From: Jonathan Perks
Sent: 20 November 2015 17:31
To: Dominic Smith; Peter Barnett
Subject: RE: AWDM/0784/14 - Tarmount Hard
Attachments: Taramount Hard f.pdf

Flag Status: Flagged

Dom – thanks for this.

Peter

As was discussed when we met in Worthing, in principle I can support SYC making application to downgrade the status of the existing hard from Restricted Byway to Public Footpath, and simultaneously reducing the legal width of the highway. As you know, Restricted Byways and Public Footpaths, whilst collectively known as public rights of way (together with Public Bridleways and Byways Open to All Traffic), are also public highways as much as the nearby A259 and other roads, albeit the public access right on public rights of way is limited according to the specific path status. Any change in status or reduction in

width must be the subject of a formal legal order process which your Council has the powers to undertake, and it will therefore be for your Council to consider whether the formal legal tests are met. I consider it particularly appropriate that your Council acts as order making authority given the proposal arises from a local planning issue.

My support is, however, conditional on the future width and surfacing being acceptable, also that careful consideration is given to enjoyment of the future path. Whilst many paths are 2.2m wide, I am mindful that a tunnel should not be created and it would be better to create an area relatively open in character so as to limit anti-social behaviour; for these reasons I expect your Council to require any fence being permeable rather than, for example, close board. The plan suggests SYC could make provision up to 3m; I would look more favourably on 3.0m path width being provided as, with all the future works intended within and around the harbour, likely viewpoints will be popular. As to surfacing, I am unaware at this time what is proposed; a year-round usable surface is a minimum requirement, please let me know more in due course. Once

satisfied, I am prepared to withdraw the objection already lodged.

I note the map suggests installation of a bollard south of the A259. The applicant must be advised that this is not permissible until such time the above legal changes are effected, when a separate application (for the bollard) to WSCC as highway authority will be required.

Regards,

Jon Perks
Principal Rights of Way Officer

Jon Perks
Principal Rights of Way Officer
Residents' Services – Countryside Services
West Sussex County Council

Location: 1st Floor, Northleigh, County Hall, Chichester PO19 1RH
Contact: Internal: 26703 | **External:** +44 (0) 3302 226 703 | **E-mail:** jonathan.perks@westsussex.gov.uk

Did you know you can follow West Sussex Highways on Twitter? @WSHighways
We've launched our new website
www.westsussex.gov.uk

From: Dominic Smith
Sent: 20 November 2015 14:55
To: Peter Barnett
Cc: Jonathan Perks
Subject: RE: AWDM/0784/14 - Tarmount Hard

Hello Peter,

Thanks for the plan – since access is limited to pedestrians only via the gate I'm comfortable with this, as it addresses the concerns we had regarding vehicular access to and from the site to the A259.

I've copied Jon Perks in our PROW Team as I understand he has had previous involvement and may like to comment on the plans.

Kind regards,

Dominic

Dominic Smith |Team Manager, County Highways (Development Management), Strategic Planning, West Sussex County Council | Location: Ground Floor, Northleigh, County Hall, Chichester, PO19 1RH Internal: 25711 | External: 0330 222 5711 | E-mail: dominic.smith@westsussex.gov.uk

From: Peter Barnett [mailto:peter.barnett@adur-worthing.gov.uk]
Sent: 20 November 2015 14:22
To: Dominic Smith
Cc: SU Local Development
Subject: Fwd: AWDM/0784/14 - Tarmount Hard

Dominic

I have now received a revised plan from the yacht club (attached) (I don't recall seeing it in October 2014 as suggested by Tim Leigh). Please can I have your comments on it?

Thanks

Peter

Peter Barnett | Principal Planning Officer | Adur & Worthing Councils
01903 221310 | http://www.adur-worthing.gov.uk

---------- Forwarded message ----------
From: **Tim Leigh** <timleigh@atlas.co.uk>
Date: 20 November 2015 at 14:17
Subject: Re: AWDM/0784/14 - Tarmount Hard
To: Peter Barnett <peter.barnett@adur-worthing.gov.uk>
Cc: James Appleton <james.appleton@adur-worthing.gov.uk>

Hi Peter

On 23rd August 2014 I sent you and Dominic the attached email and on 13th October 2014 I followed up with the attached revised plan.

Kind regards,

Tim
Tim Leigh
Email: timleigh@atlas.co.uk
Tel: +44 (0) 7711 018584

From: Peter Barnett <peter.barnett@adur-worthing.gov.uk>
Date: Friday, 20 November 2015 at 13:31
To: Tim Leigh <timleigh@atlas.co.uk>
Cc: James Appleton <james.appleton@adur-worthing.gov.uk>
Subject: Re: AWDM/0784/14 - Tarmount Hard

Tim

I have checked with Dominic Smith at West Sussex who has confirmed that he has not seen or agreed any revised plan. I have not seen any revisions either and I shall be grateful if you would submit this plan as soon as possible so that I can obtain the County Highways view on the amendments.

Thanks

Peter

Peter Barnett | Principal Planning Officer | Adur & Worthing Councils
01903 221310 | http://www.adur-worthing.gov.uk

On 17 November 2015 at 20:00, Tim Leigh <timleigh@atlas.co.uk> wrote:
Dear Peter,

Thank you for your email.

I had a meeting this evening with Terry Kinch and took the opportunity afterwards to show him your email and the requests made by EA.

We have looked back over previous email correspondence with EA, the notes we made of the meeting so many of us attended a year ago in the restaurant and outside, the ecological survey we commissioned and notes of subsequent verbal communications between SYC and EA/ADC.

We are happy that all of these points have been fully discussed, documented and agreed and we would kindly ask EA to go through their own files of this application and satisfy themselves that this is indeed the case.

As has been stated, the Board will not be minded to assist the EA on any matter relating to flood defences on either side of

the river bank until they demonstrate their acquiescence to Tarmount Hard.

Regarding WSCC, we had already agreed, documented and submitted a revised plan showing the removal of vehicular access gates from Tarmount Hard and locating only a pedestrian gate along the fence line somewhere, probably at the southern end. We are happy for you to suggest to us the placement of conditions on the fencing requirements in due course and will erect a fence along the line you have suggested. We do ask that this fence is of a height and construction to deter vandalism and scaling by miscreants. We may consider alternative fencing/walling in areas within our boundary in due course depending on the level of security and privacy afforded once the hard is open again for public use.

The PRoW was a matter you were dealing with and we shall continue to leave this in your capable hands.

I hope this serves to allow you to move forwards to attend to this matter at your December Planning Committee meeting.

Kind regards,

Tim
Tim Leigh
Email: timleigh@atlas.co.uk
Tel: +44 (0) 7711 018584

From: Peter Barnett <peter.barnett@adur-worthing.gov.uk>
Date: Tuesday, 17 November 2015 at 14:08
To: Tim Leigh <timleigh@atlas.co.uk>
Cc: James Appleton <james.appleton@adur-worthing.gov.uk>
Subject: AWDM/0784/14 - Tarmount Hard

Dear Tim

With reference to the above application, I have been advised by the Environment Agency that they require more justification to support your proposal to infill the slipway.

They require the following:

• Justification for the infilling of the hard resulting in the loss of 320m2 intertidal mudflat – e.g wider benefits of reduced flood risk, access etc
• Clarification on how, where and composition of the compensatory habitat that will be provided – in principle it would be acceptable to secure this through a s.106 subject to details being agreed – (this is in hand).
• Flood Risk Assessment identifying how this will tie into the wider proposed flood defences on adjacent sites

A supporting statement/letter should cover this adequately although you may wish to discuss the precise information required with Mark Luker at the EA.

With regard to Highways, we still appear to have an objection from WSCC (Dominic Smith). In his last email of 23 Aug 2014 he advised:

"*My main concern with the vehicular access was movements emerging and heading west would have to 'u' turn onto the A259 and, if pulling a trailer, would be likely to sweep out quite a distance to do so. The fence would obscure emerging vehicles from the view of eastbound drivers. I appreciate that vehicles currently block up Tarmount or reverse out onto the A259, although we would be reluctant to remove one hazard and then replace with another potential hazard.*

I've no issue with a pedestrian gate along the fence line at whichever location is most suitable for you. The removal of the vehicular access does remove the highway aspect of the objection."

Has there any been any subsequent discussion or correspondence that I have not seen that has removed this objection? If not, you should contact Dominic and discuss a way forward. I thought the access was only

going to be used occasionally by larger vehicles?

The submitted plans may need to be amended depending on the outcome of your discussions.

There is still an outstanding objection from the Public Rights of Way Officer but it is understood that the PROW could be extinguished under a separate process as a compelling argument can be out forward to support the proposal in terms of providing an appropriate flood defence for local residents and businesses.

With regard to the type of fencing, we have previously agreed that a mesh fence would be more acceptable than the timber fence shown on your plans as it would offer better security. The final detail of this can be reserved by condition unless you wish to submit a revised plan at this stage.

I shall be grateful if you would attend to the outstanding matters as soon as possible so that the application can finally move forward. We are hoping to be able to report the application to the Planning Committee on 21 December (report will need to have been completed by 9 December).

Please contact me or James if you wish to discuss this further.

Regards

Peter

Peter Barnett | Principal Planning Officer | Adur & Worthing Councils
01903 221310 | http://www.adur-worthing.gov.uk

---------- Forwarded message ----------
From: Dominic Smith <dominic.smith@westsussex.gov.uk>
To: Tim Leigh <timleigh@atlas.co.uk>
Cc: Peter Barnett <Peter.Barnett@adur-worthing.gov.uk>, Laurence Woodhams <Laurence@clearforward.com>
Date: Sat, 23 Aug 2014 21:05:35 +0000
Subject: RE: Tarmount Hard planning application - Sussex Yacht Club, Shoreham by Sea

Good evening Tim,
My apologies for not getting back to you sooner. I had been asked to pick up some urgent work and I'm just trying to clear up the backlog of work as a result – hence working on a Saturday night!
My main concern with the vehicular access was movements emerging and heading west would have to 'u' turn onto the A259 and, if pulling a trailer, would be likely to sweep out quite a distance to do so. The fence would

obscure emerging vehicles from the view of eastbound drivers. I appreciate that vehicles currently block up Tarmount or reverse out onto the A259, although we would be reluctant to remove one hazard and then replace with another potential hazard. I've no issue with a pedestrian gate along the fence line at whichever location is most suitable for you. The removal of the vehicular access does remove the highway aspect of the objection. I understand that my Public Rights Of Way colleague, Jon Perks, is looking into the PROW aspect in more detail and will be providing a more detailed response to Peter Barnett/James Appelton in the coming week.
Kind regards,
Dominic

Dominic Smith | Principal Planner, Strategic Planning, West Sussex County Council | Location: 2nd Floor, Northleigh, County Hall, Chichester, PO19 1RH
Internal: 25711 | External: 0330 222 5711 | E-mail: dominic.smith@westsussex.gov.uk

From: Tim Leigh [mailto:timleigh@atlas.co.uk]
Sent: 15 August 2014 12:49
To: Dominic Smith
Cc: Peter Barnett; Laurence Woodhams
Subject: Re: Tarmount Hard planning

application - Sussex Yacht Club, Shoreham by Sea

Dear Dominic

I am sorry it has not been possible for you to respond to my emails and voicemail messages and am equally sorry if these have caused a nuisance.

I had hoped to meet with you to try and convince you that having the gates on the fence line would in fact improve potential obstruction to the highway. As it has not been possible to meet with you, the Club has agreed to withdraw the gates from the planning application which should then negate your objection to them.

We would still wish to have a pedestrian gate from our yard to the PRoW and can locate this at any point along the fence line to suit.

When convenient, can you please confirm that this withdrawal helps the application.

I am on leave from next week. Please reply all when you respond so that Laurence Woodhams, copied into this email, receives it as well as myself as he will be caring for this matter whilst I am away. I expect to periodically pick up my emails and will respond if required.

Kind regards,

Tim Leigh
Club Secretary
Sussex Yacht Club
Email: timleigh@atlas.co.uk
Email: secretary@sussexyachtclub.org.uk
Website: www.sussexyachtclub.org.uk
Tel: +44 (0) 1273 464868

From: Tim Leigh <timleigh@atlas.co.uk>
Date: Wednesday, 6 August 2014 19:24
To: <dominic.smith@westsussex.gov.uk>
Cc: Peter Barnett <Peter.Barnett@adur-

worthing.gov.uk>
Subject: Tarmount Hard planning application - Sussex Yacht Club, Shoreham by Sea
Dear Dominic,
Peter Barnett has passed me your contact details following a meeting I and a colleague had with him and James Appleton this morning. I have left this afternoon a message on your voicemail which you may or may not have picked up.
I am keen to try and allay your fears and discuss options concerning the points you have raised in WSCC objections to the application and James suggested that a direct liaison between you and I might be the quickest and best way forward.
To this end, might I ask whether you would be available in the next couple of days or next week to meet. On site would be ideal as we can then walk the plan through. If you cannot make this, then I am happy to come to you in Chichester.
I start work at around 0800 and early mornings are always the best for me if this works for you also.
I am sorry to be asking for a meeting so soon but of course your objection has only just come through and we are keen to see movement on the site and resolution one way or another in the next two weeks before the developers of the old Parcelforce site commit to a different plan for their site construction and the one opportunity to make something of this disused right of way, is lost.
Please feel free to email me or contact me on 07711 018584 which will always get me (unless driving).
Kind regards,
Tim Leigh

Club Secretary
Sussex Yacht Club
Email: timleigh@atlas.co.uk
Email: secretary@sussexyachtclub.org.uk
Website: www.sussexyachtclub.org.uk
Tel: +44 (0) 1273 464868

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