

F.A.O Claire Potts  
Arun District Council  
Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex  
BN17 5LF

24 May 2022  
RefCRB/Let/P1728i

Dear Claire

**RE: Voluntary Changes to S.106 Agreement pursuant to Application WA/44/17/OUT.  
Avisford Grange.**

We are writing to you to request that Arun District Council voluntarily agree to vary the current S.106 Agreement under the provisions of S.106A ((2) of the Town and Country Planning Act 1990 in relation to the following Schedule.

Schedules 11 and 12 of the obligation, refers to of Additional Highway Works, with explicit reference to the requirement to enter into and complete a S.278 Agreement.

The owners have entered into such an obligation with the necessary authorities (WSCC and NH) and accord therefore with the initial provisions of Schedule 12.1 of the drafted obligation.

However, it is clear that due to delays associated with the design process that the S.278 Agreement will not be completed prior to the occupation of the first market dwelling in accordance with the currently drafted Schedule 12.2.1.

The Additional Highway Works would not be required to be undertaken (if necessary) until the occupation of the 90<sup>th</sup> Market dwelling, which is still achievable, delivering the necessary highway infrastructure improvements as deemed appropriate for this application, however we are requesting that Schedule 11.1 and 12.1 of the obligation is varied to allow appropriate time to complete the S.278 to enable the Additional Highway Works to be undertaken.

We therefore request that Schedule 11.1 and 12.1 is varied as follows;

***“That it shall prior to Occupation of the 50<sup>th</sup> Market Housing Unit to be Occupied enter into a Section 278 Agreement to enable it to undertake the Additional Highway Works”***

We have discussed this matter at length with both WSCC and NH who are accepting of such a change, subject to the provisions of Schedule 11.2 and 12.2 remaining as originally drafted to enable delivery of the Additional Highway Works prior to the occupation of the 90<sup>th</sup> Market Unit. (see attached correspondence)

Managing Director  
Chris Barker MATP MRTPI  
Directors  
Huw James MRTPI  
Adam King RIBA  
Adam Staniforth FCCA

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In respect of timings, we would indicate that occupation of the 50<sup>th</sup> Market Dwelling would occur around January 2023, with a further 12 months until occupation of the 90<sup>th</sup> Market Dwelling. This will provide ample time to both complete the S.278 by January 2023 and complete the highway works by January 2024.

I trust that this clarifies the situation, yet if you have any further queries or require further information please contact me on [REDACTED]

Yours sincerely  
ECE Planning



Chris Barker MATP MRTPI  
**Managing Director**  
**Encs**