



## Developments Affecting Trunk Roads and Special Roads

### Highways England Planning Response (HEPR 16-01)

### Formal Recommendation to an Application for Planning Permission

From: Nicola Bell (Regional Director, South East)  
Operations Directorate  
South East Region  
Highways England

To: Arun District Council (FAO Case Officer: Michael Eastham)  
[michael.eastham@arun.gov.uk](mailto:michael.eastham@arun.gov.uk)

CC:

Council's Reference: WA/63/21/PL

Location: Land East of Tye Lane Walberton BN18 0LU.

Proposal: Proposed alternative vehicular accesses off Tye Lane and emergency access off Avisford Park Road, along with minor highway works following WA/95/18/RES (resubmission following WA/93/20/PL). This site is CIL Zone 2 (Zero Rated) as other development.

Highways England Reference: 91820, #13721

Referring to the planning application referenced above received by Highways England on 29 June 2021, in the vicinity of the A27 at Walberton, West Sussex that forms part of the Strategic Road Network, notice is hereby given that Highways England's formal recommendation is that we:

- a) ~~offer no objection~~
- b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);
- e) ~~recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);~~

d) ~~recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

Highways Act Section 175B (covering new access to the SRN) is not relevant to this application.<sup>1</sup>

HIGHWAYS ENGLAND (“we”) have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This represents Highways England’s formal recommendation (prepared by the Area 4 Spatial Planning Team) and is made available to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority disagree with any recommendation made under b), c) or d) above, the application must not be determined before they have:

- i) informed Highways England; and
- ii) consulted the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via

[REDACTED]

|                                                                         |                                    |                     |
|-------------------------------------------------------------------------|------------------------------------|---------------------|
| Signature:                                                              | [REDACTED]                         | Date: 5 August 2021 |
| Name: Kevin Bown                                                        | Position: Spatial Planning Manager |                     |
| [REDACTED]                                                              |                                    |                     |
| Highways England: Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ |                                    |                     |

<sup>1</sup> Where relevant, further information will be provided within Annex

## Annex A Highways England Recommended Conditions

We recommend that the following conditions be attached to any planning permission granted in connection with application WA/63/21/PL:

### **Condition: Strategic Road Network Improvements**

1. Prior to bringing the development hereby permitted into use, the scheme of highways works forming the A27/Tye Lane junction improvements as shown on the Ardent Consulting Engineers drawing No. 183248-005 Rev D 'PROPOSED A27 / TYE LANE JUNCTION' dated June 2021 (or other such alternative scheme that may be agreed in writing by the local planning authority who shall consult Highways England) shall be completed and opened for use.

**Reason:** To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

### **Condition: Construction Management Plan**

2. No works (including site clearance and/or preparation) shall commence on the development hereby permitted until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with Highways England). The construction of the development shall be carried out in accordance with the approved Construction Management Plan unless otherwise agreed in writing by the Local Planning Authority (who shall consult with Highways England).

**Reason:** To ensure that construction of the development does not result in avoidable congestion and disruption on the A27 Trunk Road, to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

### **Informative:**

This planning application is linked to the original planning application WA/44/17/OUT Land East of Tye Lane Walberton which was conditionally approved with a signed s106 agreement in place. Section 11 of the agreement relates to the contribution of £400k towards the scheme of works at the A27/A29 Fontwell Avenue Roundabout and Section 12 of the agreement referring to the additional scheme of works given in Schedule 6 which describes the necessary highway works to the A27 Yapton Lane right turn Lane. These are unaffected by this application WA/63/21/PL save for the following:

- In the event that the Arundel Bypass proceeds (option 5Bv1) and Tye Lane is disconnected from the A27 then the agreed works as shown on the Ardent Consulting Engineers drawing No. 183248-005 Rev D 'PROPOSED A27 / TYE LANE JUNCTION' dated June 2021 will be deemed unnecessary.
- In the event that the Arundel Bypass proceeds (option 5Bv1) and Tye Lane is disconnected from the A27 then the agreed contribution of £400k for the scheme of works at the A27/A29 Fontwell Avenue Roundabout shall be an alternative scheme of works that Highways England considers necessary

to achieve improvement at the junction in accordance with the s106 agreement.

- In the event that the Arundel Bypass proceeds (option 5Bv1) and Tye Lane is disconnected from the A27 and the agreed works as shown on the Ardent Consulting Engineers drawing No. 183248-005 Rev D 'PROPOSED A27 / TYE LANE JUNCTION' dated June 2021 are deemed unnecessary by Highways England as too are the agreed works on i-Transport's drawing number ITB11324-GA-014 Revision C "*Proposed extension to A27 Yapton Lane right turn*" dated 30/8/17 then the works costs of £180k will be contributed towards improvement of the A27 corridor in accordance with the s106 agreement.

### **1. Works affecting the Public Highway**

Section 175(b) of the Highways Act 1980 (as inserted via The Infrastructure Act 2015) requires those proposing works affecting the public highway to enter into an agreement with the Strategic Highway Authority (Highways England). This development involves work to the public highway that can only be undertaken within the scope of a legal Agreement (s278) between the applicant and Highways England. Planning permission in itself does not permit these works. The works proposed to the public highway as part of this planning application (contained in conditions 1) will need to be completed in full and be maintained through the requisite defects period prior to formal adoption by Highways England.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Spatial Planning Team, Highways England, Bridge House, 1 Walnut Tree Close Guildford, Surrey GU1 4LZ. Highways England switchboard [REDACTED]

[REDACTED]