

Dr Mike Davis  
The Street, Walberton

17 August 2021

Planning Application Ref WA/63/21/PL  
Objection

Supplementary Comments

Please accept the following as further comments to those of 4 and 5 August 2021. These are brought about by the representation submitted by Highways England on 5 August 2021 which was not published by Arun District Council until 13 August 2021.

Unlike the applicant, Highways England does consider the future alignment of the A27 because that is the reason why the application has been submitted. It states:

"In bringing forward these proposals [for a Development Consent Order for a bypass of Arundel] we will, of course, ensure that access to the Vistry Homes Land East of Tye Lane site is maintained during and after construction of the proposed bypass."

This latest assurance is certain and beyond doubt ("of course" access will be maintained). It is at least the third occasion on which it has been given. The others are in a letter to Arun District Council dated 3 December 2020 and a Draft Letter of Commitment dated 17 June 2021. All of these are known to the applicant, at least two of them before the application was submitted (21 June 2021).

Furthermore, the assurances are understood to be backed up by maps and an indicative land transfer plan (reference SK 183248). Although these are currently being withheld by Highways England under exceptions in Environmental Information Regulations, it has nonetheless informed Walberton Parish Council that a technical solution has been identified that would enable access at Yapton Lane to be maintained during and after construction of the bypass.

The applicant has not disclosed or considered any of these assurances in applying for access at Tye Lane. Separately and together they render the application untrue and inaccurate.

For example, paragraph 4.1. states "Vistry Homes are in a position whereby the approved main point of access is under serious threat of being lost with there being uncertainty as to when this may occur." This is shown to be untrue by Highways England representation and the other assurances it has given. They indicate that the applicant is not in this position. There is no threat to access at Yapton Lane and, therefore, no uncertainty regarding access to and from the site now or in the future.

Paragraphs 4.2 and 4.5 are also untrue. Paragraph 4.2 states: "As matters stand Arun DC cannot fulfil the Visions and Objectives of their Local Plan and will be under further severe pressure in terms of being unable to meet a 5 year land supply." As the applicant is "of course" assured of uninterrupted access to its site by Highways England, this is untrue.

Paragraph 4.5 states: "Whilst the council policy is to protect the line of the A27 bypass, the Highway England decision to proceed with a wide southerly route has made that position untenable unless alternative access arrangements can be agreed". Arun District Council's policy is not untenable because of the unequivocal assurances given in writing by Highways England to each of the Council executive (3 December 2020), the applicant (17 June 2021) and "of course" the planning authority (5 August 2021).

Regrettably, the position regarding access was further misrepresented by the applicant in the updated Resident's Newsletter referred to in Planning Statement paragraph 4.8 which therefore forms part of the application. For example, the Newsletter states: "to provide our home buyers with certainty about the future access arrangements to the site, Linden Homes has applied to Arun District Council for an alternative site access onto Tye Lane". The representation submitted by Highways England grants that certainty because Highways England will "of course" ensure that access is maintained.

Furthermore, by the time the Newsletter was being mailed to residents (20 July 2021), Highways England had already several weeks earlier provided a Draft Letter of Commitment dated 17 June 2021 which ensures access to and from Yapton Lane and which states: "Highways England trusts that this confirmation gives you sufficient certainty to enable you to proceed with your purchase of a property at Avisford Grange.

The applicant has not disclosed this letter and the assurances it contains and has not identified any reason why the certainty it offers is insufficient or why Highways England's assurance should be doubted.

The Newsletter also states: "Linden Homes will continue to engage with Highways England and if other workable access arrangements are put forward to Avisford Grange then we would be happy to discuss these with them". The applicant has already been assured of workable access arrangements which "of course" ensure that access will be maintained.

The Newsletter also states: "Linden Homes' preferred access to the site was originally from Yapton Lane. We are only seeking approval for an alternative access onto Tye Lane out of necessity following the announcement from Highways England on the route of the proposed A27 bypass." Highways England's representation establishes beyond reasonable doubt that Linden Homes' preferred access from Yapton Lane is assured with or without the proposed bypass. Any alternate access is unnecessary and cannot be reasonably sought or consented for the reason given in the application which is shown to be inaccurate.

The applicant has declined several opportunities to clarify the application and Newsletter. An explanation of why statements are true and accurate has been requested but none provided at the time of writing. The applicant has not responded to correspondence, has still not published a Statement of Community Involvement and has not addressed why residents' well-evidenced concerns and questions have been swept aside.

The timing of the Highways England representation is such that residents and other parties have been restricted to commenting on the position as described by the applicant. They have not been able to consider the actual circumstances regarding access that are described by Highways England.

This has been made more damaging by Highways England's own failure to meet its commitment that "Communities and residents will be provided with more information in June and July as part of the informal presentation of design development" (Elected Representatives Forum, Minutes 23 March 2021). I have not been informed of any planned mitigation measures by Highways England. The timing and framing of the application therefore give the appearance of seeking to obtain consent before crucial information about the preliminary design enters the public domain at statutory consultation.

In conclusion, if the applicant wants access at Tye Lane, it should make a true and accurate application that recognises and considers the multiple assurances given by Highways England, the certainty of access that they ensure at Yapton Lane, why another point of access is necessary, maps and other information currently being withheld by Highways England, the preliminary design of the bypass including its alignment, and its full impact on all local roads before and after mitigation. The current application does none of these and should be rejected.