Strategic Allocation 2031

Site No.	Location	Units	Employ-ment Land Use	2031 Development Scenario
1	Pagham South	Dwellings		400
2	Pagham North	Dwellings		800
3	West of Bersted	Dwellings		2,500
3	West of Bersted	Employment GFA (sqm) (Site = 10.0ha)	B1, B2, B8	46,000 sqm
4	Bognor Regis Enterprise Zone Oldlands Farm	Employment (See Chapter 2 for detail)	B1, B2, B8	Table 9 *
4	Bognor Regis Enterprise Zone Salt Box	Employment (See Chapter 2 for detail)	B1, B2	Table 9 *
4	Bognor Regis Enterprise Zone Rowan Park	Employment (See Chapter 2 for detail)	B1	Table 9 *
4	Bognor Regis Enterprise Zone Former LEC Airfield	Employment (See Chapter 2 for detail)	B1	Table 9 *
5	Eastergate/Westergate/Barnham area	Dwellings		3,000
6	Fontwell	Dwellings		400
7	Yapton	Dwellings		400
8	Ford	Dwellings		1,500
9	Climping	Dwellings		500
10	Littlehampton Economic Growth Area and Westbank	Dwellings		1,000
10	Littlehampton Economic Growth Area and Westbank	Employment GFA (sqm) (Site = 0.2ha)**	B1, B2	400 sqm
	Greater Littlehampton (2 sites)	Employment GFA (sqm) (Site = 3.0ha)	B1, B2	20,000 sqm
11	Angmering North	Dwellings		800
11	Angmering (S & E)	Dwellings		250
12	Angmering (1 site)	Employment GFA (sqm) (Site = 8.6ha)**	B1, B2	18,000 sqm

But the study does not it seems include developments approved, in progress or planned under the governance of the Chichester District Council which could materially affect any conclusions drawn from these studies which appears only to be focused on traffic activity arising from ADC locations. It may therefore have omitted the now additional traffic flow arising from developments then (or now) in the pipeline for North Mundham on the B2166 adding to the flow of eastbound traffic to the B2166/B2145 roundabout, nor any increasing traffic coming up the B2145 to this roundabout from existing and new completed developments on the Selsey peninsular. Nonetheless a 'severe' classification had been given to the B2166/B2145 roundabout even without these omissions. Presumably, though, this would take the junction classification to 'very, very, severe impact' had they been.

1: A27 / B2145 Whyke Roundabout

Mitigation Design Drawing JNY8840-19 (RPS)



This junction is located in Chichester District on the A27 Chichester Bypass. Key features expanded from the Reference Case scheme are

- A27 ahead movements expanded from 2 to 3 lanes;
- A27 right turn reduced from 2 to 1 lanes
- Associated signal timing re optimisation

Table 17 shows the ratio of flow to capacity (RFC) and average delay (in seconds) results by approach arm for the 2031 Reference Case, 2031 Development Scenario without mitigation, with initial mitigation and with revised mitigations for the AM and PM peaks (as also shown in Appendix E).

The AM northbound severe impact in the Development Scenario was addressed in the initial mitigation. However these changes resulted in problems on the other approaches in the PM peak. These were subsequently removed by the mitigation refinement.

This diagram to the left is the A27/B2145 roundabout which will be wholly determined by Highways England under a separate s278 Agreement with each of 3 of developments identified, and which WSCC Highways Dept at time of preparing this report had no information. But separately the author has received confirmation from Highways England that the contribution is required to be paid on the occupancy of the 50th dwelling in each development, and that their scheme works will start to be rolled out 2025-26 through to 2029-30. But it remains still uncertain where exactly this junction is in the scheme of things and we reasonably suspect that it will get caught up in the continuing Chichester bypass debate.

It is noted that the Systra 2017 Transport Review Report does not consider any alternatives or contingencies if one or more of the developments does not proceed, or that Highways England does not undertake itself its remedial infrastructure works obligations. Meaning, their plans, and the cumulative transport assessments and conclusions derived from those assessments, have no 'what if' scenarios impact analysis which, given the interactive nature of the Systra recommendations, is somewhat worrying given the likely effort and cost put in to the studies.

The 3 'B' road improvements are the B2166/B2145 roundabout, the junction of Pagham Road / Sefter Road and the Pagham Road / Lower Bognor Road at the Royal Oak pub.

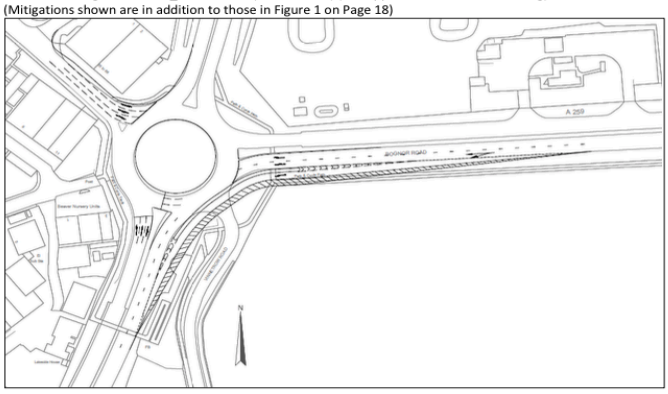
The proposal for Vinnetrow Road [diagram to right] will be making it an entry only off the roundabout (and not on to).

There is some suggestion that subsequently Vinnetrow Road may be redirected and reconnected to the A259 perhaps close to the Brick Kiln Garden Centre. But in the intervening period Berstead and North Mundham would become the only main outbound routes.

The following statement was made on Page 27 of Appendix 5 to the 24/10/2018 meeting that *'NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Therefore, whilst it was acknowledged by WSCC that drivers will be subject to additional delays this alone is not considered to constitute a severe impact'*.

The National Planning Policy Framework does not actually provide a definition of 'severe' and the following is an extract taken from the Systra study.

2: A27 / A259 (Bognor Road Roundabout)
SYSTRA Drawing No: 103800_D002 REV. - (First Version) (see Appendix F for formal drawing)
(Mitigations shown are in addition to those in Figure 1 on Page 18)



This junction is located in Chichester District on the A27 Chichester Bypass. Key features are:

- New freeflow 'jet-lane' added from A259 westbound to A27 South/West bound
- Vinnetrow Road rerouted to a new signalised crossroads with A259 Bognor Road which also serves the Former Fuel Depot Site,
- Partial signalisation of A27 Northbound approach
- Lengthened Flares on A27 Northbound approach
- Lengthened Flares on A259 Eastbound approach

Table 18 shows the ratio of flow to capacity (RFC) and average delay (in seconds) results by approach arm for the 2031 Reference Case, 2031 Development Scenario without mitigation, with initial mitigation and with revised mitigations for the AM and PM peaks (as also shown in Appendix E).

Removal of Vinnetrow Road permitted the inclusion of the A259(WB) to A27(SB) jet-lane. However this alone did not address approaches from A27(NB) which required signal control to remove the severe impact along with flare lengthening on this and the A259(EB) approaches. There remains marginal severe impact on the A259(EB) approach.

'The impact on the highway network of the Final Scenario was assessed based on the National Planning Policy Framework (NPPF). The assessment of impacts is based on criteria agreed by Arun District Council (ADC), West Sussex County Council (WSCC) and Highways England (HE). These were derived using WSCC's 'Appendix 2 – Transport Assessments and NPPF' which is their position statement in relation to the NPPF and sets out their interpretation of terms defining traffic impacts, namely "significant amount of movement" and "severe impacts". In addition a "showstopper" is defined as a location where the impacts do not have a reasonable prospect of being able to comply with NPPF paragraph 32, which states:

> *'Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. <u>Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'</u>.*

What the Systra studies lacked however, but what residents possessed and which they felt had been ignored and dismissed by the majority of Councillors and ADC Officers, was first-hand experience of actually commuting via Bersted, or via the B2166, or Pagham Road which for the most part they felt should be categorised 'C' class with very narrow sections barely wide enough for 2 HGVs passing without ripping up the narrow grass verges and which WSCC Highways had estimated was already carrying 40,000 HGV movements per year to and from the commercial growers.

WSCC Highways were Minuted at DCC 13.11.2018 as stating *'no works were proposed to increase the width of Pagham Road or to carry out their improvements – the difficulty was that what people wished to see was beyond the scope of what was required of the development'* [P/6/17/OUT was the subject matter in discussion at the time].

This is a worrying and strange statement to make by a WSCC Highways Dept senior Officer when the whole objective and point of a combined and consolidated transport assessment study is to ensure that highways implications are considered over all the developments on a combined and consolidated manner and not, as he appears to suggest, piecemeal development by development basis.

It seems Arun Planning Dept went to the same school. An example of this lack of joined up thinking is Summer Lane [pic to left] which is the entrance off Pagham Road leading to P/58/15/OUT and a 90-dwelling new development. At time of writing this report, large numbers of 20-40+ ton HGVs are delivering hardcore and groundwork equipment which in due course will be followed by all the building supplies necessary and once that's all done then wastewater tankers without, it seems, any meaningful consideration to residents for the inconvenience, distress and horrid mess which will likely go on for months ….if not years …..and with the threat that some residents are going to lose frontages in order to widen this lane. The groundwater in this area is very high and is clay base so the site workers are struggling. It looks like a battlefield!

These HGVs are passing within only 3 metres of some properties, including one which is a listed property and has very shallow footings and, apparently, is now subsiding. But it doesn't end there. Sometime soon development P/25/17/OUT for another 65 dwellings will kick off and which will have only 1 (one) point of entry and exit and this will be Horns Lane (currently a track) connecting to …….Summer Lane. P/140/16/OUT for 400 dwellings adjoins P/25/17/OUT and while at this time the proposed site maps indicate 2 exits only directly onto Pagham Road, it is so close to Horns Lane and Summer Lane that there is a possibility someone comes up with the bright idea of a 3rd access route …….via Horns Lane again and on to Summer Lane. An obvious question then, is why couldn't P/58/17/OUT wait until P/140/16/OUT and that development then become the main access point. Sensible? Logical? Residents of Summer Lane have reported trying unsuccessfully to get meetings with county highways, but seems they are unavailable to come and talk to them. One resident also wrote to ADC seeking clarification when they learned for the first time that Summer Lane was going to be widened and frontages taken and the reply from ADC, whilst indeed very polite, essentially told her she should have paid more attention to the documents presented in the planning portal.

Yes, that close

On the subject of tankers, P/58/15/OUT with 90 dwellings will generate 30.2m3 (30,320 Litres) of wastewater daily. Notwithstanding that the Pagham WTW is actually at the far end of Summer Lane, this development will not apparently connect to the public sewer system until pipe enhancements are completed which SW advise could take 24 months. Meantime, or for as long as these works are not completed, wastewater will be stored in underground chambers which the developer will construct and tankers will be utilised to take wastewater to facilities elsewhere for processing. Tankers can be small at 8,000 Litres (1,795 gals), medium at 16,000 Litres (3,519 gals), or very large at 20,000 Litres (4,399 gals) and when the development is complete then these tankers will trundle up and down Summer Lane daily. How many tankers are required each day? Answers on a postcard please to Arun District Council with a copy to the Environment Agency. Now, if P/25/176/OUT kicks off and goes the same way this development adds another 65 new houses and brings the daily total to 52.2m^3 (52,200 Litres). The reader is left to do the numbers.

No improvements to the Pagham Road or at North Mundham B2166 adjacent to the infant school (the sharp 'S' bend) are intended because these sections do not seem to meet the 'severe impact' criterion. But could they now do so if we throw into the mix the highways safety issues and lack of provision for pedestrians, children and cyclists according to the now prevailing revised NPPF 2019 rules?

To the right is the Feb-2019 revised NPPF publication wording. It still uses 'severe' as the determinant but now we have Para 110 a) to c) which prescribes that planning decisions must also embrace pedestrian and cycle and mobility considerations 'both within the scheme and with neighbouring areas' and 'minimise the scope for conflicts between pedestrians, cyclists and vehicles.

> 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
>
> 110. Within this context, applications for development should:
>
> a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
>
> b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
>
> c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
>
> d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
>
> e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
>
> 111. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Does this not therefore now mean that the prevailing and applicable regulations require the whole length of Pagham Road to provide a hard pavement for pedestrians and cyclists in order to meet this requirement? The Dictionary defines 'severe' as extreme and difficult to endure, marked by extreme conditions, suggesting seriousness, having serious consequences, conforming to a rigorous standard. The internet is usually a wonderful source of good (and useless) information, but still very little is available to really provide a definitive interpretation of the NPPF 'severe' and what is posted clearly indicates that local planning authorities are left to their own interpretation.

Would crawling along behind a cyclist on Pagham Road with a convoy of cars behind and no opportunity to overtake because of the constant and unrelenting traffic coming in the opposite direction constitute 'severe impact' to free-flow of traffic? Clearly not it seems. But if we throw into the mix pedestrians walking along the highway instead of stumbling along narrow and uneven verges, cyclists braving road hazards and mummies and daddies dropping off or collecting their children and all generating highway safety concerns, then does this mean we now have an overall 'severe impact' classification under the latest 2019 NPPF regulations for Pagham Road and through B2166 at North Mundham and which should be retrospectively applied to any and all developments that have not yet completed, and definitely those still in Reserved Matters stages.

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Conclusion(s)

The community has every reason to be concerned about highways infrastructure shortcomings, and especially in relation to cycling and pedestrian safety.

Some of the DCC Councillors did express concern at the time of considering these developments that highways improvement proposals were very dependent on funding coming from a number of separate and independent developments and of their concerns surrounding present infrastructure. This was Minuted. But were they fully and appropriately informed as to how this would likely unfold going forward? ADC, WSCC Highways, Highways England had ample opportunity to explain the full extent of the constraints and that delivery of these proposals was far from assured as they will most certainly have had detailed discussions on all this. Would those DCC Councillors have decided differently had they known of the timelines and caveats? The author is not suggesting they should have refused planning consent, but maybe approved with strict conditions obliging WSCC Highways and HE to commit and confirm in more definitive and acceptable terms their execution obligations to address these 'severe impacts'.

If budget is an issue for Highways then perhaps consideration should be given to borrowing (by them or ADC) from the Government Public Loans Work Board at preferential interest rate in order to begin and maybe complete the highways works and to recovering costs as and when the s106 contributions are indeed paid and, thereby, these proposals can be funded and completed during the development stages. ADC seem to have already drawn down a loan from GPLWB, or instead are using rate-payors funds, to lend to the P/58/15/OUT developer £2 million according to a land registry entry. This loan was in fact made before the development was given final consent and this, surely, must raise a number of questions which, reading the planning portal correspondence, the Parish Council has indeed done……but seems is still waiting for a satisfactory explanation.

We all need to understand that once a development is given the final post Reserved Matters 'green light' then only for reason of failure on the part of the developer or landowner to meet their obligations (financially or otherwise) can a development be stopped, delayed or suspended. Meaning that if WSCC Highways Dept or HE cannot get their act together then after that point nothing can be done to suspend the development(s). ADC Group Head of Planning has confirmed this and admits it can only suspend a development if the developer or landowner fails to meet their stipulated obligations and that there are no exceptional circumstances through which they can do so otherwise. As all Remarks Matters pertaining to these developments must go before the DCC, then

an opportunity does arise, surely, for the DCC to impose additional conditions on both the infrastructure provider and the development to ensure they progress in an aligned and collaborative manner.

Department of Housing, Communities & Local Government keep beating the drum of 'build, build, build' and using all sorts of stick and carrot methods to get county and district councils to deliver on specified targets using, arguably, a flawed methodology in determining how many and where, and is now proposing a fundamental overhaul of the planning approval process in an attempt to quicken the pace even though there is a significant number already consented and approved yet sitting in developers' land banks. Almost simultaneously the Department of Environment, Food & Rural Affairs is banging on about 'protect, protect, protect' and has put forward a new Environment Bill likely involving what it describes to be a protracted process of debate, deliberation, and consultation and we can expect likely fraught as usual with inter-party point scoring and internal posturing, and there is no obvious evidence that these Departments have any joined-up or collaborative thinking. Maybe we need another Government entity called 'Dept of Conscience, Integrity & Consequence'.

'Stick and a carrot' methods by Government is intentional in influencing county and district council behaviour, and in turn leads to goals and objectives becoming embedded in collective or individual performance assessments at all levels of the organisation and where increasingly infrastructure may become regarded as a secondary consideration….if at all. But objectives can drive both positive and negative behavioural outcomes. Points mean prizes by delivering on the goals, and not for finding reasons not to do so. Nor does it impress when members of a planning approvals Committee or a senior Officer of a council state that it is not their problem nor responsibility as they have little control over what HE, County Highways or other infrastructure providers such as Southern Water do or don't do, but still recommend and push to approve housing developments knowing that the infrastructure proposals are far from certain and of the consequences if not resolved. Could this behavioural influence lead to not fully informing a DCC of something important, raising of issues of predetermination on 2 newly elected and appointed Councillors only days or a few weeks before a contentious development was due to be decided upon, encouraging a developer to submit that contentious application, allowing the developer to write direct and lobby DCC Councillors 5 days before such meeting, a Councillor removed from the DCC panel because they didn't toe the party line when voting, reluctance to remove from the planning portal fictitious letters of application support orchestrated by an agent of a developer until police apparently became involved, apparent lack of meaningful action when a planning consent stipulation or condition is contravened by a developer such as felling an ancient oak with a TPO, what has been described as a persistent posture that developments should be approved without debate merely because the development is in the Local Plan Strategic Development Sites and therefore predetermined, or, to lending money to aid the P/58/17/OUT developer or landowner on a development while that planning application is still in the approval process stages. To the author these do indeed appear to be evidence of this inappropriate behaviour.

Under NPPF rules planning consent can be refused for reason of 'severe impact'. All that is needed is for WSCC Highways Dept and Highways England to come up with an acceptable and aligned plan of action to address these imperatives and complete the works before, say, occupancy collectively of the 400th dwelling over all the developments. But if not, then it leaves ADC and the DCC Councillors surely with no other alternative but to place conditions on any final consent to ensure they do so before development is permitted to commence. The author is not against building new houses. The fact of the matter is we do need to provide for our population who need homes to live in. My point, though, is that we must not lose sight of the consequences where those homes are to be built and the imperative of ensuring the fabric of the infrastructure needed to facilitate it is going to be place. An appeal would of course be raised by the developer to the Secretary of State, but the Planning Inspectorate would (or should) hold Highways to account for failing to address the infrastructure imperatives in a timely manner and should not overrule what is and would be a correct, proper and justified decision by the DCC. If they did, then they too would be demonstrating a posture of predetermined outcome and of disregarding consequence.

Perhaps some closing messages are appropriate……

To WSCC Highways and Highways England: You know what you need to do, so let's get on with it and be fully prepared and ready to implement at short notice as soon as the first of the developments 'cuts the ground'. Perhaps we can have a trigger point that all the 'severe impacts' are resolved by, say, the 400th dwelling occupied combined. Yes? If you need to negotiate anything, then do this now and not later. But rather than wait until the s106 payments are actually received before thinking about it, maybe get commitment from the developers when they will start, when they expect the 50th dwelling to be occupied and when they plan to finish, and then make provision for it so that your planning is aligned.

To Arun District Council and the Development Control Committee of elected Councillors: Unless and until these Highways guys do so, let's not go down the path of getting priorities round the wrong way. Houses, yes okay, but let's first do the groundwork and lock down the highways proposals and any other infrastructure imperative before laying any bricks. ADC, you are the facilitator and guardian of due process including the monitoring of development progress, the alignment of infrastructure, and developers' prompt settlement of the s106's.

To the Dept of Housing, Communities & Local Government and NPPF Regulator: How about introducing a development terminal date by which time a development must be finished and the builders are off the site and thereby they cannot then stretch it out almost indefinitely as appears to occur frequently. Limit any extension to this and only if warranted. If it doesn't go forward in a timely manner then rescind consent and offer it to another developer who undertakes to do so.

To the Planning Inspector should an appeal arise: The presumption of sustainability is overwhelmed by the depth of contrary substantive evidence of consequential 'severe' impact if the mitigating infrastructure proposals are not completed in a timely manner. Go talk to WSCC Highways and HE to get it done.

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v2.3 20th December 2020