

[REDACTED]

[REDACTED]

Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF

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From: Michael Eastham <Michael.Eastham@arun.gov.uk>
Sent: 27 October 2021 09:07
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: URGENT: WA/63/21/PL Further Representation

Please upload onto Ocella the email below and the letter (attached) from a local resident objecting to
WA/63/21/PL.

Thanks,

Michael

From: Michael Davis [REDACTED]
Sent: 27 October 2021 09:00
To: Michael Eastham <Michael.Eastham@arun.gov.uk>

[REDACTED]

Subject: URGENT: WA/63/21/PL Further Representation

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Dear Mr Eastham

WA/63/21/PL

You continue to add new material to the planning portal. Please find attached a further representation which I request is brought to the full attention of all committee members before any determination is attempted.

With thanks and best wishes

Dr Mike Davis
Walberton, West Sussex

Dr Mike Davis
The Street, Walberton
BN18 0PJ

27 October 2021

Dear Mr Eastham

Planning Application Ref WA/63/21/PL

Please accept the following as a further representation made necessary on new information on the planning portal. Please would you bring it to the full attention of all committee members before the application is considered.

Cllr Grant Roberts (Ward member for Arundel & Walberton) requested sight of the applicant's legal advice referred to in a letter to me dated 28 September 2021. On 25 October 2021 the applicant advised Cllr Roberts that none could be forwarded due to "commercial sensitivities" [sic]. This provides further confirmation that the applicant's concerns are commercial rather than a planning matter and that the applicant cannot or will not disclose them.

Separately, however, the case officer has received a letter from "the solicitor working for the Registered Provider claiming that the alternative access to the site is required to ensure the affordable dwellings are completed". This letter was posted to the planning portal late on 26 October 2021 without any covering email or explanation of its provenance, relevance or admissibility. As noted, the applicant refuses to publish its own legal advice to support the application because the issues are commercial.

The applicant appears not to have told the Registered Provider (or anyone else) that "discussions are ongoing with Linden Wates (Walberton) LLP and its shareholders in relation to a draft commercial agreement. One of the matters being discussed relates to the imposition of a contractual obligation on National Highways to retain the existing access to Avisford Grange unless access from Tye Lane is consented and constructed" (National Highways, 25 October 2021). A draft Heads of Terms for this agreement was already in circulation by 22 September 2021 (National Highways Ref EIR 102336).

Although aware of a so-called letter of comfort, the Registered Provider displays no awareness that a legally binding agreement with National Highways is being actively sought to back it up and that a Heads of Terms is already in circulation. Neither the Registered Provider or applicant have explained why National Highways' "un-disputed and honest attempts" to reach such a binding agreement cannot be realised when

clearly they should before unnecessary and harmful alternate access at Tye Lane is consented in defiance of over 200 objections.

Numbering now follows the advice letter:

1. The Registered Provider does not know the final alignment of the preferred route and never has. Just like the applicant, the Registered Provider accepted commercial risk by starting development before the A27 Arundel Bypass has a DCO. This also applies to 3, 4 and 5.

2. The full extent to which Yapton Lane access will be retained is shown in the design freeze for statutory consultation which I understand that Walberton Parish Council has now forwarded to Planning Committee members. If it is unaware, the Registered Provider should request this design from National Highways.

National Highways has also confirmed to the applicant, the Local Planning Authority, the (former) Leader of Arun District Council, the Elected Representatives Forum, Walberton Parish Council, and residents that "the A27 Arundel Bypass Scheme will be designed to ensure that access to Avisford Grange along the existing access road at Yapton Lane will be permanently retained". This includes any modifications to the current design. The Registered Provider's dismissal of these commitments is based on incomplete information.

7. According to the Case Officer (24 July 2021), "It is not Arun District Council but the applicant who is claiming that stalled Section 106 developer contributions and the 5 year land supply are material considerations". The Registered Provider appears to be making a similar claim. It is neither material or adequately informed.

Issues from a buyer/lender perspective

These are commercial issues that are not relevant to a planning application.

Finally, I wish to object to the drip-feeding of new information by the applicant which was not included in the original application and which, in this instance, has appeared less than 24 hours before the committee meeting. I object to being forced into doing the same and in being presented with grossly inadequate time to prepare a response. Most interested parties will be denied that opportunity.