

[REDACTED]

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From: Simon Davis <Simon.Davis@arun.gov.uk>
Sent: 22 January 2021 12:14
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: Highways England Response re. Application Y/127/20/PL

Further WSCC Highway Comments

From: Franklin, Richard [REDACTED]
Sent: 22 January 2021 12:08
To: Simon Davis <Simon.Davis@arun.gov.uk>

[REDACTED]

Subject: Highways England Response re. Application Y/127/20/PL (access to land previously permitted by Y/92/17/OUT)

Dear Simon,

Thank you for your email below and apologies for not being able to respond sooner as we have been extremely busy.

We are content with your proposed revised wording as it is still in line with the wording that we requested in our formal response of 24th December 2020 as attached. Therefore, we are content for you to proceed on this basis. As such, we do not believe that a revised formal response is required as the revised wording that you have proposed is just a refinement of our originally requested condition. However, if you consider that a revised formal response is required, then please let us know.

If you have any queries regarding this response, please contact us at

[REDACTED]

Regards,

Sent on behalf of Kevin Bown, Spatial Planning Manager Area 4

Richard Franklin

Highways England | Bridge House | 1 Walnut Tree Close | Guildford | Surrey | GU1 4LZ

Web: <http://www.highways.gov.uk>

Please note that for the foreseeable future we are all working from home. All meetings will be via telephone, Skype or similar. We will continue to seek to work to our statutory and other deadlines. In case of IT or other issues, as a precaution, please copy all emails to [REDACTED]. Thank you.

From: Simon Davis [mailto:Simon.Davis@arun.gov.uk]

Sent: 04 January 2021 14:17

To: Bown, Kevin [REDACTED]

Subject: RE: HE CHECK ON PROGRESS .. - Application Y/127/20/PL (access to land previously permitted by Y/92/17/OUT)

Dear Kevin,

Hope you have a good break. I had not previously seen your email of 11/12/20 as below until today.

I am inclined to agree with you that the condition could now be reasonably imposed on Y/127/20/PL. Using your suggested wording and with reference to the condition HE had requested on Y/92/17/OUT, I have drafted this:

No more than 199 dwellings on **any land facilitated by the access hereby permitted shall be occupied prior to the opening to traffic of the improvements to the A27/Yapton Lane junction shown on i-Transport's drawing number ITB11324-GA-014 Revision C "Proposed extension to A27 Yapton Lane right turn" dated 30/8/17 (or some other such scheme as may be submitted to and agreed in writing by the local planning authority who shall consult and obtain the written agreement of Highways England).*

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, to satisfy the reasonable requirements of road safety and to prevent environmental damage and in accordance with Arun Local Plan policy T SP1.

* I note that Richard Franklin's previous response from 01/03/18 specified that no more than 199 dwellings may be occupied at each site.

** However, I do have a concern with the precision of the line "*any land facilitated by the access*" given that the access whilst principally serving the dwellings permitted by Y/92/17/OUT also serves those permitted by Y/91/17/OUT. I therefore propose to change this to say : "*.. on any land associated with Y/92/17/OUT and facilitated by the access ..*"

I don't consider it reasonable to use this application as an opportunity to correct the previous error concerning the other application (Y/91/17/OUT).

Please note though that the applicant could decide to implement the access through Y/92/17/OUT instead of this new permission and thus the restriction would not apply. But then again, it's very probable that the A27 improvement works are in place before 199 dwellings are occupied on this site.

Can you indicate agreement to my change of wording. As application Y/127/20/PL expires 13/01/20, a prompt response would be appreciated but certainly by 11/01/20.

Kind Regards

Simon J Davis MRTPI
Principal Planning Officer
Directorate of Place

T: 01903 737874
E: simon.davis@arun.gov.uk





From: Bown, Kevin [REDACTED]
Sent: 11 December 2020 18:14
To: Daniel Vick <Daniel.Vick@arun.gov.uk>
[REDACTED]

Subject: HE CHECK ON PROGRESS RE: FYI - FW: Highways England: actions Arun need to undertake as a matter of great urgency re non-application of HE recommended conditions.

Hi Daniel

How are matters progressing in terms of

- a) Identifying how many cases there are
- b) Identifying the legal implications of the failure to apply the HE recommendation conditions
- c) Identifying a way forwards?

I also note that application Y/127/20/PL, Land at Main Road, Yapton has been submitted. It's a full application for an access only to land previously permitted as an outline (Y/92/19/OUT) to which the A27/Yapton Lane improvement should have been attached but wasn't.

Does this provide a means to now apply a suitable condition.

My thinking was that perhaps wording along the lines of

They are seeking a completely fresh and standalone full permission to access the land. Therefore the council is entitled to attach any/all relevant conditions.

It will be for the county highways to agree the access design details, because in theory the access needs to accommodate an unknown level of development. Therefore in theory the county could apply conditions to limit the development to a level that the design can cope with.

With regards an HE condition it would be based on what we've done elsewhere locally, which I think was to have a trigger at the equivalent of 50% of the development.

Given that we know the land can only accommodate around the number permitted anyway and the county approved design will limit it physically we can be confident that we aren't letting ourselves in for a ridiculous amount of dev and can therefore simply seek a condition that states

Condition

No more than 50% (or whatever the correct pro rata % is) of the development (dwellings if a housing development is permitted, floorspace if a non-residential development is permitted) on any land facilitated by the access hereby permitted shall be occupied prior to the opening to traffic of the improvement to the A27/Yapton Lane junction shown on drawing insert the correct drwg ref

used in all the applications (or some other such scheme as may be submitted to and agreed in writing by the local planning authority who shall consult and obtain the written agreement of Highways England).

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, to satisfy the reasonable requirements of road safety and to prevent environmental damage.

Informative

This development involves work to the public highway (strategic road network) that can only be undertaken within the scope of a legal Agreement between the applicant and Highways England (as the strategic highway company appointed by the Secretary of State for Transport). Planning permission in itself does not permit these works.

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 (and at no cost to Highways England). Works to the public highway will normally require an agreement, under Section 278 of the Highways Act, with Highways England.

Advice on this matter can be obtained from the Spatial Planning Team, Highways England, Bridge House, Walnut Tree Close, Guildford, Surrey, GU1 4LZ. Email [REDACTED]

Highways England would be content for developers of the various sites subject to a similar condition to work together to design, agree, fund and deliver the required mitigation.

I look forward to hearing from you at your earliest convenience.

Regards

Kevin Bown BSc(Hons) MPhil CMS MRTPI Spatial (Town) Planning Manager
Spatial Planning Team, South East Region Operations Directorate
Highways England | Bridge House | 1 Walnut Tree Close | Guildford | GU1 4LZ
Tel: 0300 470 1046 (all calls to this number will also patch through to my mobile)
Web: <http://www.highways.co.uk>

<http://www.arun.gov.uk>

DX 57406 Littlehampton

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