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[REDACTED]

[REDACTED] email below from the **applicant** to a **third party** clarifying the need for the proposed alternative access at Tye Lane, Walberton (**WA/63/21/PL**).

Thanks,

Michael

From: John Longhorn [REDACTED]  
Sent: 28 September 2021 10:48  
To: Michael Davis [REDACTED]

[REDACTED]

**Subject:** RE Proposed Alternative Access at Tye Lane Walburton ref

CAUTION: This email originated from outside of the organisation. You should take extra care when clicking links or opening attachments - if you are unsure the content is safe contact the IT Helpdesk before clicking or opening.

Dear Dr Davis,

Thank you for your recent correspondence

Whilst we do not dispute National Highway's honest attempts to provide comfort over the future access to Avisford Grange, our legal advice is that these reassurances have no legal standing. As a result of this legal uncertainty, mortgage lenders, purchasers' solicitors and our RP partners will not proceed, meaning we are unable to sell any of the houses on site, including over 50 much-needed affordable homes.

Due to this uncertainty, all we can do at present is to finish the partially built units on site to make them safe and secure.

When Arun District Council originally consented this site in 2017 the case officer noted that the site would 'make a significant contribution towards market housing and affordable housing in the district'. Until the uncertainty around the site access is satisfactorily resolved to enable the occupation of homes, the site is unable to make any contribution towards housing need in the district, including helping to house some of the 1,028 families currently on the housing waiting list.

In addition to this, there is currently circa £2m of developer contributions outstanding to Arun District Council, which are dependent on the site being completed. This includes:

- £1,387,864 in education contributions
- £400,000 to National Highways
- £180,000 in additional highways works
- £77,743 in sports and leisure contributions
- £53,479 in library contributions
- £32,400 towards community facilities
- £22,710 towards the police
- £4,967 towards the fire service

In the event that consent is granted for the alternative point of access, building work can start again leading to occupations and hence to the funds being made available to Arun District Council to improve local facilities. While we understand the frustration being directed at Vistry Homes over this issue we would not be in this position were it not for National Highways announcements in respect to the A27, and we would not be pursuing this alternative access if there was any other option available to us within our control.

Vistry is not in the business of leaving sites with planning consent half-finished. If we could get on with building and selling the houses at Avisford Grange without having to apply for this alternative access, then we would be. Unfortunately, as the situation stands, we are unable to sell any homes while the uncertainty over the access persists.

I hope this helps clarify matters

Kind Regards

**John Longhorn**  
Planning Manager



Part of the Vistry Group

From: Michael Davis [REDACTED]  
Sent: 16 September 2021 17:28  
To: John Longhorn [REDACTED]  
[REDACTED]

**Subject:** Access to Avisford Grange from Yapton Lane is assured by National Highways

NOTE: Email originated outside of Vistry Group.

Dear Mr Longhorn

I write with regard to Planning Application WA/63/21/PL submitted to Arun District Council.

I was advised by National Highways on 1 September 2021 (and I quote) that: **"With regard to Avisford Grange, in order to continue their development work Linden Wates (Walberton) LLP required us to confirm that the Arundel Bypass scheme will be designed to ensure that access to Avisford Grange would be retained throughout construction and mitigation works, and permanently maintained at Yapton Lane (where planning permission had been granted) during operation. This assurance was provided as part of confidential ongoing discussions between ourselves and Linden Wates (Walberton) LLP in the same way that we would have confidential discussions with all land owners if that was their wish."**

On 6 September 2021, National Highways further advised that: **"In providing assurances on maintaining access to enable the development to continue we have liaised with the relevant parties from the developer organisation. However, how they may choose to submit planning applications is at their discretion."**

National Highways has also provided a Letter of Commitment that reflects these unambiguous assurances (Attachment 1).

The planning application submitted by Vistry Homes Ltd takes no account of these assurances and commitments. If it was not sought or offered when serving notice of the application, please would you contact Linden Wates (Walberton) LLP again (and/or other relevant parties from the developer organisation) as they can provide you with confirmation that permanently maintained access at Yapton Lane is certain and able to be relied on as it is assured by National Highways. Commensurately, the Arundel Bypass is not identified as a risk or uncertainty affecting the business of Linden Wates (Walberton) LLP which is the building and selling of houses in Walberton (e.g. Attachment 2). Construction and marketing of those houses are progressing with no discernible uncertainty (e.g. <https://www.lindenhomes.co.uk/developments/west-sussex/avisford-grange-walberton>).

I note also that, as of 14 September 2021, Vistry Homes Ltd has gone back on its intention to cause minimal disruption (Planning Statement 4.2). The application has been substantially amended at the last moment and "is proposed to be implemented as soon as possible, disregarding the future status of the Arundel Bypass". If the Arundel Bypass is disregarded, uncertainty about access at Yapton Lane does not arise because the Grey route is considered as not going to happen. I gather that this was the view taken in developing the site.

Therefore, whichever strategy Vistry Homes Ltd is currently adopting (regard or disregard for the Arundel Bypass or even a combination of both), the application is made to appear inaccurate, unnecessary, accordingly disproportionate, and not well founded. All of these would seem to engage unfavourably with the determining authority's Planning Protocol. They are also detrimental to Walberton.

I would also ask you to consider whether retreating to a position which disregards the Arundel Bypass and its impacts on Walberton a few weeks before a major statutory public consultation is worthy of a "responsible developer .... committed to improving the local communities in which we build" (Attachment 3). For example, the

published proposals for the Arundel Bypass require Tye Lane to be stopped up north of Avisford Grange. Putting it bluntly, in disregarding the bypass, you disregard Walberton, its neighbouring communities and all of us who live here. Contrary to claims made in the application, Vistry Homes Ltd has not submitted a Statement of Community Engagement and has not properly engaged the community. The Newsletter sent to residents in July was misleading and invited feedback and questions to an unmonitored email address.

Personally, I think it would have been reasonable and much better if the assurances received by the landowner had been disclosed when Vistry Homes Ltd, Ardent Consulting Engineers and SEC Newgate visited Walberton back in June 2021 to present the draft application to the parish council. As a resident, I specifically drew attention to the commitments being made by National Highways as long ago as December 2020. On 16 June 2021 I sent David Scane a copy of the letter from Peter Mumford to the determining authority (Attachment 4). It is disappointing to me (and potentially disastrous for Walberton) that this letter and the explicit commitments subsequently made by National Highways to Linden Wates (Walberton) LLP were set aside in preparing the final application and its publicity campaign. These are rendered inaccurate by the omission as there is no apparent threat to the consented access at Yapton Lane except that created by the application itself.

Please will you let me know when Vistry Homes Ltd has obtained confirmation of the assurances given to Linden Wates (Walberton) LLP and/or other relevant parties in the developer organisation. If you are unwilling to do this or prevented from doing so please could you explain why. Either way, will Vistry Homes Ltd consider this information and either withdraw or amend its application in recognition of the fact that access at Yapton Lane will be permanently retained?

May I also request that your response be relatively swift and well within the extension granted to 24 September 2021 so that further representations can be made. To date, obtaining information critical to this application has been difficult and slow. Please tell me if there are any other circumstances or facts of which I have not yet been made aware and which may affect my understanding of events.

I look forward to hearing from you.

Kind regards

Dr Mike Davis  
Walberton, West Sussex

PS Please may I also have a response to my unanswered email of 30 July 2021.

#### ATTACHMENTS

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