

Bronte Welham

From: Amanda Scholes on behalf of Planning.Responses
Sent: 29 January 2018 08:16
To: Planning Scanning
Subject: FW: Update to Highways England response re. Outline planning application Y/49/17/OUT - Land at Street Buildings, North End Road
Attachments: Town and Country Planning Development Affecting Trunks Roads Direction 2015.pdf; 20180125-HE-re-Y-49-17-OUT_9871E940.pdf

Sent: 26 January 2018 15:57

To: 'paul collins'; Franklin, Richard; Daniel Vick; Neil Crowther; Michael Eastham; Planning.Responses

Cc: Planning SE; Bown, Kevin; Cleaver, Elizabeth; 'Jamie Brown'

Subject: RE: Update to Highways England response re. Outline planning application Y/49/17/OUT - Land at Street Buildings, North End Road

Dear Neil, Daniel and Michael,

I take the opportunity to attach the Town and Country Planning Development Affecting Trunk Roads Direction 2015 and remind the council as Local Planning Authority that if it wishes to take a decision contrary to the Formal Recommendation on Highways England's final substantive response (the HEPR form attached) then the council is required to advise the Secretary of State. If, for whatever reasons the council considers that is not necessary to advise the Secretary of State then I would be obliged to be notified of that position and Highways England will notify the Secretary of State accordingly.

Kind regards

David

David Bowie

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

[Redacted]

Sent: 26 January 2018 15:19

[Redacted]

Cc: Planning SE; Bown, Kevin; Cleaver, Elizabeth; 'Jamie Brown'

Subject: RE: Update to Highways England response re. Outline planning application Y/49/17/OUT - Land at Street Buildings, North End Road

Mr Bowie

Thank you for your confirmation that contrary to all previous responses from HE your substantive and final response now is as per your e mail yesterday which raises no objection to the application . Indeed your final response states that you offer no objection to our application, do not recommend that planning permission not be granted for a specified period and do not recommend that the application be refused but that you do recommend that the following condition should be attached to any planning permission that may be granted by ADC as the responsible LPA:

"No development hereby permitted shall take place until a detailed scheme of highway works for improvement to the A27/Yapton Lane junction has been submitted to and approved in writing by the Local Planning Authority (who shall consult Highways England). No more than 23 dwellings of the development hereby permitted shall be occupied until the completion of the approved improvements to the A27 junction with Yapton Lane".

No further explanation is requested or required from HE as they are a consultee on the application and not the decision maker as you suggest.

However, having now clarified the HE position, I will now write to ADC as the LPA and advise why they can and should disregard all previous HE responses and also advise why the applicant considers that the recommended condition fails all the relevant tests of necessity, relevance, enforceability, precision, and reasonableness set out at Framework paragraph 206 and the relevant Planning practice guidance at ID: 21a-001-20140306 and why, therefore, the LPA as the decision maker should not impose such a condition on any planning permission granted as recommended by HE.

Thank you for your assistance

Paul Collins BA (Hons) DipTP

Subject: RE: Update to Highways England response re. Outline planning application Y/49/17/OUT - Land at Street Buildings, North End Road

Dear Mr Collins,

I copied you into Highways England's final substantive response on planning application Y/49/17/OUT - Land at Street Buildings, North End Road, yesterday. As such you now have our formal position on this application. If you wish to have an explanation of that decision I am happy to advise.

I can confirm that the email communication to which Mr Eastham has referred did not advise Arun District Council that Highways England had withdrawn its objection and in no way offered a substantive response. The communication was purely officer to officer. The officer to officer communication advised Mr Eastham that Highways England had yet to make its final decision but that position would in all likelihood be a Conditional response subject to any consent that the council might be minded to grant. Officer to officer communication is covered by non-disclosure under 36(2)(b) FOI which allows free and frank provision of advice or exchange of views. We are not in a position to explain why the officer advised you that Highways England had provided a final response in this regard or why he chose to advise that our position was a withdrawal of objection as this was not the case.

I trust that this clarifies.

Kind regards

David

David Bowie

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

[REDACTED]

Sent: 26 January 2018 10:44

To: Franklin, Richard; 'Daniel Vick'; 'Neil Crowther' [REDACTED] 'Planning.Responses'

Cc: Planning SE; Bown, Kevin; Bowie, David; Cleaver, Elizabeth; 'Jamie Brown'

Subject: FW: Update to Highways England response re. Outline planning application Y/49/17/OUT - Land at Street Buildings, North End Road

Importance: High

Mr Brown/Mr. Franklin/Mr. Bowie/Elizabeth Cleaver (HE) and/or Mr. Eastham (ADC)

Please can I have a reply to this e mail and that below together with a copy of the e mail from HE to Mr Eastham at ADC as requested by return.

The e mail can of course be obtained via a FOI request but since it comes from a statutory consultee on a current planning application it should be in the public domain in any case so withholding the e mail pending such a request would seem to be a waste of everybody's time and public/private money.

Thank you

Paul Collins BA (Hons) DipTP

[REDACTED]

Subject: RE: Update to Highways England response re. Outline planning application Y/49/17/OUT - Land at Street Buildings, North End Road

Importance: High

Mr Franklin

I am advised by Mr Eastham of Arun District Council that in view of the attached HE has now confirmed to ADC by e mail that the HE objection and advice regarding my clients application Y/49/17 set out in your e mails below (copied to me at the time and on the public file) have been withdrawn but that the e mail is marked "Strictly confidential" and ADC feels unable to provide me with a copy or place same on their file. Such matters raised by a statutory consultee are not and cannot be "strictly confidential" in the context of the lawful determination of a current planning application by ADC and should in the interests of openness and transparency be on the public file.

Therefore please can I have a copy of the e mail to ADC to which Mr Eastham has referred withdrawing the HE objection by return so that I can request that it is placed on the public file by ADC.

In the meantime I have requested that ADC place this e mail on the public file.

Thank you

Paul Collins BA (Hons) DipTP

[REDACTED]

[REDACTED]

[REDACTED]

Sent: Thursday, January 4, 2018 5:43 PM

[REDACTED]

Subject: Update to Highways England response re. Outline planning application Y/49/17/OUT - Land at Street Buildings, North End Road

Dear Mr Eastham,

Further to our email below, I note that you sent a letter on 31st October 2017 requesting that Mr Collins (copied for expediency) coordinates with fellow landowners/developers in order to prepare a Masterplan to cover proposed residential development on land between Bonhams Field and Land at Street Buildings. I am just emailing to see whether this has been progressed?

We also note that an *"Addendum to the Design and Access Statement dated 7 July 2017"* prepared by Mr Collins was uploaded to the application website in December 2017. We have reviewed the document and have the following comments:

- Paragraph 2 states *"In the absence of an up to date adopted Local Plan and/or Neighbourhood Plan the relevant transport issues associated with this proposal need to be considered in the context provided by Framework Paragraph 32."* As previously outlined, Highways England is concerned about the development's impact on safety as well as capacity at the A27 / Yapton Lane junction, and a Transport Statement or Assessment has not been provided to demonstrate that the impact on safety and capacity is not severe. As such, our advice is that such an assessment is provided prior to further consideration of this application. This advice is given in accordance with Planning Practice Guidance to the NPPF Paragraph: 013 Reference ID: 42-013-20140306. It should also be noted that in the document *"The strategic road network - Planning for the future – A guide to working with Highways England on planning matters"*, paragraphs 100-102 outline that emerging Local Plans should also be taken into account.
- Paragraph 5 states *"The lack of need for any off site improvements to the existing Transport Infrastructure to accommodate this scheme is based on the view that the development would not generate significant amounts of movement that would result in any material impact on existing Transport infrastructure requiring mitigation."* However, as previously outlined, a proper Transport Statement or Assessment has not been provided to back up this view and our advice is that this should be provided. This advice is given in accordance with Planning Practice Guidance to the NPPF Paragraph: 014 Reference ID: 42-013-20140306
- Paragraph 7 states *"This addendum therefore provides the Stage 1 Road Safety Audit (RSA) and the TRICS Output data requested by the LHA."* (i.e. West Sussex County Council). However, the document does not address Highways England's concerns as outlined in the email below and attached.
- Paragraph 9 incorrectly applies a 30% reduction to the trips in Table 1. The trips in Table 1 are not person trips they are already vehicle trips.

- Paragraph 10 states *"In our submission increases of this magnitude will not lead to any material impact on the local transport network or junctions requiring mitigation..."*. However, a Transport Statement or Assessment has not been provided within the submitted information to back up this statement.

Therefore, our initial substantive response remains as outlined previously - i.e. a Transport Statement or Assessment has not been provided to demonstrate that the development will not result in a severe impact on the A27 / Yapton Lane junction (which should consider safety as well as capacity in accordance with the tests set out in DfT C2/13 para 10 and DCLG NPPF para 32). As such, Highways England's advice is to recommend that the application should not be determined (other than a refusal) until such time as the required information is provided and Highways England given opportunity to consider and make its final substantive response.

Regards,

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

Richard Franklin

Highways England Company Limited | Registered Office: Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ | Registered in England and Wales No. 9346363
Web: www.highwaysengland.co.uk

From: Franklin, Richard

Sent: 11 September 2017 10:57

To: 'paul collins'

Subject: FAO Mr Collins: Highways England response to emails of 23, 30 and 31 August 2017 re Outline planning application Y/49/17/OUT - Land at Street Buildings, North End Road

Dear Mr Collins,

Application: Arun District Council Y/49/17/OUT

Location: Land at Street Buildings, North End Road, Yapton, BN18 0DT

Proposals: Outline application with some matters reserved for the demolition of all existing structures & redevelopment of the site with up to 45 dwellings (30% affordable (up to 14) & 0.3 hectares of landscaped open space with vehicular access from Maypole Lane & pedestrian/cycle access only from North End Road. This application is a Departure from the Development Plan & may affect the setting of a listed building.

Highways England Ref: 78566

Thank you for your emails of 23, 30 and 31 August 2017, the contents of which are noted.

However, we also note that a Transport Statement or Assessment has still not been provided in support of the application that assesses the cumulative impact of the proposed development, in conjunction with all other allocated, permitted and/or relevant proposed development, on the A27 Trunk Road, as requested in our email of 9th August 2017 as attached.

As always, Highways England needs to be as certain as possible that any adverse impacts of development on the SRN can be identified and then, as appropriate, either be accommodated safely within the operational capacity of its road network; or, where not achievable, suitable deliverable highway improvements are provided as part of development. In this respect, we are aware that the A27 / Yapton Lane junction is a sensitive location from our knowledge and

experience of the SRN, and thus we must make sure that the operation and safety of the junction is protected in response to both individual and cumulative impacts.

Therefore, I draw your attention again to DfT circular 2/2013 'The Strategic Road Network and the Delivery of Sustainable Development', and in particular para 22, noting that this proposed development currently falls outside of the emerging Arun Local Plan (which will be subject to examination in public in later this month) and hence requires a full C2/13 compliant impact assessment to be conducted. Until such an assessment is provided and the impacts are known and mitigations determined, it is impossible to say for sure whether or not these are deliverable.

As such, as the required assessment has not been provided to date, Highways England has no option but to recommend that the application should continue not be determined (other than a refusal) until it is provided. This is consistent with other applications that we are considering within the area and elsewhere.

I trust that this is of assistance and if you require further information please contact us accordingly.

Regards,

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

Richard Franklin

Highways England Company Limited | Registered Office: Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ | Registered in England and Wales No. 9346363
Web: www.highwaysengland.co.uk

This email may contain information which is confidential and is intended only for use of the recipient/s named above. If you are not an intended recipient, you are hereby notified that any copying, distribution, disclosure, reliance upon or other use of the contents of this email is strictly prohibited. If you have received this email in error, please notify the sender and destroy it.

Highways England Company Limited | General enquiries: 0300 123 5000 | National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park, Birmingham B32 1AF |
<https://www.gov.uk/government/organisations/highways-england> | info@highwaysengland.co.uk

Registered in England and Wales no 9346363 | Registered Office: Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ

Consider the environment. Please don't print this e-mail unless you really need to.

This email may contain information which is confidential and is intended only for use of the recipient/s named above. If you are not an intended recipient, you are hereby notified that any copying, distribution, disclosure, reliance upon or other use of the contents of this email is strictly prohibited. If you have received this email in error, please notify the sender and destroy it.

Highways England Company Limited | General enquiries: 0300 123 5000 | National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park, Birmingham B32 1AF |
<https://www.gov.uk/government/organisations/highways-england> | info@highwaysengland.co.uk

Registered in England and Wales no 9346363 | Registered Office: Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ

Consider the environment. Please don't print this e-mail unless you really need to.

This email may contain information which is confidential and is intended only for use of the recipient/s named above. If you are not an intended recipient, you are hereby notified that any copying, distribution, disclosure, reliance upon or other use of the contents of this email is strictly prohibited. If you have received this email in error, please notify the sender and destroy it.

Highways England Company Limited | General enquiries: 0300 123 5000 | National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park, Birmingham B32 1AF |
<https://www.gov.uk/government/organisations/highways-england> | info@highwaysengland.co.uk

Registered in England and Wales no 9346363 | Registered Office: Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ

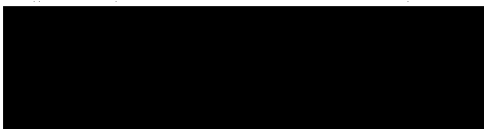
Consider the environment. Please don't print this e-mail unless you really need to.

The Town and Country Planning (Development Affecting Trunk Roads) Direction 2015

The Secretary of State for Transport ("the Secretary of State"), in exercise of the powers conferred by articles 16(4) and 25(1) of the Town and Country Planning (Development Management Procedure) Order 2010(a) ("the Order"), directs as follows:

1. This Direction shall come into force on 1 April 2015.
2. In this Direction "strategic highways company" means a company for the time being appointed under Part 1 of the Infrastructure Act 2015.
3. This Direction applies where—
 - (a) a local planning authority consults a strategic highways company under article 16 or 18 of the Order before granting planning permission;
 - (b) the company makes a recommendation as to the determination of the application for planning permission; and
 - (c) the local planning authority does not propose to determine the application in accordance with that recommendation.
4. The local planning authority must consult the Secretary of State and, for that purpose, must as soon as practicable send to the Secretary of State—
 - (a) a copy of the application together with any accompanying plans and drawings;
 - (b) a copy of any representations made to the local planning authority in respect of the application (including those made by the company); and
 - (c) the reasons why the local planning authority does not propose to determine the application in accordance with the strategic highways company's recommendation.
5. The local planning authority must not determine the application unless—
 - (a) the Secretary of State gives a direction under article 25 of the Order in respect of the application (and the authority must then determine the application in accordance with the terms of that direction);
 - (b) the authority receive notification by or on behalf of the Secretary of State that the Secretary of State does not propose to give any such direction in respect of the application; or
 - (c) a period of 21 days, beginning with the date which the Secretary of State tells the authority in writing is the date the Secretary of State received the material specified in paragraph 4, has elapsed without the Secretary of State giving such a direction.

Signed by authority of the Secretary of State for Transport



Date

30 March 2015

Director General

Position
Department of Transport



Developments Affecting Trunk Roads and Special Roads

Highways England Planning Response (HEPR 16-01)

Formal Recommendation to an Application for Planning Permission

From: Simon Jones (Divisional Director),
Network Delivery and Development
South East Region
Highways England.

To: [REDACTED]
Arun District Council (FAO Case Officer: Mr M Eastham)

CC: [REDACTED]

Council's Reference: Y/49/17/OUT

Location: Land at Street Buildings North End Road Yapton BN18 0DT

Proposal: Outline application with some matters reserved for the demolition of all existing structures & redevelopment of the site with up to 45 dwellings (30% affordable (up to 14)) & 0.3 hectares of landscaped open space with vehicular access from Maypole Lane & pedestrian/cycle access only from North End Road. This application is a Departure from the Development Plan & may affect the setting of a listed building.

Highways England Ref: HAMIS 78566

Referring to the planning application (validated by the council on 21 July 2017 followed by on-going discussions leading to a request from the Council of 18 January 2018 for a final substantive response) referenced above, in the vicinity of the A27 at Yapton, West Sussex that forms part of the Strategic Road Network, notice is hereby given that Highways England's formal recommendation is that we:

~~a) offer no objection*;~~

b) recommend that a condition should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Condition)*;

**This is on the basis that the evidence available indicates an on-going operational safety concern at the junction of A27 and Yapton Lane, West Sussex; thereby necessitating a mitigation scheme that is able to take*

account of the prevailing circumstances at the point at which the development comes forward.

~~c) recommend that planning permission not be granted for a specified period (see Annex A - further assessment required);~~

~~d) recommend that the application be refused (see Annex A - Reasons for recommending Refusal).~~

Highways Act Section 175B (covering new access to the SRN) is not relevant to this application.¹

HIGHWAYS ENGLAND ("we") have 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 we work 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.

This represents Highways England's formal recommendation (prepared by the Area 4 Spatial Planning Team) and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority disagree with this recommendation they must consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2015, via

[REDACTED]

Signature: [REDACTED]	Date: 25 January 2018
Name: Kevin Bown	Position: Spatial Planning Manager
[REDACTED]	
Highways England: Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ	

¹ Where relevant, further information will be provided within Annex A.

Annex A – Highways England Recommended Planning Condition

1. Condition: Mitigation Highway Works To the Strategic Road Network

No development hereby permitted shall take place until a detailed scheme of highway works for improvement to the A27/Yapton Lane junction has been submitted to and approved in writing by the Local Planning Authority (who shall consult Highways England). No more than 23 dwellings of the development hereby permitted shall be occupied until the completion of the approved improvements to the A27 junction with Yapton Lane.

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 and to satisfy the reasonable requirements of road safety.

Informative: Re Condition relating to works to the public highway

This development involves work to the public highway (strategic road network) that can only be undertaken within the scope of a legal Agreement or Agreements 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 highway will normally require an agreement or agreements, under Section 278 of the Highways Act, with Highways England.

Advice on this matter with regards the strategic road network can be obtained from the Spatial Planning Team, Highways England, Bridge House, Walnut Tree Close, Guildford, Surrey, GU1 4LZ. Email

[REDACTED]

