

[Redacted]

From: Elaine Walby on behalf of Planning.Responses
Sent: 01 April 2026 12:30
To: Planning Scanning
Subject: FW: Formal objection to WA/5/26/S73 – removal of Condition 30, Land West of Yapton Lane, Walberton

PL- Rep

Please redact

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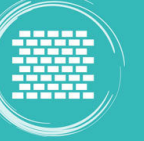
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From: Amber Willard <Amber.Willard@arun.gov.uk>
Sent: 01 April 2026 08:47
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: RE: Formal objection to WA/5/26/S73 – removal of Condition 30, Land West of Yapton Lane, Walberton

Please upload as rep letter for WA/5/26/S73

Thanks

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From: Residents of Walberton - RoW [Redacted]
Sent: 31 March 2026 23:59
To: Amber Willard <Amber.Willard@arun.gov.uk>; Planning <Planning@arun.gov.uk>; Douglas McElvogue [Redacted] Shona Turner [Redacted]
Subject: Formal objection to WA/5/26/S73 – removal of Condition 30, Land West of Yapton Lane, Walberton

Dear Case Officer,

Please treat this email as a formal **OBJECTION** to application **WA/5/26/S73**.

I object because the applicant's case does not demonstrate that removal of Condition 30 is justified on planning merits, and the supporting cover letter and comparison schedule contain a lack of due diligence and care.

Condition 30 is not a minor administrative reference. It is a specific appeal-stage highway safeguard.

The **WA/02/22/OUT** appeal decision records that the original highway objection was resolved only after modelling confirmed that, with the A27/Yapton Lane junction improvements undertaken, there would be sufficient capacity for the appeal scheme and other committed development. The Inspector then expressly stated that Condition 30 was required **"in the interests of highway safety."**

In those circumstances, **this S73 is asking to remove a defined highway-safety condition that formed part of the basis on which outline permission was granted.**

The covering letter states that WA/2/22/OUT was granted on 5 April 2024, whereas the appeal decision granting that permission is dated **5 April 2023** and advances inconsistent arguments.

On the one hand it says there can be no highway-safety requirement because no formal enforcement action appears to have been taken elsewhere.

On the other hand it says that efforts are being made to deliver the works in May 2026 and that, if those works are delivered before occupation, the condition is no longer required.

Those are different propositions. One says the mitigation is unnecessary. The other says the mitigation may still be necessary but will be delivered by another route. The application should not be permitted to rely on both at once.

Absence of enforcement elsewhere does not prove absence of need here, still less where the Inspector imposed Condition 30 specifically in the interests of highway safety.

The comparison-sites schedule

This does not provide evidence of what the application says it proves. These are not binding precedents. At most they are comparator permissions whose relevance depends on genuine comparability.

The schedule includes **WA/2/22/OUT** itself, which is not an external comparator at all. It also includes Avisford Grange - **WA/44/17/OUT, which secures the A27/Yapton Lane works through s106/S278 machinery**. The remaining three permissions are Yapton-side schemes with different triggers. What that schedule really demonstrates is not that the junction improvement was unnecessary, but that it has repeatedly been treated as a real mitigation requirement, albeit secured by different mechanisms and at different trigger points.

In particular, **WA/44/17/OUT** does not assist the applicant as a precedent for removal. If that permission is now the route through which the same works are to be funded and delivered, that confirms the continuing need for the mitigation rather than its absence. The relevant planning question is therefore not whether other developments have been occupied, but whether removing Condition 30 would still leave **WA/2/22/OUT** acceptable in highway terms in the context of cumulative and committed growth.

That is the same future-facing question the Inspector addressed at appeal when the condition was imposed.

Application policy and case-law

This section also does not justify the result sought.

Even on the applicant's own summary, **the cited cases go only to the procedural availability of section 73 as a route to seek amendment of conditions.**

They do not establish that Condition 30 should be removed in this case. That distinction matters because Condition 30 is not an ordinary approved-plans condition. The outline permission already has an approved-plans condition, namely Condition 3, but Condition 3 lists only the site location plan, parameters plan and proposed access drawing. It does not list ITB11324-GA-014 Rev C. That A27 junction drawing is secured only through Condition 30 itself.

The application's reference to lawful substitution of a "revised site plan" therefore blurs the true structure of the permission. This is not, in substance, a routine approved-plans amendment; it is an attempt to remove the stand-alone condition that secures the junction mitigation. Most importantly, the appeal decision explains why Condition 30 exists: the Inspector accepted the scheme on the basis that, with the junction improvements undertaken, there would be sufficient capacity, and expressly stated that Condition 30 was required in the interests of highway safety.

The application's legal authorities therefore do not answer the real question here, namely whether that highway-safety safeguard has genuinely ceased to be necessary? On the evidence before the Council, they do not.

There is also a highly relevant comparator decision which the applicant does not engage with. Under application **Y/19/21/PL**, Arun considered a section 73 proposal to remove a materially similar A27/Yapton Lane junction-improvement condition relating to **Y/62/18/OUT at Clays Farm, North End Road, Yapton**. That application was supported by a covering letter advancing a similar case, including assertions of limited impact, cumulative thresholds elsewhere, and reliance on the future bypass.

However, Highways England objected in clear terms. Its response stated that the right-turn lane was already stressed, that sporadic queuing onto the eastbound carriageway was exceptionally hazardous, that the junction had recorded serious personal injury accidents, that the bypass was not guaranteed, and that there was no reason to amend the condition because the safety improvement remained required as cumulative mitigation. Highways England also confirmed separately that it would defend a refusal and explained that staged triggers had been used across developments because cumulative traffic would otherwise exceed storage capacity and spill onto the eastbound carriageway with obvious severe safety implications.

Arun then refused Y/19/21/PL on the basis that removal of the condition would result in a severe impact on the safe and efficient operation of the strategic road network. That decision is not binding in the strict sense, but it is a highly material comparator and it materially weakens the applicant's attempt to portray applications of this kind as routine or benign.

National Highways' current response is equally important. NH did not support immediate removal of Condition 30. They recommended that the application should not be determined for a specified period and expressly stated that Condition 30 should not be removed until the works on the improvement scheme had commenced. They also identified **WA/44/17/OUT** as the route by which those works were being progressed. That position is inconsistent with **the application's broad assertion that the junction improvements are simply "no longer required."** It shows instead that the mitigation remains live and that removal of Condition 30 is premature unless and until equivalent delivery is demonstrably underway.

There is also a serious evidential problem.

On the material publicly discussed in relation to this application, there appears to be:

- no fresh transport statement,
- no updated modelling,
- no construction-stage information,
- or other clear documentary evidence

demonstrating **why the condition has ceased to be necessary?** or exactly **what equivalent works are now to be delivered elsewhere?**

The only identified drawing in the material reviewed is **ITB11324-GA-014 Rev C**.

That drawing is expressly marked **"FOR PLANNING"** and **"NOT TO BE USED FOR CONSTRUCTION."**

In those circumstances, the Council is being asked to remove an Inspector-imposed highway condition without a clear and transparent evidential basis for doing so.

For all of those reasons, this application should be refused.

Yours sincerely,

Martin Downes