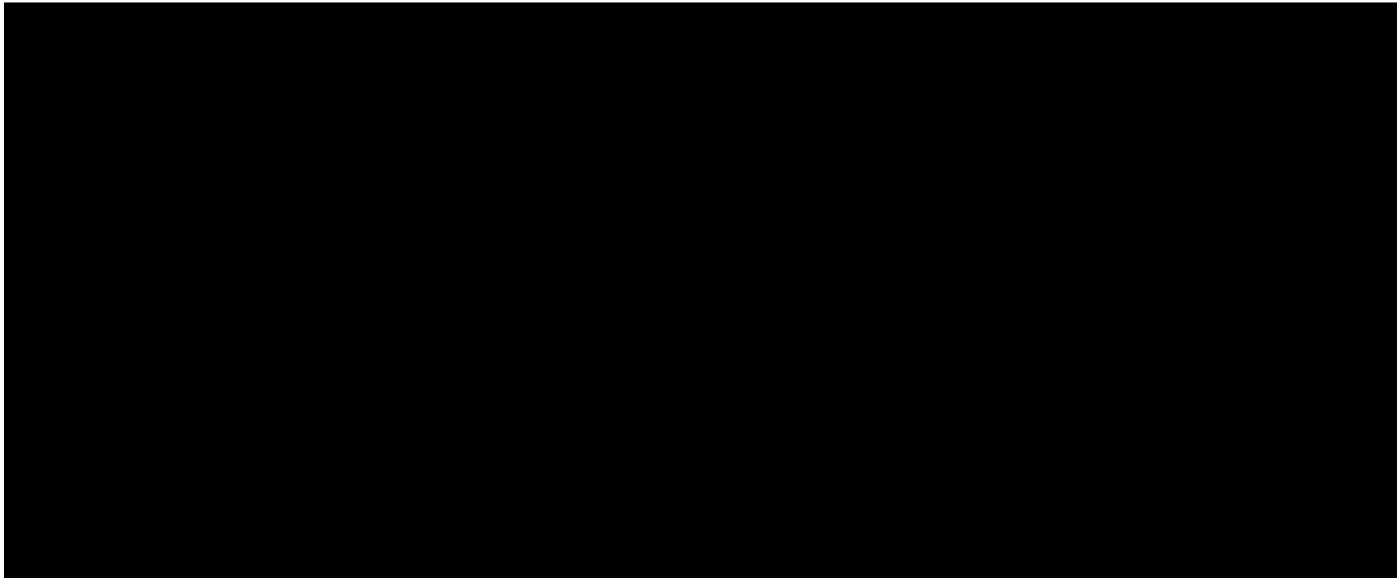




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Save the environment - think before you print.

From: Michael Davis [REDACTED]
Sent: 04 August 2021 16:15
To: Michael Eastham <Michael.Eastham@arun.gov.uk>
Subject: Comment on WA/63/21/PL

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Dear Mr Eastham

Planning Application Ref WA/63/21/PL

Please register the attached as an objection to this application.

With thanks

Dr Mike Davis
Walberton, West Sussex

Planning Application Ref WA/63/21/PL

Please accept the following as an Objection to the above application.

1. At the time of writing (4 August 2021):

a) The applicant has NOT:

- submitted a Statement of Community Involvement as it has claimed (Planning Statement 4.8); the application cannot be read in conjunction with information that has not been submitted (Planning Statement 2.1) and is therefore incomplete
- responded to questions about the application that it asked to be submitted to an apparently unmonitored email address
- responded to the same questions re-submitted directly
- responded to a request to meet residents to explain the application and receive feedback

These actions characterise the level of community engagement by the applicant.

b) Highways England has not responded to a Freedom of Information request for information that has been exchanged with the applicant in formulating the application.

c) Highways England has not publicly disclosed how it will or will not meet assurances given to Arun District Council to maintain access to Avisford Grange during construction of the scheme and during operation of the scheme (Mr Peter Mumford to Cllr Dr James Walsh, 3 December 2020).

All of the above prevent proper and full consideration of the application at this time. However, unless given an extension, I cannot further delay submitting these comments. Therefore, please accept that they are provisional, unreasonably impaired by not having access to all relevant and requested information and are subject to amendment.

2. Although proposals to implement a bypass of the A27 around Arundel are given as the reason for submitting the application (e.g. TAA, para 7.3), the application does not include any scenarios with an Arundel Bypass and does not consider the impact of Highways England's proposals on the strategic and local road networks. This is irrational and the application should be refused.

3. The applicant claims that pre-application discussions were undertaken with WSCC to agree the scope and methodology for the assessment presented within the Transport Assessment Addendum (e.g. TAA, paras 1.4 and 7.4). However, WSCC Highways states in writing that the methodology has not been agreed. The applicant must clarify what advice has and has not been received.

4. The TAA cannot be reliably assessed for deliverability as it does not consider any scenarios for the A27 Arundel Bypass.

5. Any commitment by Highways England to mitigate impacts under a future alignment of the A27 cannot be reliably assessed for affordability or deliverability as no scenarios for the A27 Arundel Bypass have been considered. Furthermore, WSCC Highways has made no such commitment for impacts on the local road network for which it is responsible rather than Highways England.

6. Since submission, the applicant has re-opened the implemented site access that was closed voluntarily in October 2020. The application does not include any future scenario in which this access is obstructed or obliged to re-close unless voluntarily by the applicant. Although the 2031 Base case scenario shows zero traffic in and out of the site at Yapton Lane, this cannot be attributed to the A27 Arundel Bypass as no bypass scenarios have been included in the TAA. The applicant has not included any drawings showing obstruction of the implemented and fully functional site access, how or why that obstruction will come about or why alternate access is needed at Tye Lane, either on a temporary or permanent basis.

The application is therefore unnecessary and irrational unless motivated for the purpose of managing commercial risk and uncertainty.

7. The commercial risk and uncertainty that the applicant seeks to address is not a new feature of the Avisford Grange development. It has been known about and accepted by both applicant and planning authorities since a viable option on the Grey alignment was identified in the PCF Stage 1 Technical Appraisal Report (2017). Highways England announced in November 2018 that there would be a Further Public Consultation and that it would include ALL route options inside and outside South Downs National Park. The applicant and planning authorities were given further notice of the Grey route in the Options for Further Assessment map released by Highways England in March 2019. As these events pre-date final planning approvals for Avisford Grange and commencement of works, it is unreasonable to characterise uncertainty as recent and unforeseen or the level of commercial risk as fixed and unavoidable.

Currently, the applicant enjoys implemented and unobstructed site access at Yapton Lane, consented emergency access at Tye Lane and an assurance from Highways England to maintain access during construction and operation of the scheme. The formal planning status of Grey has not changed, no DCO application has been made, no statutory consultation has taken place, and no preliminary design has been published.

The application does not address why in these circumstances the applicant is seeking alternate access to manage a perceived change in commercial risk that has no basis in the planning status of the A27 Arundel Bypass (which is unchanged). There is also no explanation of what engagement there has been with Highways England to mitigate and/or compensate for any change in perceived risk or even why it is a material consideration.

8. According to Highways England, it has been engaging the applicant since at least December 2020. As noted, it has also given twin assurances to Arun District Council that access to Avisford Grange will be maintained during both construction and operation of the scheme.

As noted, the applicant has not disclosed the outcome of this engagement or given any confirmation or explanation as to why Highways England cannot maintain access during construction of the bypass.

If access cannot be maintained during construction, the applicant has also not confirmed or explained why access at Yapton Lane cannot be restored after construction and then maintained during the operational phase.

Therefore, the applicant does not explain why it needs access at Tye Lane at all or why any such access would need to be permanent rather than temporary.

9. Similarly, Highways England has neither confirmed or disclosed why it needs to temporarily or permanently obstruct the implemented access at Yapton Lane during either construction or operation of the A27 Arundel Bypass and therefore why the application is necessary.

I have read a response from Walberton Parish Council which indicates that Highways England is developing a technical solution that would enable access from Yapton Lane to be maintained during operation of the scheme. This and/or other options still being assessed would enable Highways England to meet its assurances to Arun District Council and affected communities at least half-way and perhaps fully.

This solution and any other potential solutions that are being examined should be finalised, publicly disclosed and taken into account before this application is considered.

10. I am copied in on a letter to Walberton Parish Council dated 6 July 2021 in which the applicant states: "At the current time we do not have any information regarding the potential for any alternative access along Yapton Lane so are not able to consider this option. However, we will continue to engage with Highways England and if other workable access arrangements are put forward, we would be happy to discuss these with them".

If that is the case, the applicant should withdraw the application and, if it has not already done so, immediately obtain details of the technical solution being developed by Highways England that would enable it to maintain access at Yapton Lane. A new application should be submitted and made available for consultation only if necessary and only when all of the relevant scheme development work currently being undertaken by Highways England is finalised and in the public domain.

11. Non-Disclosure Agreements (which are said to be in place between the applicant and Highways England) should not be used to withhold or conceal any information that is relevant to this or any related application.

12. By not including any Arundel Bypass scenarios, the applicant disregards the wider impact of the A27 Arundel Bypass on the local road network including, for example, future connectivity or not with the scheme at Ford Road and the assignment of traffic from new housing in the Arun Local Plan. It is hoped and expected that the planning authorities will not disregard these impacts and will require all applications to take them into consideration.

13. The application states that Arun District Council's policy to protect the line of the A27 bypass is untenable. This is falsely assumed by the applicant. The line of the A27 bypass is not known and Highways England has given assurances to Arun District Council that it will maintain access. If Highways England is now requiring the applicant to secure new access away from the scheme footprint in order for the adopted Arun Local Plan to be tenable, this has not been publicly disclosed by any of the parties and creates a potential conflict of interest in considering the application.

Dr Mike Davis
The Street, Walberton

4 August 2021