

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

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From: Bown, Kevin [REDACTED]

Sent: 26 October 2021 18:28

To: Simon Davis <Simon.Davis@arun.gov.uk>; Planning.Responses <Planning.Responses@arun.gov.uk>; Daniel Vick <Daniel.Vick@arun.gov.uk>; Chief Executive <Chief.Executive@arun.gov.uk>; Karl Roberts <Karl.Roberts@arun.gov.uk>

Subject: FAO Case Officer Simon Davis & Senior Officers: National Highways raising Strategic Road Network safety concern as a matter or record re application Y/49/21/RES Land East of Drove Lane Yapton going to Planning Committee 27 October

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Dear Mr Davis

We have received notification (attached) that the above reserved matters application for 300 dwellings is due to be reported to the Planning Committee on 27 October with a recommendation for the approval of reserve matters.

National Highways has objected to the approval of the reserve matters on the basis that the Council failed to attach at the outline application stage, a vitally important condition requiring a safety scheme at the A27 Yapton lane junction.

We note that you have taken legal advice that indicates that while the Council accepts it failed to attach the condition, the outline permission is and remains valid. Moreover, since the matter was not dealt with at outline stage, it cannot now be introduced under the reserved matters.

We accept that, technically, the legal advice is correct.

However, it should be noted that had we been aware of the Council's failure at the time, we would have, there is no doubt, been able to successfully Judicially Review the consent that would have had to have been withdrawn.

It should also be noted that the Council's action have led to a position whereby the Reserved Matters, if approved, will result in development having an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN contrary to DfT Circular 02/2013 and MHCLG NPPF2021.

Hence why, while you may be legally entitled to ignore our response, it was impossible for us to respond other than to Object.

And hence why we are writing to you and wish this to be placed on the application record and brought to Planning Committee Members attention as part of their consideration of the application at the 27 October meeting.

Going forwards, we will be seeking a meeting with Senior Officials as this is not the first case whereby the Council has failed to attach recommended conditions, and we are becoming aware there may be other failures with regards seeking the correct development contributions towards SRN or other mitigations scheme.

In the meantime, if you have any queries regarding this email, please contact me, while also copying any correspondence to [REDACTED]

Regards

Kevin Bown BSc(Hons) MPhil CMS MRTPI Spatial (Town) Planning Manager
Spatial Planning Team, South East Region Operations Directorate

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

[REDACTED] (all calls to this number will also patch through to my mobile)

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

Please note that:

1) Highways England became National Highways from 19 August 2021. During transition (eg IT and physical branding) both names may be used with equal affect and meaning.

2) For information about our engagement with the planning system please visit
<https://highwaysengland.co.uk/our-work/planning-and-the-strategic-road-network-in-england/>

3) For the foreseeable future we are working from home. Meetings will be via telephone or TEAMS. We will seek to work to our statutory and other deadlines (standard response period is 21 days for pre-apps, application consultations & correspondence). In case of IT or other issues, please copy all emails to [REDACTED]

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