

**15 Long Mead
Walberton
West Sussex BN18 0QG**



Planning Department
Arun District Council

3rd August 2021

Application Reference WA/63/21/PL

Dear Sirs,

I wish to object to the above planning application upon the following grounds.

- 1) Avisford Grange has already been granted access to the estate from Yapton Lane which is a well structured public road, well able to cope with the increased traffic and providing safe access to the development.
- 2) Tye Lane is just that – a lane, not a road. It is narrow and care must be taken when two vehicles wish to pass each other.
- 3) As a country lane, Tye Lane is completely unsuited for the volume of traffic such a proposal would incur.
- 4) This proposal could not be implemented without significant structural alteration of this narrow country lane to bear such a permanent increase in the volume and size of vehicles using it.
- 5) This proposal could not be implemented without significant danger to the traffic on the A27.

The access to Tye Lane is via a small slip road off the A27 where traffic passes at considerable and frequently excessive speed.

Any significant increase to the traffic already using this small slip road would cause huge tail backs along the A27 and increase the potential for regular dangerous accidents and multi-vehicle pile-ups, which taken at speed, would be catastrophic to all concerned and place the emergency services attending in peril.

Similarly, when leaving Tye Lane to access the A27, any heavy and increased traffic which necessarily would be slow to pull out on to this fast and busy road, with the attendant dangers, to join this fast motorway would again be vulnerable to the potential for regular dangerous accidents and multi-vehicle pile-ups, which taken at speed, would be catastrophic to all concerned and place the emergency services attending in peril.

6) The access and departure from Tye Lane at the Walberton end is a very narrow T junction where vision is frequently limited by parked cars and bends in the road. By turning left on to The Street, any additional heavy traffic would cause significant disruption to the flow of traffic through the village itself and find problems in proceeding especially near the school where the road narrows and is already easily congested.

In addition, twice a day, there is the school run, where cars are parked along the main street, making it impossible for larger vehicles to pass altogether.

This does not take into account the significant danger posed to young children and families walking along the single pavement where the street narrows and bends. Also affected would be the elderly and dog walkers of whom there are many.

Additionally, this does not take into account the danger to physical health from the vastly increased and poisonous carbon dioxide fumes emitted by such heavy traffic, just at the level where it may be ingested into the lungs of children and babies in prams as well as the many pedestrians on a daily basis.

Were two such site vehicles wishing to pass each other on the main street, the whole street would be blocked for some time while one of them manoeuvred backwards, with all the attendant and significant dangers of lack of vision round the bends and of course, also, to pedestrians on the single pavement and to any parked cars.

Oncoming traffic would be inconvenienced and be prevented from passing for some time. This is not fair to families who have children to take to or to collect from school, those trying to get to work or those with appointments in the shops in Maple Parade in the village.

Such a proposal if granted would mean the permanent dangers and disruption to the lives of the residents on a daily and permanent basis - for ever.

Leaving Tye Lane by turning right is similarly fraught with difficulties. Even now, if one normal size car wishes to leave and one to enter Tye Lane at the village end at the same time, great care must be taken to avoid each other.

Increased size and regularity of site and other vehicles would incur significant danger to oncoming traffic in both directions due to lack of vision as the main street contains bends and has parked cars along it all of the time.

This would result in significant tailbacks and delays to the flow of traffic in both directions with the attendant dangers not only to parked cars on both sides of the road but also of increased poisonous carbon monoxide fumes for the residents and those walking along the narrow and often single pavements on a daily basis.

Please understand that Walberton is a peaceful walking village where the residents are able to walk along the main street in healthful safety. This would not be the case should this proposal take effect.

7) The current residents of Tye Lane would suffer huge inconvenience by this proposal. Quite apart from the increased noise levels from early in the morning, there would be the difficulty of leaving and then accessing their homes on a daily basis for ever.

This is in direct contravention their rights enshrined in the Human Rights Act 1998.

“Article 8 – protects your right to respect for your private and family life.

What is meant by private life?

You have the right to live your life privately without government interference.

What is meant by home?

The right to respect for your home does not give you a right to housing. **It is a right to enjoy your existing home peacefully. This means that public authorities should not stop you entering or living in your home without very good reason**, and they should not enter without your permission. This applies whether or not you own your home.

See also the right to peaceful enjoyment of property.

Are there any restrictions to this right?

There are situations when public authorities can interfere with your right to respect for private and family life, home and correspondence. **This is only allowed where the authority can show that its action is lawful, necessary and proportionate in order to:**

- protect national security
- protect public safety
- protect the economy
- protect health or morals
- prevent disorder or crime, or
- protect the rights and freedoms of other people.”

None of these six examples are relevant to the proposed application WA/63/21/PL.

In addition – “Article 1 of the First Protocol: Protection of property

Protocol 1, Article 1 protects your right to enjoy your property peacefully

Property can include things like land, houses, objects you own, shares, licences, leases, patents, money, pensions and certain types of welfare benefits. A public authority cannot take away your property, or place restrictions on its use, without very good reason.

This right applies to companies as well as individuals.

Are there any restrictions to this right?

There are some situations in which public authorities can take things you own or restrict the way you use them. **This is only possible where the authority can show that its action is lawful and necessary for the public interest.”**

And **“This is only allowed where the authority can show that its action is lawful, necessary and proportionate.”**

As shown above in Article 8 of the Human Rights Act, none of the listed 6 exclusions to the Human Rights enshrined in Article 8 are, in any way, relevant to **WA/63/21/PL**.

Arun District Council would be acting in direct contravention of the Human Rights Act – both Clause 8 and Article 1 of the First Protocol: Protection of Property by permitting this proposal to go ahead.

It would be trampling on the Human Rights of the residents of Tye Lane for no legal purpose. Such action would not be lawful, necessary and proportionate.

There is already a perfectly good access road in Yapton Lane which is already in place and well placed to deal with site and other traffic. A second access road is unnecessary save for the convenience of Avisford Grange.

Additionally, the three roads promulgated for leaving the village by turning right at the bottom of Tye Lane are similarly fraught with difficulties for such regular increased volume of traffic.

West Walberton Lane is narrow and frequently reduced to single lane traffic as its fragile surface, already so unsuitable for increased volume of traffic, is constantly being repaired, which would cause potential tailbacks into the village.

Eastergate Lane exits via a T junction straight on to the already busy A29. Turning right would cause a bottleneck at the Fontwell roundabout and turning left would cause a bottleneck at the War Memorial roundabout at Eastergate.

Barnham Lane exits in the middle of Barnham village and would put most of the village into a permanent state of gridlock in either direction.

Lastly, I should point out that the exit slip road from Yapton Lane on to the A27 finishes within 50 yards of the beginning of the slip road where traffic turns left to go down Tye Lane. All exiting traffic will necessarily be joining the A27 at speed where they may come into collision with traffic slowing to enter the slip road to Tye Lane.

This nightmare scenario has the potential for regular fatal collisions and danger not only to drivers but also to attending ambulance/fire and police crews.

Application **WA/63/21/PL** has been ill thought out from every aspect.

Arun District Council and Avisford Grange would be well advised to consider the legal implications of **WA/63/21/PL** before proceeding further.

A pro bono class action could be launched by interested parties.

Yours faithfully,

Susan Ajax-Lewis

