

Application Correspondence "Highways England confirmation that will defend any refusal"

From: Bowie, David

Sent: 14 April 2021 09:55

To: Simon Davis <Simon.Davis@arun.gov.uk>

Subject: RE: Y/19/21/PL - Clays Farm, North End Road, Yapton, BN18 ODT

Good morning Simon,

Checking on our correspondence listings I don't believe I responded to your email below, please accept my apologies, it seems to have slipped through the net.

In answer to your question, yes Highways England would defend the position in relation to the right turn lane at Yapton. Jointly we have allowed a number of developments to come forward each with a trigger point in the build out phase in relation to the delivery of the agreed A27 Yapton Lane right turn improvements. This is because cumulatively, those developments severely impact on the queuing on the A27 in the right turn lane whereby it exceeds its storage capacity and spills out onto the outside lane of the eastbound dual carriageway with obvious severe safety implications.

With regard to consultations, whilst I appreciate the position given the Town and Country Planning Act in relation to consulting Highways England and other consultees, as part of the Local Plan we have agreed highway mitigations with the Council which seek to deliver the strategic allocations on a basis of a 'no worsening' of current traffic conditions with development. Not consulting Highways England and permitting development outside of the adopted Local Plan could impact upon and detract from the agreed improvements whereby they will fail to deliver a 'no worse' scenario and will require further highway works to address the balance. It is therefore essential that we work together and manage what quantum of additional development comes forward and how the impacts are mitigated.

I trust the above clarifies and apologies again for the delay in response.

Kind regards

David

David Bowie

Area 4 Spatial Planning Manager (Acting)

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

Web: <http://www.highwaysengland.co.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: 10 March 2021 18:28
To: Bowie, David [REDACTED]
Cc: Daniel Vick <Daniel.Vick@arun.gov.uk>
Subject: RE: Y/19/21/PL - Clays Farm, North End Road, Yapton, BN18 0DT

Dear David,

Thank you for your comments. Can I just get your assurances that if Arun DC were to refuse this application and the developers submitted a planning appeal, would Highways England assist us in defending the appeal (i.e. appear at a hearing/inquiry or provide written evidence to contribute to the defence)?

Regarding Y/121/19/PL (The Steddles), I note that ADC's consultation criteria states that we would only be required to consult you in respect of:

(1) Development other than minor development, likely to result in an adverse impact on the safety of, or queuing, on a trunk road.*

**(i) development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse, for any purpose incidental to the enjoyment of the dwellinghouse as such;
(ii) the extension of an existing building used for non-domestic purposes where the floor space created by the development does not exceed 250 square metres; and
(iii) the alteration of an existing building where the alteration does not increase the size of the building.*

(2) Development likely to prejudice the improvement or construction of a trunk road.

(3) Development which consists of or includes the construction, formation or laying out of access to or from a trunk road

As such, this leaves it open to officer interpretation so whilst we may generally consult you on major developments, it does not appear to be a requirement.

Kind Regards

Simon J Davis MRTPI
Principal Planning Officer
Directorate of Place

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E: simon.davis@arun.gov.uk



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Please note that essential maintenance is being carried out to the planning, building control and local land charges database during the week commencing 12 April 2021.

During this time there will be no public or staff access to any records held within this database, and it will not be possible to carry out any of the following tasks via the Arun website:

- Research planning and building control history
- View any planning applications, plans, agreements, tree preservation orders or competent persons data
- Submit building control applications
- Submit planning application comments
- Report any planning compliance issues

The publicity and consultation period for all planning applications that fall over this week will be extended by a further week to ensure no one is disadvantaged.

All other aspects of planning, building control and local land charges will be limited during this week and you are strongly advised to contact the individual departments before 12 April 2021 for specific restrictions during this time.

From: Bowie, David [REDACTED]
Sent: 10 March 2021 17:11
To: Simon Davis <Simon.Davis@arun.gov.uk>
[REDACTED]

Subject: Y/19/21/PL - Clays Farm, North End Road, Yapton, BN18 0DT

For attention of:	Mr S Davis
Site:	Clays Farm, North End Road, Yapton, BN18 0DT
Proposal:	Removal of planning condition 17 imposed under Y/62/18/OUT relating to no occupation of more than 16 dwellings prior to the proposed improvement works at the junction of the A27 and Yapton Lane have been completed and open to the public.
Your Reference:	Y/19/21/PL
Highways England's Reference:	#12656

Dear Mr Davis,

Thank you for your notification of 17th February 2021 regarding the above application, seeking a response by 18th March 2021.

Highways England has 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 Highways England works 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. Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case the A27.

Having examined the above application documents on the planning portal we have the following comments:

- The right turn lane on the A27 to Yapton Lane is already stressed and this was robustly demonstrated at the Land south of Ford Lane Appeal where photographic evidence was provided of sporadic queuing from the right turn lane out into the eastbound offside lane of the A27 dual carriageway. This type of queuing is exceptionally hazardous to traffic on the main alignment and significantly increases the potential risk for rear end shunts, side swipe and sudden lane change / loss of control type accidents. The appellants own queue length surveys taken back in 2014 also showed this same issue. Accordingly, increasing the number of right turning vehicles at this junction will both increase the frequency and length of queuing back out onto the main carriageway with resultant safety consequences. For information, during the 5 year period to the end of 2019 there had been 4 Personnel Injury Accidents (PIA's) at the junction all of which were recorded as Serious. Compared against the national statistic for Dual All-Purpose Trunk Roads the KSI ratio is totally over represented at this junction.
- Highways England has sought to allow as much housing development to come forward in the Yapton area as is deemed tolerable insofar as the safe operation of the right turn lane is concerned ahead of its agreed safety improvement. Housing numbers have been fairly and reasonably allocated amongst the consented developments including Clays Farm. There are no reasonable or justifiable reasons presented in the supporting TA to suggest why this should be otherwise and the traffic modelling only concerns itself with the average max queue length throughout the peak periods and therefore does not account for the maximum queue length and hence frequency of sporadic queuing out onto the main line. Furthermore, no modelling files have been provided for checking although this is considered irrelevant when set against the severe safety impacts of adding additional turning movements at the right turn lane.
- Whilst Highways England has made a Preferred Route Announcement for the Arundel Bypass, there is no guarantee that it will be constructed and indeed this is the second such attempt within the recent past, the first having failed. Even with a smooth uninterrupted programme through the DCO process it is highly unlikely that the bypass will commence before 2024 and likely later. Accordingly, Highways England considers that the safety improvement to the A27 Yapton Lane right turn will be required ahead of the bypass even though the bypass works may render the improvements unnecessary.
- Due to Highways England's concerns over the safety implications of the cumulative impact of development in the Yapton area on the A27 Yapton Lane right turn, a standard condition to improve the A27 Yapton Lane right turn prior to occupation of 50% of the particular development has been placed on a number of local applications, which this application acknowledges. This was to ensure there were no further intensifications of use of the junction above what was considered a tolerable level and to give each developer the opportunity to build cash from housing sales prior to committing to the works. There is no reason to amend this and it would seem reasonable that the respective developers should

work together collaboratively to bring forward the required safety works and therefore proportionately share the cost of this necessary safety mitigation.

- The supporting TA to this application advises that Highways England did not comment upon application no. Y/121/19/PL - The Steddles, North End Road, Yapton BN18 0DT for a net 10 extra dwellings. Having checked our filing system, Highways England have no record of being consulted on this application? Bearing in mind the known sensitivity of the A27 Yapton Lane right turn I am surprised to find that we have not been consulted. This additional development will add to the cumulative impact at the A27 junction in addition to the other permitted developments. Had Highways England been consulted we would have recommended that there would no occupancies of the development permitted ahead of the required safety works to the A27 Yapton Lane right turn.

Accordingly, because of the reasons set out above Highways England considers that removal of condition 17 of Y/62/18/OUT would result in a severe impact on the safe and efficient operation of the SRN (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and MHCLG NPPF2019, particularly paragraphs 108 and 109). Therefore, our recommendation is that you should not approve this application because of the potential for harm to the Strategic Road Network. If the council wishes to approve the removal of Condition 17 it should advise Highways England in writing whereupon this matter will be referred to the SoS for Transport.

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

[REDACTED]

Kind regards,

David

David Bowie

Area 4 Spatial Planning Manager (Acting)

[REDACTED]

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

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Highways England Company Limited | General enquiries [REDACTED] National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park, Birmingham B32 1AF |

<https://www.gov.uk/government/organisations/highways-england> | [REDACTED]

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