

## **Planning and Rights of Way Committee**

**29 June 2021**

### **Regulation 3 Planning Application**

**Construction of a single carriageway with shared cycleway/footway, roundabouts, road markings, traffic signals, bus stops, provision of hard and soft landscaping, construction of a substation building, installation of a noise barrier, and other associated works on Land to the north of Eastergate and north-west of Barnham, PO22 0DF**

**Application No: WSCC/052/20**

**Report by Head of Planning Services**

**Local Member: Councillor Trevor Bence**

**Electoral Division: Fontwell**

**District: Arun**

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### **Summary**

Planning permission is sought by the Major Projects Team at West Sussex County Council to construct a section of highway of around 1.3km in length, on land to the north of Eastergate and north-west of Barnham, in Arun. It would link the A29 (south of Eastergate Lane), with the B2233 Barnham Road (west of Downview Road).

This report provides a generalised description of the site and a detailed account of the proposed development and appraises it against the relevant policy framework.

No objections have been raised by statutory consultees, with the exception Barnham and Eastergate, and Aldingbourne Parish Councils who raise serious concerns on a wide range of matters including, but not limited to; impacts on the community through noise/air pollution/congestion; impacts on landscape, biodiversity, and the water environment; inadequate landscaping proposals; poor appearance of the proposed acoustic barrier; and failure to deliver safe routes and crossings for pedestrians and cyclists.

64 third-party representations have been received, 59 of which object to the proposals, and five that provide comments. Key matters raised include: impact on the landscape and character of the area; impact on residential amenity (including outlook, views, loss of light, privacy, disturbance, enjoyment of gardens); poor design and unsightly acoustic barrier; insufficient landscaping; too close to dwellings; the lack of connectivity and safe design for non-motorised users; highway safety and capacity; air pollution/noise/vibration/lighting impacts; flooding and drainage impacts; need for and the principle of the development; scheme

based on poor information/assessments; and lack of consideration of cumulative impacts and integration with future housing development.

### **Consideration of Key Issues**

The main material considerations in relation to this application are the:

- principle of the development;
- accordance with the Local Plan Strategic Housing Allocation (BEW);
- acceptability with regard to highway design, safety and capacity;
- landscape and visual impacts;
- impact on ecology/biodiversity;
- impact on residential amenity;
- impact on rights of way; and
- impact on the water environment.

### **Principle of the Development**

The requirement for a new route of the A29 is supported by the West Sussex Transport Plan 2011-2026 (2011) and is identified as a key infrastructure requirement in the adopted Arun District Local Plan 2011-2031 (2018). The indicative alignment of the 'northern tie-in' is safeguarded in Local Plan and the proposed development is consistent with the safeguarded route. The development would contribute towards the improvement of the north-south highways link between the A27 and the coast, support the economy and future growth, alleviate congestion, and facilitate the delivery of a strategic development sites allocated in the Plan. The proposed road would, therefore, be highly beneficial in strategic highway terms and a key infrastructure requirement essential to the fulfilment the aspirations of the Local Plan. The proposed development is, therefore, considered acceptable in principle.

### **Accordance with the Local Plan Strategic Housing Allocation (BEW)**

The proposed development forms part of the essential transport infrastructure required to support the delivery of a Strategic Housing Allocation site at Barnham/Eastergate/Westergate (BEW) and follows an alignment consistent with that within the endorsed masterplan. Proposed landscaping would provide a green link, softening the road's appearance, and in the context of future development, ensure it would suitably assimilate into the local landscape. The development would accord with the relevant policy criteria for the allocation (Policy H SP2c (SD5)), integrate with the future development of the BEW site in terms of future linkages, landscape, drainage and ecology, and would not prejudice the amenities of future sensitive receptors, once constructed. The proposed development is, therefore, considered to be in accordance with the strategic housing allocation.

### **Highway Design, Safety and Capacity**

The proposals would introduce a new section of highway, including new accesses, roundabout junctions and pedestrian crossings, that could impact on traffic flows in the locality and give rise to highway capacity/safety considerations. Consistent with the identified need for the wider realignment and improvement of the A29,

modelling confirms that proposed scheme would result in a number of beneficial impacts on local junctions, reducing congestion and improving journey times. The road has been designed in accordance with the relevant highway standards and guidance and the Highway Authority is satisfied there would be no unacceptable impact on highway safety/capacity. As a result, subject to securing a detailed Construction Environmental Management Plan by condition, the proposals are considered acceptable in terms of highway design, safety and capacity.

### **Landscape and Visual Impacts**

The proposals would have an impact on the landscape character and visual amenities as a result of the introduction of a large-scale, linear feature across currently undeveloped countryside involving the removal of trees/hedges, diversion of a public footpath, lighting and an acoustic barrier. However, they would not result in a dominant change to the overall landscape character of the wider area, particularly in the context of planned future development, and impacts on visual amenity would be localised to a limited number of receptors. Taking into account mitigation achieved through the design, alignment and proposed landscaping, it is considered that the proposed development, would, in time, satisfactorily integrate with the landscape and its surroundings and would not give rise to an unacceptable level of landscape or visual impacts.

### **Impact on Ecology/Biodiversity**

The proposals would result in the loss/severance of habitat and existing landscape features of value including traditional orchards and hedgerows, and which support a range of protected and notable species. The proposed layout and design have sought to minimise any such impacts, and the proposed landscaping and subsequent management scheme would provide a green link, maximise habitat creation, and, in time, result in an overall biodiversity net gain. Further, sensitive construction and operational controls are proposed to minimise any impacts on protected species and retained trees. Subject to proposed conditions to secure ecological and tree protection/enhancement measures during construction, and minor revisions to proposed planting and ongoing landscape/ecological management, impacts on ecology/biodiversity are not considered to be unacceptable.

### **Impact on Residential Amenity**

The proposals would have an adverse impact upon the amenities of residents closest to the site as a result of increased noise from road traffic and temporary construction activities. Conversely, the proposal would also result in noise and air quality benefits for a greater number of properties from which traffic would be diverted and which currently are subject to elevated noise and air quality impacts. Subject to mitigation in the form of an acoustic barrier, control of construction activities in accordance with best practice, and lighting controls, the number of receptors affected is relatively small in the context of a strategic highway development, and none are envisaged to experience impacts that would suggest significant adverse effects on health and quality of life may occur. Therefore, subject to the conditions proposed, whilst impacts upon amenity are likely, on balance, they are not considered unacceptable.

## **Impact on Rights of Way**

The proposed development would result in some impact upon the experiential qualities of the existing public footpath. However, owing to its generally enclosed nature and context of future planned urban development, any such impacts would be limited and transitory in nature. The overall link provided by the footpath would be maintained and the proposals would be unlikely to result in a significantly less enjoyable or convenient route. Therefore, it is not considered that the proposal would have an unacceptable impact upon Public Rights of Way.

## **Impact on the Water Environment**

The scheme has the potential to affect the water environment and increase flood risk through the construction of impermeable surfacing, interception of overland flows, and pollution. However, the proposed drainage strategy contains a range of measures to protect and maintain the water environment both during construction and operation including swales, infiltration/attenuation ponds, below-ground cellular storage, and controlled discharge rates. It is considered that subject to these measures being secured by condition, the development would not increase flood risk, or affect water quality and would, therefore, not give rise to unacceptable impacts on the water environment.

## **Overall Conclusion**

Planning permission is sought to construct a section of highway of around 1.3km in length, linking Fontwell Avenue (A29), with Barnham Road (B2233). The proposals form Phase 1 (the 'northern tie-in') of the two-phase eastern realignment of the A29. The new route of the A29 is a strategic requirement supported by the West Sussex Transport Plan 2011-2026 (2011) and identified as a key infrastructure requirement in the adopted Arun District Local Plan 2011-2031 (2018), the proposed alignment of which has been safeguarded.

The proposed development would contribute towards the improvement of the north-south highways link between the A27 and the coast, support the economy and future growth, alleviate congestion, and forms the first phase of essential transport infrastructure required to facilitate the delivery of strategic development sites allocated in the Plan, including that at (BEW) for some 4,300 homes and community facilities. The road has been designed in accordance with the relevant highways standards and the Highway Authority raise no objections. The proposed road would therefore be highly beneficial in strategic highway terms and a key infrastructure requirement essential to the fulfilment of the aspirations of the Local Plan. This must be afforded significant weight.

The proposal is considered to accord with the key Local Plan Policy for the locality, notably the relevant criteria for the BEW strategic housing allocation site. In accordance with the latest endorsed masterplan, it has been demonstrated that the proposal would integrate with the wider development of the area and without prejudice to the delivery of future housing/community facilities. Mitigation of environmental impacts resulting from the proposed development is considered acceptable and future development would be expected to provide similar mitigation of environmental effects. It is recognised that the proposed development does have the potential to give rise to cumulative impacts, in particular, in combination with the future development of the BEW allocation; however, such impacts are not considered unacceptable.

The proposal would have an impact on landscape character and ecology/biodiversity due to the introduction of a large-scale, linear feature across currently undeveloped countryside. However, the proposal includes a range of mitigation measures achieved through its design, alignment, sensitive management of construction activities, and a comprehensive landscaping scheme which seeks to minimise and remediate these impacts where possible.

The proposals would also have an adverse impact upon the amenities of residents closest to the site due to increased noise from road traffic and temporary construction activities. However, the number of residents adversely affected is relatively small/contained in the context of a strategic highway development, and none are envisaged to experience impacts that would suggest significant adverse effects on health and quality of life may occur. Conversely, in time, the proposal would result in noise and air quality benefits for a greater number of properties from which traffic would be diverted and which are currently subject to elevated noise and air quality impacts.

The proposals include measures to protect and maintain the water environment both during construction and operation. As a result, the development would not increase flood risk or give rise to unacceptable impacts on the water environment.

On balance, noting the significant overall need for the development in strategic highways terms and its location/purpose in relation to land allocated for strategic residential development, it is considered that the proposed development, would, in time, satisfactorily integrate with the landscape and its surroundings and would not give rise to an unacceptable level of impact upon the environment or local residents. The proposed development would accord with the development plan when read as a whole and there are no other material considerations that would indicate determination other than in accordance with the development plan.

## **Recommendation**

That planning permission be granted subject to the conditions and informatives set out in Appendix 1.

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### **1. Introduction**

- 1.1 Planning permission is sought by the Major Projects Team at West Sussex County Council to construct a section of highway of around 1.3km in length, on land to the north of Eastergate and north-west of Barnham, in Arun. It would link the A29 (south of Eastergate Lane), with the B2233 Barnham Road (west of Downview Road).
- 1.2 The proposal is Phase 1 (i.e. the northern tie-in) of the two-phase realignment of the A29 to support growth in the area, including the delivery of strategic development allocated in the Arun Local Plan 2011-2031 (2018), and to reduce congestion/improve journey times. Phase 2 (the southern section between the B2233 Barnham road and A29 south of Lidsey bends) will be delivered in the future by private developers in combination with the delivery of strategic development in the locality (see **Appendix 2 – A29 Phase 1 and 2**).

- 1.3 The proposed road, the subject of this application, primarily consists of a part-lit, arc-shaped single carriageway with roundabouts at either end connecting with the A29 (to the north-west) and B2233 (to the south-east), a central roundabout to serve future development, a new Industrial Estate access, a shared footway/cycleway, bus stops, relocated substation, noise barrier and three balancing ponds.
- 1.4 There is a separate but related application under S257 of the Town and Country Planning Act for the staggered realignment of a public footpath (PROW 318), which would be severed by the proposed road (see Item 4b on this agenda).

## **2. Site and Description**

- 2.1 The application site comprises 12 hectares of relatively flat, mixed rural/suburban fringe land to the north of Eastergate and north-west of Barnham (see **Appendix 3 – Site Location Plan**).
- 2.2 It consists of an arc-shaped area between the A29 (Fontwell Avenue) and B2233 (Barnham Road) and includes areas required to provide the carriageway itself, a relocated substation, drainage attenuation areas, maintenance tracks, and temporary construction compounds/areas and accesses.
- 2.3 The wider area is largely contained to the north by Eastergate Lane, to the west by Fontwell Avenue, to the south by Barnham Road, and to the east by residential areas of Barnham. However, the application site also extends south of Barnham Road through a horticultural nursery. Further south is open agricultural land and the West Coastway Railway Line.
- 2.4 At its western end, the application site includes a section of the existing A29 between Eastgate Lane and Folly House, some 1.1km south of the Fontwell junction with the A27. This includes the existing substation (requiring re-location) and Folly Farm (requiring demolition). A number of residential and commercial properties front the existing carriageway in this location, which has a footway on its eastern side and is bound by a mixture of mature trees/vegetation, fencing and walls.
- 2.5 The application site then extends eastwards 800m across a mixture of agricultural fields, orchard, a public footpath, managed grassland and mature hedgerows/trees, to the rear of residential properties in Downview Road/Ewens Gardens, where it turns south in an arc and forms a corridor between residential properties to the east in Murrell Gardens and Fordingbridge Industrial Estate to the west.
- 2.6 At the eastern end, the application site includes a section of the B2233 Barnham Road fronting the Industrial Estate and extending east to Downview Road. Several residential and commercial properties front the existing carriageway in this location, which has a footway on its northern side and is bound by a mixture of mature trees/vegetation, fencing and walls.
- 2.7 Thereafter, the application site extends some 220m south of Barnham Road incorporating land within the Fleurie Horticultural Nursery, which includes

glasshouses and polytunnels (requiring demolition). To the east and west of this part of the site respectively are residential properties in Upton Brooks, and a large dwelling (Boweries). To the south, beyond a mature hedgerow is a public footpath and open agricultural land.

- 2.8 The application site is within Arun District, and Barnham and Eastergate Parish. At its western extent (west of the A29), the site abuts Aldingbourne Parish.
- 2.9 The site is located largely within and along the boundary of the built-up area shown on the Arun Local Plan 2011-2031 Proposals Map. Crucially, the site is located on the boundary of the Arun Local Plan Strategic Site Allocation for the delivery of at least 3,000 dwellings at Barnham/Eastergate/Westergate - BEW (SP5) as set out in Policy H SP2c, and follows the safeguarded indicative line for the A29 realignment as set out in Policy T SP3 (see **Appendix 4 – Arun Local Plan Policy Map Extract**).
- 2.10 Although it is not within an area designated for its landscape ecological value, the South Downs National Park is 1.3km to the north, beyond the A27, and the application site includes traditional orchard and hedgerows which are Habitats of Principal Importance (HPI) and of ecological value.
- 2.11 The majority of the application site lies within Flood Zone 1 (i.e. a 'Low Probability of Flooding' - less than 1 in 1000 annual probability of flooding). However, a small section of the application site to the east, alongside the boundaries with properties in Downview Road and Ewens Gardens, lies within Flood Zone 3 (i.e. a 'High Probability of Flooding' - 1 in 100 or greater annual probability of flooding) and is located alongside the Barnham Lane Ditch. Part of the north-west section of the application site lies in a Groundwater Source Protection Zone (SPZ), specifically the Outer Zone II (where the aquifer is contained but could be impacted by deep drilling).
- 2.12 The closest designated heritage features area Grade II Farmhouse 400m to the north east and Listed Buildings within Eastergate (Church Lane) Conservation Area 450m to the south-west, and Eastergate (Square) Conservation Area (which includes the Eastergate War Memorial) 400m to the south west of the site at the junction of the existing A29/B2233. Immediately south of the application site is an Archaeological Notification Area.
- 2.13 A Public Footpath (PROW 318) bisects the application site running north-south between Eastergate Lane and the B2233 Barnham Road. Another Public Footpath (PROW 321) runs east-west along the application sites southern boundary connecting West Barnham and Eastergate.

### **3. Relevant Planning History**

- 3.1 There is no planning history within the application site relevant to the present proposal.
- 3.2 However, given the relevance of the Strategic Allocation for dwellings at Barnham/Eastergate/Westergate (BEW), Arun District Council (ADC) planning history for the wider allocated site is of relevance.

3.3 Although there are no live major planning consents for development on land under the arc of the proposed road, there are two current planning applications being considered by ADC for isolated pockets of land south of Barnham Road (and to the west of the southernmost part of the application site) as follows;

- BN/135/20/PL – Construction of 30.no dwellings, new access, public open space, landscaping and associated works (submission following EG/22/19/OUT). This site is a Strategic Site in SP2 at the Boweries, Barnham Road, Eastergate, PO20 3RT (West of the application site, south of Barnham Road). Current ('live') application recommended for approval subject to S106.
- BN/153/20/PL - 44 No. dwellings & associated infrastructure. This site falls within the BEW Strategic Site at Warwick Nursery, Barnham Road, Eastergate, PO20 3RT (West of the application site, south of Barnham Road). Current ('live') application recommended for approval subject to S106.

3.4 Further, two pre-application Scoping Opinions have been issued by ADC in respect of land within the BEW site as follows:

- BN/155/20/EIS - 600 residential dwellings and care home on land north of Barnham Road Eastergate (land 'under the arc' of the application site). Issued 11/11/20.
- BN/112/20/EIA – Up to 1500 dwellings, community facilities, local centre (sops and services), a primary school and associated playing fields and early years provision (nursery) on Land at Barham, Eastergate and Westergate (land to the south of Barnham Road). Issued 08/02/2021.

3.5 It is also of note that the wider areas of Eastergate and Fontwell include a number of recent approvals for housing development, some of which are currently under construction.

#### **4. The Proposal**

4.1 Planning permission is sought to construct a single carriageway road of approximately 1.3km long, in an arc shape from the north-west to the south-east, connecting the A29 (Fontwell Avenue) to the B2233 (Barnham Road). It would include new roundabouts at either end, a central roundabout to serve future development, new Industrial Estate access, a PROW pedestrian crossing, a shared footway/cycleway, bus stops, relocated substation, noise barrier and three balancing ponds, located on land to the north east of Eastergate (see **Appendix 5 – Proposed Site Plans**).

4.2 The proposed road is Phase 1 (the 'northern tie-in') of a two-phase re-alignment of the A29 diverting traffic away from existing congested areas, in particular at the Woodgate level crossing, and improving journey times/connectivity between the coast and the A27. The realignment scheme forms part of the aspirations of the West Sussex Transport Plan 2011-26 and is required to support planned development in the Arun Local Plan 2011-2031.

- 4.3 Phase 2 (between the B2233 Barnham road and A29 south of Lidsey bends) will be delivered separately in the future as part of a separate planning application to be submitted to Arun District Council in combination with the delivery of strategic development in the locality. It does not form part of the development proposals subject of this application.
- 4.4 The proposed new section of road would generally be 7.3m wide finished in asphalt, with a mixture of wildflower grass verges and shallow swales alongside either side of the carriageway, and a 3m shared footway/cycleway running along its southern side. It would include various uncontrolled pedestrian/cycle crossings at new roundabouts, and link into the existing highway. Mid-way along its length, it would also include a lit, uncontrolled pedestrian crossing with central island, to accommodate a staggered re-alignment of a public footpath (PROW 318), which would be severed by the proposed road.
- 4.5 Two bus stops are proposed, one either side of the east-west section of the proposed carriageway. The proposed road would have a speed limit of 30mph to match the existing parts of the highway network to which it would connect.
- 4.6 With the exception of the initial section of the new road and roundabout to the northwest (which would be in a cutting of some 1.5m below existing ground levels), the majority of the proposed carriageway would be built on a small tapered embankment, generally between 0.5 and 1.5m in height. At its south-eastern end, the proposed carriageway and B2233 Barnham Road roundabout would be broadly consistent with existing ground levels (see **Appendix 6 - Illustrative Cross Sections**). It is estimated, that some 25,000m<sup>3</sup> of engineering fill material would be required to raise levels.
- 4.7 To the northwest, a new three-arm roundabout junction with the A29 Fontwell Avenue is proposed, located slightly east of the existing road alignment, and requiring demolition of the existing Folly Farm building, existing highway boundary walls/vegetation and relocation of the existing electricity substation. As part of the re-alignment, a new access/stub road would be provided to the west to maintain access to Fontwell Farm and Greenfields Farm (the latter of which contains an Animal Feed/Pet Centre).
- 4.8 A new replacement substation will be relocated on land east of the new roundabout at the A29 Fontwell Avenue and north of the proposed carriageway. This would require an area of 110m<sup>2</sup> and contain a typical Transformer Kiosk (3m x 3m and 2.3m in height). It would include a concrete plinth and grasscrete apron for parking and circulation.
- 4.9 In the central area, a new three-arm roundabout is proposed that will provide future access to allocated housing land to the south. Until such time as the BEW development comes forward, unused limbs would be blocked with temporary concrete barriers.
- 4.10 To the southeast, a new four-arm roundabout junction with the B2233 Barnham Road is proposed slightly south of the existing road alignment, including land forming part of the Fleurie Horticultural Nursery. This requires the closure of the existing Fordingbridge Industrial Estate access onto Barnham Road, with a new replacement access to the east proposed

directly onto the new link road.

- 4.11 In addition to roadside swales, various drainage attenuation measures are proposed, primarily consisting of three large infiltration/attenuation ponds and an underground cellular infiltration system to the west. Ponds would be some 1m in depth and accessed by compacted hard surfaced and gated tracks directly from the new road. South of the Barnham Road roundabout, the access track would be a temporary arrangement for maintenance access to the attenuation pond, until such time as Phase 2 of the A29 re-alignment comes forward.
- 4.12 Various street lighting is proposed, consisting of 8-10m high streetlamps at the roundabouts and their approaches, 6m streetlamps along the entire length of the cycleway between Fontwell Avenue and Barnham Road, and 5-6m streetlights at the proposed public footpath crossing point. In addition, illuminated traffic signs are also proposed at the roundabouts. Proposed lighting would be designed to reduce glow/spill and be subject to the standard WSCC dimming regime during night-time hours (typically reducing to 50% between 22:00 and 06:00).
- 4.13 A noise barrier of 440m in length and 3m in height, constructed in absorptive materials, is proposed and would run north-south alongside the properties in Murrell/Ewens Gardens and Chantry Mead. The applicant has not specified the proposed finish (seeking for this to be dealt with by condition) but presents three viable options, namely weathering steel, painted metal, or plastic 'eco' fencing. The preferred option is for weathering steel due to its acoustic qualities and 'no maintenance' requirements.
- 4.14 The scheme would require the removal of some 22 individual trees and the whole or partial removal of 15 tree groups and 4 hedges. This includes trees/vegetation at the connecting roundabouts, trees within a former orchard and existing field boundary hedges (where severed by the proposed alignment), the part removal of trees alongside the eastern boundary of Fordingbridge Industrial Estate, and trees forming an avenue along the former access to Fleurie Nursery south of Barnham Road.
- 4.15 The proposals include outline landscape and ecological mitigation and enhancement that, where possible, seeks to protect existing landscape features and trees, provide strategic tree and hedge planting, and the creation of new habitat features. In summary, the proposed landscaping broadly consists of wildflower/wetland grass planting alongside the carriageway, with a mixture of woodland and shrub planting creating a linear green link beyond this. It also provides for wildflower meadow areas, new hedgerows and specimen tree planting in targeted areas (see **Appendix 5 – Proposed Site Plans**). In addition, a badger crossing would be provided, along with bat/bird boxes and reptile Hibernacula.
- 4.16 It is anticipated that the construction of the project would take place over a 12-month period, typically between 0700 and 1800 Monday–Friday and between 0800 and 1300 on Saturdays. Three site compounds are likely to be required for the construction works: at the southern end of the site within the Fleurie Nursery Site (the main compound housing temporary site offices, welfare facilities, stores, and parking areas); at the western end of the site just off Fontwell Avenue (a satellite compound for localised parking, welfare

unit and small stores); and half way along the proposed road alignment, adjacent to the proposed pond west of Downview Road/Ewens Gardens (likely to be used for materials storage).

## **5. Environmental Impact Assessment (EIA)**

- 5.1 The development falls within Part 10(f) of Schedule 2 to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) as it relates to the "construction of roads". With a site area more than 1 hectare, the proposals require screening to determine the need for an Environmental Impact Assessment.
- 5.2 However, the applicant expressly stated their intention to submit an Environmental Statement with the application, which for the purposes of the EIA Regulations, means the application is classified as being for EIA development. A Scoping Opinion setting out the formal view of the County Council as to the scope of information to be supplied and considered in the Environmental Statement was issued in April 2019.
- 5.3 In addition to considering the impact of the proposed development on specific topics, the EIA submitted with the application has considered cumulative effects in combination with committed development and allocated sites in the Local Plan. It concludes that in combination effects both during construction and operation of the development, in the main, would be slight adverse in nature. The exception would be Landscape and Visual impacts, for which it is predicted there would be a large adverse impact.

## **6. Policy**

### **Statutory Development Plan**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise (as confirmed in paragraph 47 of the National Planning Policy Framework - NPPF). For the purposes of the application, the following documents form the statutory development plan: the Arun Local Plan 2011-2031 (July 2018), the Barnham and Eastergate Neighbourhood Development Plan 2014-29, and the West Sussex Joint Minerals Local Plan (Partial Review March 2021).
- 6.2 The key policies in the development plan, which are material to the determination of the application, are summarised below. In addition, reference is made to relevant guidance, national planning policy and supplementary planning documents which guides the decision-making process and is material to the determination of the application.

### **Arun Local Plan 2011-2031 (July 2018)**

- 6.3 The Arun Local Plan identifies the need to upgrade parts of the road network to support increased use resulting from future growth, and to provide improved north-south linkages to improve connectivity to the A27 (paragraph 15.3.2). Paragraphs 15.3.3 and 15.1.3 note that various highway improvement measures, including the realignment of the A29, were tested through the Arun Transport Study of Strategic Development (March 2013,

and updated 2016).

6.4 As a result, the 'indicative lines' of various schemes have been safeguarded under Policy T SP3 for highway improvements. In relation to the proposed development, this includes the line of A29 re-alignment and both southern and northern tie-ins, which are protected from development (see **Appendix 4 – Arun Local Plan Policy Map Extract**).

6.5 The supporting text for this policy (paragraph 15.3.4) states:

"A29 realignment through the Barnham/Eastergate/Westergate strategic site allocation - The potential to realign the A29 has long been documented by West Sussex County Council as a scheme to reduce congestion and to provide better north-south links between the A27 and the A259. The Council has worked with WSCC to develop an evidence base to support a realigned A29 route which includes bridging the railway line. The indicative scheme will also run through the strategic housing allocation, acting as an access route for the proposed development, as detailed in policy H SP1. This strategic priority ties in with the aim of the West Sussex Local Transport Plan (2011-2026) to "develop opportunities through new development that will improve the access along the A29, including the potential to bridge the railway level crossing at Woodgate". The delivery of this route will be through planning obligations from the strategic allocation and funding has recently been announced for the scheme as part of the Coast to Capital Regional Growth Fund."

and

"A29 realignment (southern tie-in) and the A29 realignment (northern tie-in) - Evidence indicates that the A29 realignment would have wider benefits if it included both of the tie-in routes. As a comprehensive route, including tie-ins, the realignment would become more attractive to users and transfer more traffic away from the existing A29 and surrounding villages. Furthermore, the northern tie-in route would reduce traffic approaching the A29/B2233 War Memorial Junction and would resolve existing congestion problems. As indicative routes, these schemes are subject to further design, consultation and approval. Further detail regarding the delivery of these routes will be facilitated through working with local landowners as part of the overall masterplanning work for the strategic housing allocation at Barnham/Eastergate/Westergate. Given the strategic importance of the realignment, as identified by the Local Enterprise Partnership Coast to Capital Strategic Economic Plan, there will be a strong argument to support funding for the route as part of a combination of funding sources."

6.6 In addition to safeguarding the line for the realignment of the A29, the Arun Local Plan identifies the requirement for the provision of new homes over the plan period (Policy H SP1). To deliver these homes, the Local Plan allocates several Strategic Sites and sets overarching criteria for their comprehensive development and encourages the endorsement of Masterplans to guide development (Policy H SP2).

- 6.7 Of relevance to the development proposal is the strategic Housing Allocation (Policy H SP2c) at Inland Arun, Barnham/Eastergate/Westergate (SD5), which is allocated to provide at least 2,300 dwellings over the plan period, and up to 3,000 in total (a further 700 beyond 2031). The site is subject to several key design and infrastructure requirements as follows:
- a. "Preserve the separate identities and avoid any further physical coalescence of the three villages of Barnham, Eastergate and Westergate through the delivery of green infrastructure. Eastergate and Barnham should be protected from a continuous urban form / coalescence along the north and south aspects of the B2233,
  - b. the design of development and landscaping shall ensure that there is continuity between the existing landscape setting and villages,
  - c. the design and layout of the development shall take account of the location of the railway line crossing the site,
  - d. housing shall be designed around a Linear Park which follows along the Lidsey Rife,
  - e. A comprehensive strategy for surface water management will be developed in line with specific recommendations for this locality, in the Arun Strategic Surface Water Management Study;
  - f. significant views to and from the South Downs shall be incorporated within the site,
  - g. provide a Community Hub which has been designed and will include;
    - i) a new well connected local centre, with connections to the train station at Barnham,
    - ii) the location and scale of the local centre shall support and respect the relationship with existing facilities within the six villages area;
    - iii) new retail, commercial and community facilities
    - iv) new Tier 7 library facility; and
    - v) healthcare facilities to serve BEW (SD5) and Fontwell (SD6)
  - h. transport requirements including;
    - i) a new A29 route through the allocation which provides all necessary linkages and routing between the A259 (Bognor Regis Relief Road) to the south and A27 to the north and includes a bridge over the railway to the east of the current Woodgate crossing. The construction of this new route will be regarded as not only mitigating the effect of additional development traffic from the strategic site, but also providing significant additional benefits to the primary local road network and reducing the potential for future congestion in the wider area. In the event that the any landowner delays the delivery of the route and/or does not reasonably make available part or all of the route then Arun District Council will utilise Compulsory Purchase Order powers to deliver the entire route of the road from the A29 Fontwell Avenue in the north to the A29 Lidsey Road in the south;

- ii) provision of an east-west route north of the railway line that will join the existing A29 route to the new A29 route and continue eastwards to Barnham railway station;
- iii) access to Barnham railway station shall be maximised through the provision of direct and attractive routes for all transport modes including additional car parking to serve facilities in Barnham's centre including at the railway station;
- iv) regular bus services linking BEW with Bognor Regis (A29 route) and local facilities and employment; and
- v) Westergate Link cycle scheme, in addition to further cycle routes to/from Bognor Regis and linkages,
  - i. provide a new two-form entry primary school, a new one-form (expandable to two-form) entry primary school and nursery places,
  - j. incorporate two new sports pitches and changing facilities, and
  - k. incorporate planned new employment provision."

6.8 In addition to these key policies, the relevant policies from the Arun Local Plan are: Sustainable Development (SD SP1), Strategic Approach (SD SP1a), Green Infrastructure and development (GI SP1), Protection of Landscape Character (LAN DM1), Strategic Economic Growth (EMP SP1), Soils (SO DM1), Design (D SP1), Aspects of Form and Design Quality (D DM1), Adapting to Climate Change (ECC SP1), Health & Wellbeing (HWB SP1), Transport and Development (T SP1), Sustainable Travel and Public Rights of Way (T DM1), Historic Environment (HER SP1), Listed Buildings (HER DM1), Conservation Areas (HER DM3), Natural Environment (ENV SP1), Biodiversity Opportunity Areas (ENV DM3), Protection of Trees (ENV DM4), Development and Biodiversity (ENV DM5), Water (W SP1), Water Supply and Quality (W DM1) Flood Risk (W DM2), Sustainable Urban Drainage Systems (W DM3), Waste Management (WM DM1), Quality of the Environment (QE SP1), Noise Pollution (QE DM1), Light Pollution (QE DM2), and Air Pollution (QE DM3), Contaminated Lane (QE DM4), and Infrastructure provision and implementation (INF SP1).

### **Barnham and Eastergate Neighbourhood Development Plan 2014-29**

6.9 The Barnham and Eastergate Neighbourhood Development Plan 2014-29 was 'made' on 16 July 2014. Of key relevance to the proposed development are the following policies; GA2 (Footpath and cycle path network); ES1 (Flooding, drainage and new development); ES3 (The Local Gap/Green Infrastructure Corridor); ES4 (Protection of open views); ES5 (Quality of design); and ES10 (Trees and Hedgerows).

6.10 Since the plan was 'made', the latest Arun Local Plan has been adopted, which includes the Barnham, Eastergate, Westergate (BEW) strategic housing allocation site within the plan area. Therefore, Barnham and Eastergate Parish Council are preparing modifications to the made Neighbourhood Plan, for which pre-submission consultation has been carried out (Regulation 14). However, this has not been subject to examination and, at this early stage, little weight can be given to draft proposed modifications in determining the application.

## **Joint Minerals Local Plan (Partial Review March 2021)**

- 6.11 Policy M9 seeks to ensure mineral resources within safeguarded areas are protected from sterilisation.

## **National Planning Policy Framework (2019)**

- 6.12 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not form part of the development plan but is a material consideration in determining planning applications. It also helps to guide decision-makers as to what matters are material to the decision-making process.
- 6.13 Paragraph 8 sets out the three key roles of the planning system; economic, social and environmental. It highlights the importance of providing and coordinating infrastructure to support growth. This is echoed by Paragraph 20 which requires development plans set out the overall strategy for the pattern of development and highlights the need to make provision for infrastructure for transport.
- 6.14 Paragraph 102 notes that:
- “Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
- a) the potential impacts of development on transport networks can be addressed;
  - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
  - c) opportunities to promote walking, cycling and public transport use are identified and pursued;
  - d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
  - e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.”
- 6.15 Other paragraphs of greatest relevance to the present proposal are: Paragraph 8 (roles of the planning system), Paragraph 11 (presumption in favour of sustainable development, and approving development that accords with the development plan); 38 (LPAs should approach decision making in a positive and creative way); 47 (determining applications in accordance with the development plan); 54 – 57 (use of planning conditions); 104 (involvement of transport providers in strategies and investments for aligned delivery of sustainable transport & provide for high quality walking and cycling networks); 109 (development should only be prevented on highways grounds where there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe); 110 (priority to pedestrian and cycle movements, addressing the needs of people with

disabilities, places that are safe, secure and attractive responding to local character, and minimising scope for pedestrian/cyclist/vehicular conflict); 124-132 (achieving well-designed places); 149 (avoiding vulnerability to climate change); 155-165 (planning and flood risk); 170 (development should contribute to and enhance the natural and local environment); 175 (principles for considering biodiversity in determining planning applications); 178 (ground conditions); 180 (effects of pollution on health, living conditions and the natural environment); 181 (air quality), 192 (protecting heritage assets).

### **West Sussex Transport Plan 2011-2026 (2011)**

- 6.16 The West Sussex Transport Plan provides the County Councils strategy for guiding transport infrastructure requirements and future investment in highways across the county. Its specific objectives are to promote economic growth, to tackle climate change, to provide access to services, employment and housing and to improve safety, security and health.
- 6.17 The implementation plan for Arun seeks to tackle identified transport issues in the District and ensure the regeneration aspirations of the coastal plain are delivered through increasing use of sustainable modes of transport, improving network efficiency in order to improve journey times and air quality, improving safety for all road users, discouraging HGVs from using unsuitable roads and improving accessibility between communities within the District.
- 6.18 Amongst the key issues identified for Arun are the following; "Road congestion during peak periods affects many parts of the highway network, especially the A27 at Arundel, A29 and A259, disrupting journey times and causing poor air quality"; and "Traffic travelling between the A27 and A259 via the A284 and A29 to Littlehampton, Bognor Regis and the coastal area is often delayed due to the level crossings at Wick and Woodgate which also create congestion and poor air quality". As a result, one of the Plan's key aims for Arun is "Developing opportunities through new development that will improve the access along the A29, including the potential to bridge the railway level crossing at Woodgate."

### **National Planning Practice Guidance (PPG)**

- 6.19 The PPG is a web-based resource that sets out Government's planning guidance to be read in conjunction with the NPPF. The PPG does not form part of the development plan but is a material consideration in determining planning applications. The PPG was first published in 2014 and contains guidance on a range of planning matters, which are independently updated as necessary. The sections of the PPG most relevant to this application are: Air Quality; Natural Environment; Noise; and Travel plans, transport assessments and statements.

## **7. Consultations**

- 7.1 **Arun District Council - Planning:** No objection. Support approval subject to increased planting and demonstration that junction design and is adequate future flows and to address potential congestion. Several public benefits will arise from the development which on balance outweigh identified disbenefits.

On the whole, on balance, the proposals accord with the Development Plan.

- 7.2 **Arun District Environmental Health (EHO) - Environmental Health/Air Quality/Contamination:** No objection. Sufficient clarification/justification/explanation has been submitted. Recommend conditions to secure a Construction Environmental Management Plan (CEMP), the installation of acoustic barrier prior to use, and thereafter demonstration of its effectiveness and subsequent retention.
- 7.3 **Barnham and Eastergate Parish Council (BEPC):** Objection. Application fails to take account of concerns resulting in unsustainable, and in some cases dangerous planning. Unacceptable impacts on the community. The application fails to meet Arun Local Plan policies and the NPPF. It has not considered cumulative impacts and fails to adequately address impacts of noise/air pollution, traffic forecasts, green infrastructure requirements, flooding and drainage and would result not conserve of enhance the natural environment, landscape, and biodiversity. The design fails to deliver safe route and crossings for walking, cycling and non-motorised users, and landscaping insufficient. Poor visual amenity in particular with regard to acoustic fencing and materials selected. Also consider preliminary consultation has been inadequate/unmeaningful and media available on WSCC website (e.g. video fly through) is misleading. Alignment hasn't moved materially west away from Murrell Gardens as desired.
- 7.4 **Aldingbourne Parish Council:** Objection. Endorse the comments of BEPC. No assessment of climate change, carbon footprint and pollution. No consideration of increased vehicular demand.
- 7.5 **South Downs National Park:** Encourage further ecological enhancements. Recommend lighting minimised and sustainable construction worker travel plans.
- 7.6 **Environment Agency:** No objection, subject to conditions for management of unidentified contamination and approval of any infiltration into ground.
- 7.7 **Natural England:** No objection. Not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 7.8 **Highways England:** No objection.
- 7.9 **National Planning Casework Unit:** No comments received.
- 7.10 **Goodwood Aerodrome:** No comments received.
- 7.11 **WSCC Archaeology:** No objection subject to conditions to secure the submitted archaeological mitigation strategy and written scheme of investigation.
- 7.12 **WSCC Ecology:** No objection, subject to delivery of the full package of ecological mitigation, compensation, and enhancement measures, plus security of long-term habitat management, to be secured by condition.
- 7.13 **WSCC Flooding and Drainage (LLFA):** No objection, subject to conditions to secure any necessary improvements to drainage in Barnham Road and

verification of the completed drainage system.

- 7.14 **WSSC Highways:** No objection, subject to a condition to secure a CEMP. Note the scheme is consistent with design, safety and road capacity considerations and aligns with local, regional, and national objectives to support sustainable development and economic growth through improved transport provision. The scheme would provide part of a new Primary Route which would overcome issues relating to the alignment of parts of the existing route network.
- 7.15 **WSSC Public Rights of Way:** No objection. Note the need for separate consents for any structures and/or diversion of the Public Footpath.
- 7.16 **WSSC Tree Officer:** No objection, subject to conditions to secure tree protection, full detailed landscape specification, and long-term maintenance plans.
- 7.17 **WSSC Landscape:** No objection. Whilst significant localised landscape and visual effects have been predicted the site is within an area of future change and appropriate primary mitigation is proposed. Recommends conditions to secure further details/updates to planting and subsequent maintenance.
- 7.18 **County Councillor (Trevor Bence):** No comments received.

## **8. Representations**

- 8.1 The application was publicised in accordance with The Town and Country Planning (General Development Procedure) (England) Order 2015. This involved eight site notices erected at and around the application site, an advertisement in the local newspaper and the issue of 92 neighbour notification letters. In response, 64 third party representations were received, 59 of which object to the proposal, and five that provide comments rather than objection or support.
- 8.2 The main material issues raised in the representations are:
- Loss of Green Space
  - Impact on and loss of ecology/biodiversity (including protected species, habitats, and trees/hedgerows)
  - Proposed landscaping will take years to provide any screening/benefit
  - Impact on the landscape, character and visual amenities of the area
  - Views to/from the South Downs impacted
  - Impact on experiential qualities of the locality and public footpaths
  - Loss of agricultural land and food production
  - Coalescence of settlements
  - Lack of consideration of cumulative impacts, in particular with proposed housing development
  - Landscaping and planting proposals inadequate
  - Integration with future housing allocation proposals

- Background assessments either lacking or misleading (Including EIA)
- Does not comply with Local Plan Policy or the NPPF
- Air pollution, noise and vibration impacts from increased traffic
- Lighting impacts upon amenity and dark skies
- Health and wellbeing impacts
- Impact on the amenities of properties including outlook, views, loss of light, privacy, disturbance, enjoyment of gardens
- Construction Impacts
- Impact on property value
- Proposed road too close to dwellings/insufficient separation
- Impact on pets
- Security issues for properties
- Low noise surfacing should be provided
- Poor design
- Elevated carriageway will compound impacts
- Alternative and better road alignments available. Road should be sited further west and take land from Fordingbridge Industrial Estate
- Ponds will be dry and look ugly, not support ecology
- Proposed acoustic barrier unsightly and needs a different finish
- Graffiti will be an issue
- Cost too high and investment should be made elsewhere
- Impact on local community facilities and economy
- Second phase may not come forward
- Road not necessary
- Supports housing which shouldn't come forward here and are not needed
- Principle of the development necessary to provide infrastructure for future development of the BEW allocation
- Existing flooding and drainage issues will be exacerbated
- Existing ditches already cannot cope
- Drainage proposals inadequate and not in accordance with required standards
- Will impact upon residents' responsibilities to maintain the neighbouring ditch
- Planting will impede drainage
- Need to ensure that drainage will tie in with Phase 2 and not compromise the future development of the BEW allocation
- Highway safety impacts and poor design, in particular for non-motorised users
- Traffic forecasting and traffic modelling inadequate/inaccurate.

- Proposals not consistent with relevant highway standards
- Signalised crossings should be provided
- Will cause congestion elsewhere
- Lack of linkages to existing cycling infrastructure, railway stations or key walking/cycling destinations
- Lack of a Walking, Cycling and Horse-Riding Assessment & Review unacceptable
- Existing footpath should be upgraded
- Existing speeding problems would be exacerbated
- Would make car journeys more attractive
- WSCC consultation has been inadequate/unmeaningful and media available on website (e.g. video fly through) is misleading
- Site notices and planning consultation poor/lacking
- WSCC making an application to themselves is underhand

## **9. Consideration of Key Issues**

9.1 The main material planning considerations in relation to the determination of the application are:

- principle of the development;
- accordance with the Local Plan Strategic Housing Allocation (BEW);
- acceptability with regard to highway design, safety and capacity;
- landscape and visual impacts;
- impact on ecology/biodiversity;
- impact on residential amenity;
- impact on rights of way; and
- impact on water environment.

### **Principle of the Development**

9.2 The West Sussex Transport Plan 2011-2026 (2011) includes an implementation plan for Arun, one of the key aims of which is "Developing opportunities through new development that will improve the access along the A29, including the potential to bridge the railway level crossing at Woodgate."

9.3 This is echoed by the adopted Arun Local Plan 2011-2031 (2018) that identifies the need to upgrade parts of the road network to support increased use resulting from future growth and improve connectivity to the A27 to support economic growth and employment. Highway improvement schemes identified in the Plan, include the A29 realignment, the need for which has been tested through the Transport Studies that supported the plan's preparation.

9.4 The indicative alignment of the proposed development is identified and safeguarded in the Local Plan through Policy T SP3 (see paragraph 6.4).

- 9.5 Further, the proposed new route of the A29 would form part of the essential infrastructure required to support the delivery of the Local Plans Strategic Housing Allocation site (Policy H SP2c -SD5) at Barnham/Eastergate/Westergate (BEW) which seeks to deliver up to 4,300 homes, and community facilities including schools and nurseries.
- 9.6 In their response, the Highway Authority note that the A29 forms one of the main arterial links from the south coast onwards to Surrey, and that the scheme forms a part of the key vision for both WSCC and Arun District Council to reduce congestion in the area, improve journey times and provide a high quality link from north to south. They further note the scheme would provide part of a new Primary Route which, when complete, would also reduce the effects of a significant constraint at the Woodgate Level Crossing and overcome issues relating to the alignment of the existing route of the A29 and local road junctions, including the Eastergate War Memorial Roundabout.
- 9.7 The wider realignment of the A29 is identified in the West Sussex Transport Plan, the requirement for which has subsequently been confirmed through the adoption of the Arun District Local Plan. As a result, there is a clearly identified need for the proposed development to support the improvement the north-south link between the A27, support the economy and future growth, alleviate congestion, and facilitate the delivery of a strategic housing development site. It is, therefore, considered that the development results in a significant strategic highway benefit and is acceptable in principle.
- 9.8 As noted above, the principle of the A29 realignment to the east of its current route between Lidsey and Fontwell has been confirmed through planning policy and an indicative route safeguarded that includes the 'northern tie-in'. However, the exact final alignment, linkages, design, mitigation and other details are not specified in the local plan and are matters to be addressed as part of the development of the Strategic Housing Allocation.
- 9.9 Third parties and Parish Councils have raised concerns that the north-south section of the proposed carriageway between residential properties in Murrell Gardens and Fordingbridge Industrial Estate (north of Barnham Road) should be located further west, to increase the distance from sensitive residential receptors. In planning terms, the acceptability of the proposed development must be considered, rather than potential alternative options.
- 9.10 Nonetheless, the submitted Environmental Statement provides details of alternative alignments considered for the wider scheme, showing how the route has evolved since 2012, both through the Local Plan process, and taking into account environmental constraints, deliverability (in engineering terms), traffic impacts, road safety impacts, cost, and feedback from stakeholder engagement (including the relationship with the BEW strategic housing allocation). This led to the safeguarded route in the Local Plan, with which the proposed development is consistent (i.e. through the undeveloped 'gap' between properties in Murrell Gardens and Fordingbridge Industrial Estate).
- 9.11 The applicant has confirmed, in negotiation with the landowners and developers of the Strategic Housing Allocation site, that land take from the industrial estate has been maximised, with an additional 16m of land being secured (currently occupied by a bund), to ensure the road is aligned as far

as possible to the west. Taking this into account, the need for consistency with wider site master planning, detailed considerations relating to mitigation and impacts as set out in the sections below, the proposed alignment is considered to be acceptable in principle.

- 9.12 In conclusion, the requirement for a new route of the A29 is supported by the West Sussex Transport Plan 2011-2026 (2011) and is identified as a key infrastructure requirement in the adopted Arun District Local Plan 2011-2031 (2018). The indicative alignment of the 'northern tie-in' is safeguarded in Local Plan and the proposed development is consistent with the safeguarded route. The development would contribute towards the improvement of the north-south highways link between the A27 and the coast, support the economy and future growth, alleviate congestion, and facilitate the delivery of a strategic development sites allocated in the Plan. The proposed road would, therefore, be highly beneficial in strategic highway terms and a key infrastructure requirement essential to the fulfilment the aspirations of the Local Plan. The proposed development is, therefore, considered acceptable in principle.

#### **Accordance with Strategic Housing Allocation – Barnham, Eastergate & Westergate (BEW)**

- 9.13 The Local Plan encourages the development of strategic housing allocation sites in accordance with an endorsed masterplan and sets overarching criteria for their comprehensive development (Policies H SP2 and H SP2c). The specific criteria for the BEW strategic housing site (SD5) criteria are set out in paragraph 6.7.
- 9.14 The BEW site wide 'Masterplan' was endorsed by the Arun District Council Development Control Committee on 25 November 2020 (subject to the submission of a Phasing and Infrastructure Delivery Plan -anticipated imminently). The Masterplan provides an illustrative framework and broad design principles for the site, which now seeks to deliver up to 4,300 homes, and community facilities including schools and nurseries (see **Appendix 7 – BEW Illustrative Masterplan**). Crucially, as with the proposed road, the endorsed masterplan has substantially adopted the safeguarded alignment of the A29 in the Local Plan.
- 9.15 The proposed development would provide roundabout linkages designed to serve future development, bus stops to facilitate bus services linking BEW with Bognor Regis and local facilities, and a shared cycleway, improving north south cycle routes. As a result, the proposed development would accord, and integrate with, the wider BEW development, and ensure the delivery of transport infrastructure essential to its full realisation (Policy H SP2c (SD5) (h)).
- 9.16 However, it is also important to consider other relevant BEW (SD5) policy criteria, and how/if the proposed development would integrate with the BEW site in terms of landscape, drainage, ecology, and the acceptability of the potential interaction with future sensitive receptors (e.g. in terms of impacts upon amenity).
- 9.17 As set out in detail below under 'Landscape and visual impacts', the proposed scheme seeks to minimise impacts upon existing landscape features and to

maximise new native landscaping opportunities either side of the carriageway, providing a green link, which would aid in softening its appearance and help it blend into the local landscape character. It is also important to note that the surrounding area is allocated for housing and will become more urban in future.

- 9.18 The application is supported by an 'Integration Statement' written in conjunction with the promoter of that area of land within the BEW site located under the 'arch' of the proposed road between Barnham Road and Fontwell Avenue. This seeks to capture the applicant's discussions with key stakeholders and demonstrates the consideration given to aligning future landscaping strategies, habitat, and wildlife connections, and identifies opportunities to manage ecological matters both sensitivity and holistically. It further notes the considerations given to potential interactions between the road and future sensitive receptors and seeks to demonstrate that compatibility of such users is realistic and achievable through future detailed design of housing proposals. This is reinforced through consideration of future occupiers of strategic development land being identified as sensitive receptors and subject to all relevant assessments that forming part of submitted Environmental Impact Assessment (and as considered further in the later sections of this report).
- 9.19 In addition, in response to the evolving masterplan for the area south of Barnham Road (currently at the preliminary stages of developer-led public consultation), the proposed pond design south of Barnham Road has been re-orientated to align with future development proposals.
- 9.20 Arun District Council raise no objections, stating overall support subject to increased landscaping/future maintenance/proof of flows considered. The District Council highlight several public benefits including to the economy, job creation, enabling the delivery of development, improvement of vehicular/pedestrian/cycle connections, improvement of green links, and improvements to road safety. Although highlighting some concerns over the potential impact of urbanising features such as the proposed substation and boundary treatments, and welcoming opportunities for increasing the green character of the route through further landscaping, they conclude, on the whole, the proposals accord with the Development Plan.
- 9.21 In conclusion, the proposed development forms part of the essential transport infrastructure required to support the delivery of a Strategic Housing Allocation site at Barnham/Eastergate/Westergate (BEW) and follows an alignment consistent with that within the endorsed masterplan. Proposed landscaping would provide a green link, softening the road's appearance, and in the context of future development, ensure it would suitably assimilate into the local landscape. The development would accord with the relevant policy criteria for the allocation (Policy H SP2c (SD5)), integrate with the future development of the BEW site in terms of future linkages, landscape, drainage and ecology, and would not prejudice the amenities of future sensitive receptors, once constructed. The proposed development is, therefore, considered to be in accordance with the strategic housing allocation.

### **Highway Design, Safety, and Capacity**

- 9.22 The proposal is for a part lit, single carriageway, 30mph road with a separate

shared footway/cycleway running along its southern side. It would include bus stops and various uncontrolled pedestrian/cycle crossings and mid-way along its length, it would include a lit, uncontrolled pedestrian crossing with central island to accommodate a staggered re-alignment of Public Footpath (PROW 318).

- 9.23 In terms of highways design, safety and capacity matters, the application is supported by a Design Check, Safety Audit, and Transport Assessment.
- 9.24 The road has been designed to accord with the relevant highway standards and guidance to accommodate future predicted traffic flows and to be appropriate to modelled circumstances. Pedestrian crossings, including the PROW crossing, have been designed based on the predicted volume of non-motorised users (NMU), in particular, the conclusion that controlled crossings would not be required. It is noted that, in future, there may be a need for a controlled crossing on the northern limb of the Barnham Road roundabout. However, this would not be justified until Phase 2 is brought into use and the design allows for this to be delivered if required in the future.
- 9.25 The design has been the subject of a Safety Audit to identify any highway safety risks, with recommendations considered and integrated into the scheme where necessary. If approved, the detailed design and implementation stage would be subject to a further Safety Auditing to ensure it is fit for purpose.
- 9.26 The proposal would ensure that access to all existing properties and businesses would be maintained, including the provision of a service/stub road to the west of Fontwell Avenue and a new access to the Fordingbridge Industrial Estate. Proposed lighting seeks to ensure sufficient lighting to achieve standards appropriate to the use, albeit minimised and designed to reduce impacts upon surrounding receptors and the landscape.
- 9.27 Transport modelling considers future traffic growth including that associated with future proposed dwellings in the BEW area, and other committed development. This concludes that the proposed development would ensure that both existing and proposed junctions in the locality would operate within capacities and be subject to either a minimal or beneficial impact. Most notably, it shows the proposed scheme would have a clear benefit to the existing highway network at the War Memorial roundabout where congestion issues currently occur. There would be wider benefits upon delivery of Phase 2 of the A29 realignment.
- 9.28 During construction, there may be impacts upon the existing highway network as is typical of any large construction project. To minimise any impacts, the applicant proposes a Construction Environmental Management Plan (CEMP) containing a Construction Traffic Management Plan (CTMP), an outline version of which supports the application. This sets out measures to be adopted to manage and minimise construction traffic and associated impacts, including; routing, temporary traffic management/signage, construction worker travel plan, scheduling of deliveries, staff briefings, wheel cleaning, site parking, etc. Overall, adverse impacts on the network would be temporary and subject to a condition to secure a detailed final CTMP, are not considered likely to result in any unacceptable impacts.

- 9.29 The County Highways Authority raise no objection to the proposals, subject to conditions to secure a final CTMP, noting the proposed development is consistent with design, safety, and road capacity considerations.
- 9.30 In conclusion, the proposals would introduce a new section of highway, including new accesses, roundabout junctions and pedestrian crossings, that could impact on traffic flows in the locality and give rise to highway capacity/safety considerations. Consistent with the identified need for the wider realignment and improvement of the A29, modelling confirms that proposed scheme would result in a number of beneficial impacts on local junctions, reducing congestion and improving journey times. The road has been designed in accordance with the relevant highway standards and guidance and the Highway Authority is satisfied there would be no unacceptable impact on highway safety/capacity. As a result, subject to securing a detailed Construction Environmental Management Plan by condition, the proposals are considered acceptable in terms of highway design, safety and capacity.

### **Landscape and Visual Impacts**

- 9.31 The proposed road would introduce a large-scale, raised linear feature across currently undeveloped countryside. It would involve the removal of trees/hedges, include lighting, cross/divert a public footpath, and notably include an acoustic barrier some 440m in length and 3m in height to the rear of properties in Murrell/Ewens Gardens and Chantry Mead. As a result, there is the potential for significant landscape and visual impact.
- 9.32 The proposed scheme incorporates landscaping that principally seeks to protect existing landscape features and trees, provide strategic tree and hedge planting, and the creation of a habitat corridor. In summary, the proposed landscaping broadly consists of wildflower/wetland grasses alongside the carriageway, with a mixture of woodland and shrub planting beyond to create a linear green link. A large wildflower meadow is proposed to the north-east, including specimen and orchard apple trees, and it also includes wetland planting in/around the proposed ponds, and new hedgerows. Further, a mixture of trees, shrubs, hedge, and climbing plants are proposed to soften the appearance of the proposed acoustic barrier (see **Appendix 5 – Proposed Site Plans**).
- 9.33 In landscape character terms, the site falls within the generally flat upper coastal plain, within a transitional landscape that mainly comprises arable fields, woodland, hedgerows, orchard and managed grassland. As confirmed by the submitted Landscape and Visual Impact Assessment (LVIA), the site and immediate environs are relatively flat, with mature field/roadside boundary vegetation and pockets of woodland providing a relatively good degree of visual containment, minimising wider views of the site. As a result, it is near views of the site that are most likely to be affected by the proposed road.
- 9.34 Taking into account the key characteristics of the relevant Landscape Character Areas, the submitted LVIA concludes that the proposed development would result in adverse effects during construction/initial completion, reducing over time as proposed landscaping matures.

- 9.35 The proposed scheme would inevitably be a new and noticeable feature in the landscape, including in hours of darkness due to the proposed streetlighting. However, it is not considered that it would result in a dominant change to the overall landscape character of the wider area, given that the alignment is on the edge of a planned and allocated strategic residential development site. Lighting has been minimised and the proposed landscaping scheme has been designed to integrate with existing landscape features and the wider BEW site and Phase 2 of the A29, with which it would coexist in future. Although landscaping would not entirely hide the road and associated infrastructure (including the acoustic barrier and substation) from view, it would, in time, help to blend it in to the landscape and connect into the wider BEW site.
- 9.36 Although the site does not fall within an area specifically designated for its landscape value, the South Downs National Park is 1.3km to the north with elevated views to the south and is a Dark Skies Reserve. The proposed road would be generally 'low level' except for lighting columns up to 10m in height at roundabout approaches and 6m along the full length of the footpath/cycleway. The South Downs National Park Authority have not raised any specific objection albeit encourage lighting be minimised to reduce any impact on dark skies. Any views from the National Park would be limited by distance, largely screened by existing/proposed trees/vegetation, and seen in the context of urban development including both existing and proposed. Taking this and measures proposed to reduce any lighting impacts (e.g. a dimming regime), it is not considered there would be any unacceptable impact upon the National Park or its setting.
- 9.37 In visual receptor terms, it is near views of the site that are most likely to be affected by the proposed road. Visual receptors most likely to be affected are those from residential properties on Barham Road and Fontwell Avenue (in particular at either end of the proposed carriageway), Collins Close, Cherry Tree Drive, Murrell Gardens, Chantry Mead, Downview Road, Ewens Gardens, Upton Brooks, Eastergate Lane, users of the existing road network and users of public footpath 318.
- 9.38 Taking into account the extent to which views would change and any intrusion/obstruction at visual receptors, the submitted LVIA concludes that the proposed development would result in significant adverse effects for many of the above receptors, both during construction, and operation. It concludes that those worst affected would be residential properties in Downview Road/Murrell Gardens/Ewens Gardens and Upton Brooks, essentially those that back onto the site. There would also, to a lesser extent, be adverse impacts for those properties adjacent to roundabouts at either end of the scheme, and existing footpath/highway users. Such impacts, and in particular the height/finish/appearance of the proposed acoustic barrier, are the subject of considerable concern to affected third parties and echoed by Parish Councils.
- 9.39 To mitigate these impacts as far as possible, the road has been designed at a scale no larger than is required to accommodate future predicted traffic flows, with the carriageway being located as far as possible from nearby properties. Proposed tree/shrub and hedgerow planting has been maximised between the road and visual receptors to soften and screen views, including those of the proposed acoustic barrier. The siting of roundabouts is offset from the

alignment of the existing carriageway at either end of the scheme, maximising the distance from residential properties at connection points. Proposed lighting would be at the minimum standard required for highway safety, designed to reduce glow/spill, and subject to a dimming regime during night-time hours.

- 9.40 **Appendix 6** provides illustrative cross sections, showing the relationship of the proposed road to properties in Murrell Gardens, once proposed landscaping has reached maturity. However, it should be noted that properties to the east of this section of the carriageway have varied boundary treatments, and in places would be closer to the proposed carriageway or would not be subject to the same extent of intervening landscaping. As a result, the potential visual impacts would vary.
- 9.41 The WSCC Landscape Architect raises no objection to the proposals concluding that, whilst there would be localised landscape and visual effects, the site is within an area of future change and appropriate primary mitigation is proposed through planting and provision of a barrier. With specific regard to the proposed acoustic barrier itself, they note that although it would have a visual impact, that on balance weathering steel is an acceptable option that will sit well within the landscape and be screened from the most sensitive visual receptors by proposed planting, if suitably maintained.
- 9.42 As noted above Arun District Council have highlighted concerns over the potential impact of urbanising features and encourage opportunities for increasing the green character of the route through further landscaping. Both the WSCC Landscape Architect and Arboriculturalist also recommend detailed changes to planting proposals (e.g. species/spacing) and make recommendations for further planting opportunities.
- 9.43 Given the proximity to visual receptors, there will inevitably be an adverse impact on visual amenity, albeit this would be largely limited to receptors in the immediate environs and foremost at residential properties closest to the proposed carriageway. Such impacts will vary in degree, and for road and footpath users would be transient in nature. The proposed landscaping scheme would aid in screening the carriageway and acoustic barrier, and whilst not eliminating impacts on visual amenity, would reduce them with increasing effectiveness over time as planting reaches maturity. Further, detailed opportunities to maximise planting would be secured by condition. The alignment of the road and offsetting of roundabouts has sought to maximise separation from receptors, helping to reduce impacts whilst following the safeguarded route of the road, and integrating with the development of the BEW strategic development site.
- 9.44 To the south of Barnham Road, the proposals result in a compacted surface maintenance track leading to the southernmost attenuation pond. To facilitate construction, a number of existing nursery buildings would be cleared in this area, and the land, in part, utilised as a construction compound. No landscaping proposals have been put forward for this area, with the applicant suggesting the area will 'hand over' to the developers of the BEW site upon completion of the road. Given the timings of such works cannot be guaranteed and noting that it would inevitably be more open/readily visible as a result of the proposed development, a condition is

proposed to secure interim reinstatement and maintenance until the allocated BEW development comes forward.

- 9.45 In conclusion, the proposals would have an impact on the landscape character and visual amenities as a result of the introduction of a large-scale, linear feature across currently undeveloped countryside involving the removal of trees/hedges, diversion of a public footpath, lighting and an acoustic barrier. However, they would not result in a dominant change to the overall landscape character of the wider area, particularly in the context of planned future development, and impacts on visual amenity would be localised to a limited number of receptors. Taking into account mitigation achieved through the design, alignment and proposed landscaping, it is considered that the proposed development, would, in time, satisfactorily integrate with the landscape and its surroundings and would not give rise to an unacceptable level of landscape or visual impacts.

### **Impact on Ecology/Biodiversity**

- 9.46 Although it is not within an area specifically designated for its landscape or ecological value, the proposed bypass has the potential to affect ecological features and biodiversity by developing an area that mainly comprises managed grassland, arable fields, mature trees/woodland, hedgerows, and traditional orchard. Therefore, it would result in the loss/severance of habitat and mature trees/vegetation and have the potential to impact upon protected species.
- 9.47 A detailed arboricultural assessment has been submitted that identifies all trees with potential to be affected by the development and its construction. This includes a range of arboricultural features, including some higher quality trees such as mature/veteran oaks and a group of Hornbeam trees that are protected by a Tree Preservation Order (TPO).
- 9.48 The assessment concludes that the scheme would require the removal of 22 individual trees, and the whole or partial removal of 15 tree groups and four hedges. This includes trees/vegetation at connecting roundabouts, trees within a former orchard and existing field boundary hedges (where severed by the proposed alignment), the part removal of trees alongside the eastern boundary of Fordingbridge Industrial Estate, and trees forming an avenue along the former access to Fleurie Nursery south of Barnham Road.
- 9.49 Most losses are categorised as low-quality (of localised or limited visual amenity/landscape value) albeit some orchard specimens are noted as being potentially rare. A single group of Hornbeam trees (of moderate quality for their visual amenity and contribution to the character of the local landscape) run north south centrally through the site and would be partially severed; these trees are the subject of a Tree Preservation Order (TPO). However, the submitted assessment concludes that their part removal would not result in the significant loss of public amenity or landscape value or an overall devaluation of the TPO, as a small percentage of the overall tree group.
- 9.50 A detailed ecological assessment has been submitted that confirms that the site includes a range of habitats including some of elevated ecological value, such as the traditional orchards and hedgerows. It also establishes the presence of and/or potential to support a range of protected and notable

species including bats, badger, small mammals, birds, common reptile species and invertebrates.

- 9.51 To mitigate and minimise impacts on landscape features, ecology and habitats, the scheme has been designed to avoid the loss of existing landscape features where possible, and/or their accommodation within the scheme. The proposed landscaping scheme aims to provide ecological mitigation/enhancement through strategic native tree, hedge and woodland planting, and the creation of new/replacement habitats and a habitat corridor. This includes wildflower/wetland grass planting, new ponds, and a large wildflower meadow area to the north-east including specimen and orchard apple trees. In addition, a badger crossing would be provided, along with bat/bird boxes and reptile Hibernacula.
- 9.52 The proposed landscape strategy would, in time, provide habitats and foraging opportunities for a variety of species and achieve at least a 10% Biodiversity Net Gain (BNG) for hedgerows, and some 44% net gain for area-based habitats.
- 9.53 As the proposed scheme includes lighting, there is potential for operational impacts upon notable species, in particular bats. To mitigate such impacts, in addition to general light minimisation measures, lighting in the vicinity of the public footpath, which has been identified as a bat foraging route, will be further controlled/minimised during the active bat season.
- 9.54 Further, the applicant proposes to implement a Construction Environmental Management Plan (CEMP), an Ecological Management Plan (EMP) and Landscape Maintenance and Management Plan (LMMP), outline versions of which support the application. In summary, these would seek to ensure best practice is adopted and include, measures to minimise the effects of construction noise/dust/lighting, retained tree/hedgerow protection measures, standoffs/fencing and protection measures and to avoid damage disturbance to notable and protected species (including further inspections by a qualified ecologist where necessary), a sensitive programme of works and vegetation clearance, and ongoing future maintenance to ensure success of proposed landscaping/habitat creation.
- 9.55 The County Ecologist raises no objection to the proposals subject to the full package of the ecological mitigation, compensation measures plus long-term habitat management being secured. Further, they recommend a condition to ensure that all construction and clearance works are overseen by a qualified ecologist. Natural England raises no objection. The County Arboriculturist also raises no objection to the proposals, subject to conditions to secure tree protection measures, further detailed landscaping amendments, and a long-term maintenance plan.
- 9.56 In conclusion, the proposals would result in the loss/severance of habitat and existing landscape features of value including traditional orchards and hedgerows, and which support a range of protected and notable species. The proposed layout and design have sought to minimise any such impacts, and the proposed landscaping and subsequent management scheme would provide a green link, maximise habitat creation, and, in time, result in an overall biodiversity net gain. Further, sensitive construction and operational controls are proposed to minimise any impacts on protected species and

retained trees. Subject to proposed conditions to secure ecological and tree protection/enhancement measures during construction, and minor revisions to proposed planting and ongoing landscape/ecological management, impacts on ecology/biodiversity are not considered to be unacceptable.

### **Impact on Local Residents**

- 9.57 The proposed scheme would introduce a new, partly lit road, roundabouts and associated vehicular traffic, that would cross a PROW and, in places, be close to a number of existing residential properties. Therefore, it has the potential to impact on residential amenity, particularly in terms of air quality, noise, and lighting which, as detailed above, has been referred to by third parties and consultees. Matters of visual amenity are addressed above under the heading 'Landscape and Visual Impacts'.
- 9.58 Residents most likely to be affected would be those which would back onto the proposed road to the east in Eastergate Lane, Murrell Gardens, Chantry Mead, Ewens Gardens and Downview road, but also those situated on Fontwell Avenue/Barham Road at either end where roundabouts would link into the existing carriageway.
- 9.59 There is also potential for impact upon future residents of the BEW strategic development site, which must also be considered to ensure the deliverability of future dwellings would not be compromised.

### Noise/vibration

- 9.60 A detailed noise/vibration assessment has been submitted that, based on surveys of existing noise levels, establishes the baseline at noise sensitive receptors and models future predicted noise resulting from the proposed development (accounting for the worst case - e.g. assuming the southern Phase 2 section of the A29 is complete). The surveys show that road traffic is already the dominant noise source in the locality, with locations close to Barnham Road and Fontwell Avenue experiencing high levels of road traffic noise. At locations further from existing roads, ambient noise levels are considerably less.
- 9.61 During operation, the road has potential to increase noise levels locally resulting from engine and tyre noise. To minimise noise impacts, an absorptive acoustic barrier is proposed of 440m in length, 3m in height, running north-south alongside the properties in Murrell/Ewens Gardens/Downview Road. The submitted assessment highlights that due to the proposed speed limit (30mph), the use of 'low noise' surfacing material would provide a negligible reduction in road traffic noise, and thus is not warranted or proposed.
- 9.62 At its year of opening, modelling identifies that during the day-time many of the surrounding residential receptors closest to the proposed road would likely experience a minor increase in noise levels (less than 3dB), 28 dwellings a moderate increase (3-4.9 dB), and four dwellings a major increase (more than 5dB). During the night-time this would reduce to 21 experiencing a moderate increase, and two a major increase. However, with the proposed acoustic barrier installed, all dwellings predicted to experience a major increase would be below that considered to represent a 'Severe

Observed Adverse Effect Level' i.e. the level of noise exposure above which the Noise Policy Statement for England (2010) suggests significant adverse effects on health and quality of life occur.

- 9.63 In addition to the road, the submitted assessment concludes that noise levels from the relocated substation during its operation would remain below background levels at the closest receptors.
- 9.64 During construction, modelling identifies there would be short-term moderate adverse noise effects experienced at residential receptors, particularly those immediately adjacent to the application site. This is based on a worst-case scenario of all construction plant operating at the closest points to receptors, with no mitigation in place. To mitigate noise impacts during construction, the applicant proposes to implement a Construction Environmental Management Plan (CEMP), an outline version of which supports the application. This sets out the detailed measures to be adopted to mitigate and minimise construction related noise/vibration impacts in accordance with Best Practicable Means including; the use of acoustic screens where necessary; selection of low vibratory equipment and methodologies; monitoring and inspection; and public engagement.
- 9.65 Overall, the noise assessment concludes that a long-term minor adverse noise effect (both during the day and night) that would primarily be experienced at a small number of residential receptors to the east, and at a single residential property to the north-east of the proposed roundabout on Fontwell Avenue. Other properties at either end of the proposed scheme would be affected to a lesser degree owing to existing background noise levels associated with their location adjacent to the existing carriageway. Based on the relevant standards and assessment methods, such impacts are not considered to be significant.
- 9.66 It is also of note that the proposed development would also have a positive noise impact on a number of residential dwellings, including residents living along the existing sections of Barnham Road and Fontwell Avenue, who are likely to experience a reduction in the amount of passing traffic. The assessment concludes that in all operational scenarios, more dwellings are predicted to experience a beneficial (decrease) in noise levels than are predicted to experience an adverse (increase).
- 9.67 The proposed road would inevitably give rise to an increase in noise levels for nearby receptors, both during construction and operation, varying in degree relative to proximity. Conversely, in-time, it would also result in a positive noise reduction for some properties already subject to road traffic noise. During construction, noise impacts would primarily be limited to daytime operations and only experienced for a temporary period (for an estimated total of 12 months). During operation, although there would be an adverse noise impact for some dwellings, the number more severely affected is small, and none would be exposed to noise levels which would suggest significant adverse effects on health and quality of life may occur.
- 9.68 The noise assessment overall concludes that, in the long-term, noise impacts would be minor and not significant, which Environmental Health Officers have not disputed. On balance, subject to securing a Construction Environmental Management Plan by condition, noise/vibration impacts are not considered to

be unacceptable.

#### Air Quality

- 9.69 A detailed air quality assessment has been submitted that, based on surveys of existing air quality, establishes baselines at sensitive receptors and models future predicted air quality impacts resulting from the proposed development (accounting for the worst case - e.g. assuming the southern Phase 2 section of the A29 is complete). The assessment shows that road traffic is the main source of local air pollution, albeit all Air Quality Standards (AQS) are met and Arun, in general, benefits from good air quality with no Air Quality Management Areas (AQMA) being declared.
- 9.70 During operation, the road has potential to impact upon air quality through vehicular emissions, the main pollutants of concern being NO<sub>2</sub> and particulates (PM<sub>10</sub> and PM<sub>2.5</sub>). Based on calculated road traffic contributions at sensitive receptors, there would be small increase in concentrations of some pollutants at some receptors, albeit with concentrations of all pollutants remaining significantly below Air Quality Standards. The assessment concludes that during operation there would be a negligible impact at all sensitive receptors.
- 9.71 It is also of note that the proposed development would, conversely, have a positive air quality impact for a number of receptors resulting from a reduction in the amount of passing traffic. This would include those along the existing sections of Barnham Road and Fontwell Avenue likely, and when Phase 2 comes forward, those alongside the existing A29 alignment where there are identified congestion issues at the Woodgate Level Crossing and Eastergate War Memorial junction.
- 9.72 During construction, there would be significant earth works and construction activities with the resulting potential for dust emissions and plant/vehicular emissions. The assessment concludes that without mitigation, there could be short-term moderate adverse effects experienced at some residential receptors closest to the site. To mitigate air quality impacts during construction, the applicant proposes to implement a Construction Environmental Management Plan (CEMP), an outline version of which supports the application. This sets out the detailed measures to be adopted to mitigate and minimise emissions in accordance with industry best practice, including damping down of dry surfaces and haul roads, careful management of stockpiles, on site speed restrictions, sheeting of loads, wheel cleaning, and all plant complying with latest EU emissions standards. With these measures in place, the air quality assessment concludes impacts would be short-term and minor.
- 9.73 Overall air quality impacts are not envisaged to be significant, with a potential air quality benefit resulting from the wider revised alignment of the A29. Subject to a CEMP, construction impacts would be short-term and minor. On balance, subject to securing a Construction Environmental Management Plan by condition, air quality impacts are not considered to be unacceptable.

## Lighting

- 9.74 The proposals include a mixture of lighting including streetlamps up to 10m at the roundabouts and their approaches, and 6m streetlamps along the entire length of the cycleway between Fontwell Avenue and Barnham Road. Such lighting, where proximate to residential dwellings could potentially result in spill or glare and give rise to amenity impacts. The submitted outline lighting and management scheme proposes lighting that would be designed to reduce glow/spill and in keeping with the type and level of usage and existing ambient lighting in the locality. It also proposes lighting be subject to the standard WSCC dimming regime during night-time hours (typically reducing to 50% between 22:00 and 06:00).
- 9.75 Overall, given the separation from adjacent properties, and screening afforded by existing/proposed boundary treatments/planting, subject to conditions to minimise lighting intensity and luminaries of a design which minimises any spill, it is not considered that the proposed development would result in any unacceptable lighting impacts.
- 9.76 Environmental Health Officers raise no objection to the proposal noting that, sufficient clarification/justification/explanation has been submitted in response to initial comments. Recommended conditions to secure a Construction Environmental Management Plan (CEMP), the installation of acoustic barrier prior to use, and thereafter demonstration of its effectiveness and subsequent retention, have been included.
- 9.77 In conclusion, the proposals would have an adverse impact upon the amenities of residents closest to the site as a result of increased noise from road traffic and temporary construction activities. Conversely, the proposal would also result in noise and air quality benefits for a greater number of properties from which traffic would be diverted and which currently are subject to elevated noise and air quality impacts. Subject to mitigation in the form of an acoustic barrier, control of construction activities in accordance with best practice, and lighting controls, the number of receptors affected is relatively small in the context of a strategic highway development, and none are envisaged to experience impacts that would suggest significant adverse effects on health and quality of life may occur. Therefore, subject to the conditions proposed, whilst impacts upon amenity are likely, on balance, they are not considered unacceptable.

## **Impact on Rights of Way**

- 9.78 The proposed road would sever a section of Public Footpath no.31 which runs north-south between Eastergate Lane and Barnham Road. As a result, the proposals provide for a diversion of the existing footpath via an easterly dog-leg and a pedestrian crossing across the proposed carriageway. It also includes staggered barriers, a post and rail fence alongside the northern side of the proposed road, and shallow slopes on east-west sections, to ensure safe gradients to the proposed road level which is slightly elevated.
- 9.79 Views and experiential qualities for footpath users would inevitably be impacted by the proposed development resulting from a change in views, increase in noise, loss of a section of trees/vegetation, and the introduction of urban features, and a lit highway crossing. However, existing views from the

footpath are currently generally limited to the narrow path, and any change in views would be limited to the short section of the footpath affected.

- 9.80 Any impacts experienced by users would be generally transient in nature and the proposed road includes landscaping that, in time, would help soften any impact on views. Further, the site of the proposed diversion lies within an area of know future change i.e. adjacent to an area allocated for strategic housing development in the Local Plan, which will inevitably impact on the future setting of the PROW, and its sensitivity to urban influences.
- 9.81 In addition to any planning requirements, the proposal to divert the PROW requires separate consent and is the subject of a separate but related application under S257 of the Town and Country Planning Act (see Item 4b on this agenda).
- 9.82 In conclusion, the proposed development would result in some impact upon the experiential qualities of the existing public footpath. However, owing to its generally enclosed nature and context of future planned urban development, any such impacts would be limited and transitory in nature. The overall link provide by the footpath would be maintained and the proposals would be unlikely to result in a significantly less enjoyable or convenient route. Therefore, it is not considered that the proposal would have an unacceptable impact upon Public Rights of Way.

### **Impact on the Water Environment**

- 9.83 The scheme has the potential to affect the water environment through creating a large linear area of impermeable surfacing on a greenfield area, potential interception of overland flows, and the potential for pollution to enter the water environment.
- 9.84 The majority of the application site is within Flood Zone 1 (a low probability of flooding) with a small section alongside properties in Downview Road and Ewens Gardens, proximate to the Barnham Lane Ditch, within Flood Zone 3 (a High Probability of Flooding). The site is generally not within a groundwater sensitive area, albeit a small section to the north-west lies in a Groundwater Source Protection Zone (SPZ), specifically the Outer Zone II (where the aquifer is contained but could be impacted by deep drilling).
- 9.85 In summary, the proposed operational drainage strategy would manage surface water run-off and pollution through a mixture of roadside swales, filter drains, three infiltration (west x1) and attenuation (east x2) ponds, cellular storage, pollution control separators, and flow controlled discharge at greenfield rates to existing watercourses (the Barnham Lane Ditch to the east, and the School Ditch to the south. The westernmost pond (infiltration) would generally remain dry, whilst the attenuation ponds (to the east and south) would be lined and thus retain water. Existing overland flow routes along existing roads at either end of the scheme would be maintained and incorporated as necessary.
- 9.86 In essence, surface water from the road would drain into via roadside swales to ponds/underground cellular storage, restricting the rate of run-off, and intercepting contaminants. To ensure that overland flows from the BEW allocation site would not be restricted until such time as development comes

forward (wherein adequate drainage would be required), a French drain and underground piped connection to the existing ditch would be provided.

- 9.87 During construction, there is also potential for a short-term increase in flood risk and pollution from spillages or sedimentation associated with physical works and use of construction plant. To mitigate such impacts during construction, the applicant proposes to implement a Construction Environmental Management Plan (CEMP), an outline version of which supports the application. This sets out the detailed measures to be adopted to mitigate and minimise impact upon the water environment including a specific construction phase drainage strategy, phasing of works and prevention of sedimentation.
- 9.88 Third parties and Parish Councils have raised several serious concerns regarding proposed drainage, in particular the potential for the proposed development to result in drainage and/or flooding impacts upon properties to the east, where it is claimed, dwellings have a responsibility to maintain the existing ditch/watercourse. Concerns are also raised that the proposed development would sever the existing catchment, effectively damming the area and impeding overland flows.
- 9.89 The proposed drainage scheme provides for betterment in terms of management of peak flows from the new highway and existing catchment into the Barnham Rife ditch (through swales, combined drainage systems and attenuation pond with controlled discharge) up to and including the 1 in 100 year + 40% climate change event. Proposed landscaping should also offer further betterment. The catchment to the west (within the BEW allocation) would, in future, be required to manage surface water discharges. However, to cater for the interim situation, a connection is provided beneath the road to allow surface water flows to continue to discharge into the ditch. Any future maintenance of ditches that may be required of properties to the east is a separate matter not material to the consideration of the application (albeit it is noted that a standoff from the ditch has been included in the proposed scheme and which would not preclude future access if required).
- 9.90 The Environment Agency raise no objection in drainage terms, subject to conditions to secure details of detailed infiltration pollution control measures and associated risk assessment.
- 9.91 WSCC as Lead Local Flooding Authority (LLFA) has raised no objection to the proposal, subject to conditions relating to drainage defects in Barnham Road and verification of the completed drainage system.
- 9.92 In conclusion, the scheme has the potential to affect the water environment and increase flood risk through the construction of impermeable surfacing, interception of overland flows, and pollution. However, the proposed drainage strategy contains a range of measures to protect and maintain the water environment both during construction and operation including swales, infiltration/attenuation ponds, below-ground cellular storage, and controlled discharge rates. It is considered that subject to these measures being secured by condition, the development would not increase flood risk, or affect water quality and would, therefore, not give rise to unacceptable impacts on the water environment.

## **Other Material Matters**

- 9.93 The scheme would likely have some positive impact on the Eastergate (Square) Conservation Area and the historic features within it, including number of Listed Buildings and the Eastergate War Memorial, as traffic would be diverted from travelling through it. Given the separation from other heritage features in the locality, and landscaping proposed, it is not considered that the scheme would affect the setting of other nearby conservation areas or Listed Buildings.
- 9.94 Preliminary surveys indicate the possible presence of archaeological features interest. As mitigation, an Outline Archaeological Mitigation Strategy and Written Scheme of Investigation has been set out. The WSCC Archaeology advisor has raised no objection, subject to this being secured by condition, noting the proposed archaeological investigation/recording is proportionate and appropriate. Subject to this condition, the development would not be detrimental to any buried archaeological features.
- 9.95 Although the site is primarily greenfield, a Preliminary Risk Assessment for Contaminated land has been carried out. This concludes there is a low risk of contamination. Nonetheless further geotechnical investigations are proposed at the construction stage, including contamination testing. Depending on findings a remediation strategy would be prepared, if required. During construction, standard industry best practice would be adopted to minimise any potential for pollutants to enter the ground or watercourses. These measures are set out in the outline CEMP. Environmental Health Officers (EHO) and the Environment Agency (EA) raise no objection to the proposals subject to a condition to secure a remediation strategy should previously unidentified contamination be found.
- 9.96 The application site falls in a Minerals Safeguarding Area for Sharp Sand and Gravel as identified in the Joint Minerals Local Plan (JMLP - Partial Review March 2021). Policy M9 of the JMLP seeks to ensure mineral resources within safeguarded areas are protected from sterilisation. However, it also provides for non-mineral development with these areas where there is an overriding need for the development that outweighs the safeguarding of the mineral, and it has been demonstrated that prior extraction is not practicable or environmentally feasible.
- 9.97 The application is supported by a Minerals Safeguarding Statement based on geological ground investigations. This concludes that although sand and gravel may be present within the site, in general terms the economic viability of the resource is limited owing to a high content of cohesive fines (that increases processing requirements). Further, it concludes that any incidental/opportunistic extraction of small pockets of better-quality material would be limited and unlikely to be economically viable. Given the strategic need for the proposed road as identified in the West Sussex Transport Plan and Arun Local Plan, and noting the viability/practicality of prior extraction, it is not considered there is a mineral safeguarding reason to resist the development, which would accord with aims of JMLP Policy M9.

## **10. Overall Conclusion and Recommendation**

- 10.1 Planning permission is sought to construct a section of highway of around

1.3km in length, linking Fontwell Avenue (A29), with Barnham Road (B2233). The proposals form Phase 1 (the 'northern tie-in') of the two-phase eastern realignment of the A29. The new route of the A29 is a strategic requirement supported by the West Sussex Transport Plan 2011-2026 (2011) and identified as a key infrastructure requirement in the adopted Arun District Local Plan 2011-2031 (2018), the proposed alignment of which has been safeguarded.

- 10.2 The proposed development would contribute towards the improvement of the north-south highways link between the A27 and the coast, support the economy and future growth, alleviate congestion, and forms the first phase of essential transport infrastructure required to facilitate the delivery of strategic development sites allocated in the Plan, including that at (BEW) for some 4,300 homes and community facilities. The road has been designed in accordance with the relevant highways standards and the Highway Authority raise no objections. The proposed road would therefore be highly beneficial in strategic highway terms and a key infrastructure requirement essential to the fulfilment the aspirations of the Local Plan. This must be afforded significant weight.
- 10.3 The proposal is considered to accord with the key Local Plan Policy for the locality, notably the relevant criteria for the BEW strategic housing allocation site. In accordance with the latest endorsed masterplan, it has been demonstrated that the proposal would integrate with the wider development of the area and without prejudice to the delivery of future housing/community facilities. Mitigation of environmental impacts resulting from the proposed development is considered acceptable and future development would be expected to provide similar mitigation of environmental effects. It is recognised that the proposed development does have the potential to give rise to cumulative impacts, in particular, in combination with the future development of the BEW allocation; however, such impacts are not considered unacceptable.
- 10.4 The proposal would have an impact on landscape character and ecology/biodiversity due to the introduction of a large-scale, linear feature across currently undeveloped countryside. However, the proposal includes a range of mitigation measures achieved through its design, alignment, sensitive management of construction activities, and a comprehensive landscaping scheme which seeks to minimise and remediate these impacts where possible.
- 10.5 The proposals would also have an adverse impact upon the amenities of residents closest to the site due to increased noise from road traffic and temporary construction activities. However, the number of residents adversely affected is relatively small/contained in the context of a strategic highway development, and none are envisaged to experience impacts that would suggest significant adverse effects on health and quality of life may occur. Conversely, in time, the proposal would result in noise and air quality benefits for a greater number of properties from which traffic would be diverted and which are currently subject to elevated noise and air quality impacts.
- 10.6 The proposals include measures to protect and maintain the water

environment both during construction and operation. As a result, the development would not increase flood risk or give rise to unacceptable impacts on the water environment.

- 10.7 On balance, noting the significant overall need for the development in strategic highways terms and its location/purpose in relation to land allocated for strategic residential development, it is considered that the proposed development, would, in time, satisfactorily integrate with the landscape and its surroundings and would not give rise to an unacceptable level of impact upon the environment or local residents. The proposed development would accord with the development plan when read as a whole and there are no other material considerations that would indicate determination other than in accordance with the development plan.
- 10.8 It is **recommended**, therefore, that planning permission be granted subject to the conditions and informatives set out in Appendix 1.

## **Factors taken into account**

### **11. Consultations**

- 11.1 See Sections 7 and 8.

### **12. Resource implications and value for money**

- 12.1 Not applicable.

### **13. Equality and Human Rights Assessment**

- 13.1 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.
- 13.2 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the County Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 13.3 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain

development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

- 13.4 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision-making process as a whole, which includes the right of review by the High Court, complied with Article 6.

#### **14. Risk Management Implications**

- 14.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise. If this is not done, any decision could be susceptible to an application for Judicial Review.

#### **15. Crime and Disorder Reduction Assessment**

- 15.1 There are no implications.

#### **16. Social Value and Sustainability Assessment**

- 16.1 Not applicable.

#### **Michael Elkington**

Head of Planning Services

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#### **Appendices**

- Appendix 1 – Conditions and Informatives
- Appendix 2 – A29 Phase 1 and 2
- Appendix 3 – Site Location Plan
- Appendix 4 – Arun Local Plan Policy Map Extract
- Appendix 5 – Proposed Site Plans
- Appendix 6 – Illustrative Cross Sections
- Appendix 7 – BEW Illustrative Masterplan

#### **Background papers**

See Section 6.

## **Appendix 1: Conditions and Informatives**

### **GENERAL CONDITIONS**

#### **Commencement**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

#### **Approved Plans**

2. The development shall not take place other than in accordance with the approved plans:
  - Site Boundary Plan (Ref. A29-CAP-HPN-00-DR-C-0174 Rev P05);
  - Site Plan Sheet 1 of 5 (Ref. A29-CAP-HPN-00-DR-C-0132 Rev P07);
  - Site Plan Sheet 2 of 5 (Ref. A29-CAP-HPN-00-DR-C-0133 Rev P08);
  - Site Plan Sheet 3 of 5 (Ref. A29-CAP-HPN-00-DR-C-0134 Rev P07);
  - Site Plan Sheet 4 of 5 (Ref. A29-CAP-HPN-00-DR-C-0135 Rev P08);
  - Site Plan Sheet 5 of 5 (Ref. A29-CAP-HPN-00-DR-C-0136 Rev P07);
  - Proposed SSE Substation Layout and Cross Sections (Ref. A29-CAP-HPN-00-DR-C-0235 Rev P02);
  - Plan and Profile Sheet 1 of 4 (Ref. A29-CAP-HPN-00-DR-C-0175 Rev P05);
  - Plan and Profile Sheet 2 of 4 (Ref. A29-CAP-HPN-00-DR-C-0176 Rev P04);
  - Plan and Profile Sheet 3 of 4 (Ref. A29-CAP-HPN-00-DR-C-0177 Rev P04);
  - Plan and Profile Sheet 4 of 4 (Ref. A29-CAP-HPN-00-DR-C-0178 Rev P05);
  - Pond 4 Access Track Plan and Profile (Ref. A29-CAP-HPN-00-DR-C-0243 Rev P02);
  - Cross Sections Sheet 1 of 3 (Ref. A29-CAP-HPN-00-DR-C-0180 Rev P08);
  - Cross Sections Sheet 2 of 3 (Ref. A29-CAP-HPN-00-DR-C-0181 Rev P08);
  - Cross Sections Sheet 3 of 3 (Ref. A29-CAP-HPN-00-DR-C-0182 Rev P09);
  - Fontwell Avenue Roundabout Cross Section Sheet 1 of 2 (Ref. A29-CAP-HPN-00-DR-C-0236 Rev P03);
  - Barnham Road Roundabout Cross Section Sheet 2 of 2 (Ref. A29-CAP-HPN-00-DR-C-0237 Rev P03);

- Site Clearance Layout Sheet 1 of 5 (Ref. A29-CAP-HPN-00-DR-C-246 Rev P01);
- Site Clearance Layout Sheet 2 of 5 (Ref. A29-CAP-HPN-00-DR-C-0247 Rev P01);
- Site Clearance Layout Sheet 3 of 5 (Ref. A29-CAP-HPN-00-DR-C-0248 Rev P01);
- Site Clearance Layout Sheet 4 of 5 (Ref. A29-CAP-HPN-00-DR-C-0249 Rev P01);
- Site Clearance Layout Sheet 5 of 5 (Ref. A29-CAP-HPN-00-DR-C-0250 Rev P01);
- Infiltration Pond 2 (Ref. A29-CAP-HPN-00-DR-D-0240 Rev P02);
- Attenuation Pond 3 (Ref. A29-CAP-HPN-00-DR-D-0241 Rev P02);
- Attenuation Pond 4 (Ref. A29-CAP-HPN-00-DR-D-0242 Rev P02);
- Drainage Strategy Layout (Ref. A29-CAP-HPN-00-DR-C-0047 Rev P11);
- Drainage Strategy (Ref. A29-CAP-HDG-00-AN-D-0052-S3-P05);
- SuDS Management Train (Ref. A29-CAP-HDG-00-AN-D-0058 Rev S3-P04);
- Bus Stop Locations (Ref. A29-CAP-HPN-00-DR-C-0252 Rev P01);
- Proposed Elevations Acoustic Barrier Sheet 1 of 2 (Ref. A29-CAP-HPN-00-DR-C-0183 Rev P06);
- Proposed Elevations Acoustic Barrier Sheet 2 of 2 (Ref. A29-CAP-HPN-00-DR-C-0184 Rev P06);
- Fencing Layout Sheet 1 of 5 (Ref. A29-CAP-HPN-00-DR-C-0258 Rev P01);
- Fencing Layout Sheet 2 of 5 (Ref. A29-CAP-HPN-00-DR-C-0259 Rev P01);
- Fencing Layout Sheet 3 of 5 (Ref. A29-CAP-HPN-00-DR-C-0260 Rev P01);
- Fencing Layout Sheet 4 of 5 (Ref. A29-CAP-HPN-00-DR-C-0261 Rev P01);
- Fencing Layout Sheet 5 of 5 (Ref. A29-CAP-HPN-00-DR-C-0262 Rev P01);
- Steel Single Field Gate (Ref. H17 Rev B – May 04);
- Attachment of Wire Mesh to Fencing (Ref. H46 Rev A – May 01);
- Accommodation Works Wooden Post and 3 Rail Fences (Ref. H15 Rev D – May 04);
- Motorway and Accommodation Works Timber Post and 4 (or 5) Rail Fences (Ref. H3 Rev D – May 04);
- Outline Construction Compound Plan (Ref. A29-CAP-HPN-00-DR-C-0245 Rev P01);
- Proposed Landscape (Ref. A29-CAP-HPN-00-DR-C-0239 Rev P03);

- Landscape Planting and Seeding Layout Plant Schedules (Ref. A29-CAP-HPN-00-DR-L-0251 Rev P02); and

supporting information contained within the Planning Statement (Revised Planning Statement 70079718 V03 dated May 2021), save as varied by the conditions hereafter.

Reason: To secure a satisfactory development in accordance with the details considered in approving it.

## **PRE-COMMENCEMENT CONDITIONS**

### **Construction Environmental Management Plan (CEMP)**

3. No development shall be carried out until an updated Construction Environmental Management Plan – CEMP (in general accordance with the submitted Outline Construction Environmental Management Plan - Ref. 70079718 V04 dated April 2021) has been submitted to and approved in writing by the County Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period.

The CEMP shall address the environmental management of the construction works and describe how construction activities will be managed in accordance with relevant standards and best practice to safeguard the environment and mitigate the effects of construction works. It shall incorporate all Environmental Action/Mitigation and Construction Monitoring measures as set out in Table 5-2 of the Outline Construction Environmental Management Plan (Ref. 70079718 V04 dated April 2021), all identified Secondary Mitigation measures for the CEMP as set out in Table 15-1 of Chapter 15 of the Environmental Statement, and all Species Specific Mitigation as set out in the Outline Ecological Management Plan (Ref. 7006779 dated April 2021).

Further, it shall include, but not be limited to, the following:

- An indicative programme for carrying out of the works;
- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for any foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- The provision of temporary contractors' compounds, including details of their location, use, layout, and any temporary buildings required;
- Hours of working, including permitted times for deliveries;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding;
- Measures to control the emission of dust and dirt during construction;
- A scheme for managing waste resulting from demolition and construction

works i.e. no burning permitted;

- Provision for all works to be carried out under the supervision of an Environmental Clerk of works, Ecological Clerk of Works, Project Arboriculturalist and provide for the appointment of a Public Liaison Officer and specify their respective roles and responsibilities;
- PROW management to include full details of any temporary crossing arrangements and provision reinstatement in consultation with the WSCC PROW team;
- Construction Phase Drainage Strategy;
- Geotechnical Investigations and remediation strategy; and
- Precautionary Method of works (PMoW for Bats/birds/reptiles/invertebrates – protected and notable species.

Reason: To ensure any impact of construction works are, as far as possible, minimised and mitigated in accordance with the submitted Environmental Impact Assessment, in the interests of the amenities and environment of the locality and to avoid the potential for pollution of land/water.

### **Construction Traffic Management Plan (CTMP)**

4. No development shall be carried out until a Construction Traffic Management Plan (CTMP), has been submitted to and approved in writing by the County Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall include, but not be limited to, the following:
  - The anticipated number, frequency and types of vehicles used during construction;
  - The method of access and routing of vehicles during construction;
  - The parking of vehicles by site operatives and visitors;
  - A construction worker travel plan;
  - The storage loading and unloading of plant, materials, and waste;
  - The erection and maintenance of any hoarding/fencing;
  - The provision of on-site facilities, offices etc.;
  - The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders, temporary traffic management, commitment to repair any parts of the highway deemed damaged by contractors vehicles as a consequence of the construction process and street-cleaning facilities); and
  - Details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

### **Ecological Enhancement Measures**

5. No development shall be carried out until an a scheme setting out ecological enhancement measures (including, a badger crossing, bird boxes, bat boxes, and habitat features for small mammals, amphibians and invertebrates) as

specified within the Outline Ecological Management Plan (Ref. 7006779 dated April 2021) has been submitted to and approved in writing by the County Planning Authority. Thereafter the scheme shall be implemented in full, in accordance with a timetable to be submitted as part of the scheme.

Reason: To ensure the delivery of ecological mitigation and enhancements and maximise biodiversity gain.

### **Landscaping Scheme**

6. No development shall be carried out until an updated scheme of landscaping in general accordance with the submitted Proposed Landscape Plan (Ref. A29-CAP-HPN-00-DR-C-0239 Rev P03), Landscape Planting and Seeding Layout Plant Schedules (Ref. A29-CAP-HPN-00-DR-L-0251 Rev P02) and Illustrative Section Plans (Ref. Sheets 1 to 7, A29-WSPLA-CS-001 to 007) has been submitted to and approved by the County Planning Authority.

The updated landscaping scheme shall specify the types, size and species of all trees and shrubs to be planted; soil preparation, measures for biosecurity; details of fencing/enclosure of the planting to ensure its establishment, and phasing/timetable that demonstrate planting will be implemented at the earliest possible opportunity following commencement of the development.

Thereafter the approved scheme of landscaping shall be implemented in full in accordance with the approved timetable. Any trees or shrubs which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard and enhance the amenities and character of the area, to provide ecological, environmental and biodiversity benefits and maximise the quality of open space within the development and to enhance its setting within the immediate locality.

### **Drainage Scheme**

7. No development shall be carried out until a detailed drainage scheme (in general accordance with the approved drainage strategy (Drainage Strategy Layout (Ref. A29-CAP-HPN-00-DR-C-0047 Rev P11); Drainage Strategy (Ref. A29-CAP-HDG-00-AN-D-0052-S3-P05); and SuDS Management Train (Ref. A29-CAP-HDG-00-AN-D-0058 Rev S3-P04)) has been submitted to and approved in writing by the County Planning Authority. In addition to that set out within the approved drainage strategy, it shall include details of all necessary improvements to existing drainage in Barnham Road required to accommodate additional flows arising from the development hereby permitted, and a timetable for their implementation. Thereafter the approved drainage scheme shall be implemented and maintained in full.

Reason: To ensure that the proposed development is satisfactorily drained and ensure that impacts through flooding are not caused.

## **CONTROL OVER DEVELOPMENT CONDITIONS**

### **Archaeology**

8. All development and groundworks hereby permitted shall be carried out and completed in accordance with the submitted Outline Archaeological Mitigation Strategy for Planning Submission and Written Scheme of Investigation for an Archaeological Trial Trench Evaluation (Draft for Planning Submission) (Appendices 13.3 and 13.4 of the submitted Environmental Statement) save for any variation submitted to and approved in advance in writing by the County Planning Authority.

Reason: To safeguard the identification, recording, analysis, reporting, archiving and understanding of heritage assets.

### **Tree Protection**

9. All retained trees, hedges and vegetation as identified in the Arboricultural Report (Ref. 70060779 Version 2 – dated October 2020) shall be retained and protected in accordance with the accompanying Tree Protection Plans (Ref. Appendix G, Sheets 1 -10, A29-WSP-AR-TPP-001 to 010, Rev B) and approved Site Clearance Plans (Ref. Sheets 1 of 5, A29-CAP-HPN-00-DR-C-246 to 250, Rev P01).

All works proximate to retained trees will be carried out accordance with the accompanying Arboricultural Method Statement (Ref. Appendix C, 70060779 Version 2 – dated October 2020), save as for any modification agreed in writing by the County Planning Authority.

Prior to any works being undertaken within a 'Restricted Working Zone' as identified in the approved Site Clearance Plans, a task specific Arboricultural Method Statement specific to the area/s affected shall be submitted to, and approved in writing by, the County Planning Authority. Thereafter all works will be carried out in full accordance with task specific Arboricultural Method Statements.

Reason: To protect existing trees and shrubs in the interests of the visual amenity, landscape and biodiversity of the locality.

### **Previously Unidentified Contamination**

10. If during development contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until a remediation strategy detailing contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority, in consultation with the Environment Agency. Thereafter the approved remediation strategy shall be implemented in full.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources.

## **Acoustic Barrier**

11. Prior to the installation of the acoustic barrier as detailed in the approved plans (Proposed Elevations Acoustic Barrier Sheets 1 and 2 - A29-CAP-HPN-00-DR-C-0183 and 0184 Rev P06) final details of its materials, finish and specifications shall be submitted to and approved in writing by the County Planning Authority. Any submitted specifications shall ensure a barrier of no less than modelled noise attenuation properties. The approved acoustic barrier shall be implemented in full, in advance of the first public use of the road, and thereafter maintained in perpetuity.

Reason: To minimise the visual impact of the development and to provide noise mitigation to protect the amenity of residents.

## **Noise Verification Assessment**

12. Within two months of the first public use of the road, a Noise Verification Assessment to demonstrate that the modelled noise levels or better have been achieved at those properties identified as most likely to be affected by noise in the submitted Environmental Statement, shall be submitted to the County Planning Authority. If the assessment indicates that noise levels are above those modelled, within two months, a scheme of rectification shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the rectification scheme shall be implemented and maintained in full in accordance with a timetable to be set out in the scheme.

Reason: To protect the amenity of residents.

## **Lighting**

13. Prior to the installation of any lighting, an updated lighting and management scheme (in general accordance with the proposals set in Lighting Assessment Report 70060779 dated April 2021 and Outline Lighting Management Scheme 70079718 dated April 2021) shall be submitted to and approved in writing by the County Planning Authority. The Scheme shall be designed in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light (ILP, 2020) or any revision thereto. Thereafter the approved lighting and management scheme shall be implemented, operated and maintained in full.

Reason: To ensure lighting is fit for purpose and to minimise any lighting impacts it the interests of ecology, environment and character of the locality and to protect the amenities nearby residential receptors.

## **Fencing**

14. Prior to the installation of any permanent fencing (excluding the proposed acoustic barrier), final details of its location, materials, finish and specifications shall be submitted to and approved in writing by the County Planning Authority. Thereafter the approved details shall be implemented in full and the fencing maintained in perpetuity.

Reason: To minimise the visual impact of the development in the locality.

## **Infiltration of Surface Water**

15. No drainage systems for the infiltration of surface water to the ground shall be installed until a detailed further assessment of the risks to controlled waters has been submitted to and approved in writing by the County Planning Authority, in consultation with the Environment Agency. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

## **PRIOR TO USE CONDITIONS**

### **Drainage Verification Report**

16. Prior to the first public use of the road, a verification report to confirm that flood risk is being managed in accordance with the approved drainage scheme as required by Condition 7, shall be submitted to the County Planning Authority. If the verification report indicates that the drainage system is not operating as intended, within three months, a scheme of rectification shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the rectification scheme shall be implemented in full in accordance with a timetable to be set out in the scheme.

Reason: To ensure that the proposed development is satisfactorily drained and ensure that impacts through flooding are not caused.

### **Landscape and Ecological Management Plan (LEMP)**

17. Prior to the first public use of the road, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the County Planning Authority. Thereafter the approved LEMP shall be implemented and adhered to in full.

The LEMP shall provide details of the management and maintenance of all retained and created habitats within the application site to maximise their biodiversity benefit.

Building upon all management, maintenance and ecological enhancement measures as specified in the Outline Ecological Management Plan (Ref. 7006779 dated April 2021) and Landscape management and Maintenance Plan (Ref. 70079718 dated April 2021), the LEMP shall include but not be limited to, the following:

- a) A description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence its management;
- c) The aims and objectives of management;
- d) Prescriptions for management actions to achieve the aims/objectives;
- e) Details of initial aftercare and long-term maintenance;

- f) Details of management of lighting (i.e. dimming regime);
- g) Details of ongoing monitoring and remedial measures: how (where monitoring results show that conservation aims and objectives of the LEMP are not being met) contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme;
- h) A work schedule, including a 5 year project register, an annual work plan, and the means by which the plan will be rolled forward annually;
- i) details of facilitation pruning; and
- j) a management and maintenance plan for all planting and ecological mitigation/enhancement.

Reason: To secure the long-term management of habitat and species, and ensure that the scheme delivers the ecological enhancements which make it acceptable and in accordance with paragraph 175 of the NPPF (2019).

### **Interim Reinstatement (Land South of Barnham Road)**

18. Prior to the first public use of the road, a scheme detailing interim reinstatement and maintenance proposals for all land south of Barnham Road marked as 'Temporary Used Land' (Ref. Site Clearance Layout Sheets 4 and 5 (Ref. A29-CAP-HPN-00-DR-C-249 and 250 Rev P01) shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the proposed scheme shall be implemented in full for a period to be specified within the scheme.

Reason: To minimise the visual impact of the development in the locality and ensure land is maintained in a fit state until such time as further development comes forward.

### **INFORMATIVES**

- a) In accordance with paragraph 38 of the National Planning Policy Framework, the County Planning Authority has approached the determination of this application in a positive and creative way, and has worked proactively with the applicant by:
  - Providing pre-application advice;
  - Seeking amendments early on in the application process to see if a sustainable solution can be agreed;
  - Discussing issues of concern as early as possible, including those raised by consultees and third parties;
  - Giving them the opportunity to provide further information/changes to overcome material impacts; and
  - Working with consultees.

As a result, the County Planning Authority has been able to recommend the grant of planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

- b) The granting of any planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact Arun District Council Environmental Health Department on (01903) 737555.
- c) The applicant's attention is drawn to the comments of the Environment Agency (EA) dated 19 November 2020 and 26 May 2021, in particular with regard to; the need for a Floor Risk Activity Permit; Fisheries and Biodiversity; and requirements for any deep infiltration system.
- d) The applicants attention is drawn to the comments of WSCC Public Rights of Way Officers dated 11 November 2020 and 18 May 2021 regarding the need for further consents for any structures proposed on the Public Footpath and any proposed diversion of the footpath (either on a temporary or permanent basis).
- e) Temporary Works Required During Construction - The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
- f) Road Safety Audits - The design has been the subject of a Safety Audit to identify any highway safety risks, with recommendations considered and integrated into the scheme where necessary. If approved, any final detailed design would be subject to further Safety Auditing – both prior and after construction - to ensure it is fit for purpose.
- g) Temporary Developer Signage - The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
- h) Traffic Regulation Order - The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with TROs forming part of the scheme. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.
- i) With regard to Conditions 6 and 17, the applicant's attention is drawn to the comments of the WSCC Landscape Architect dated 4 June 2021, County Arboriculturist dated 2 June 2021, and Arun District Council dated 4 June 2021, which set out recommendations for detailed planting specifications, maintenance & aftercare requirements, and further opportunities/issues to be reviewed to ensure proposed landscaping will maximise the green character of the route, maximise biodiversity gain, increase screening, and minimise any urbanising effects.