

**From:** Simon Davis  
**Sent:** 11 May 2020 13:32  
**To:** Patrick Barry [REDACTED]  
**Subject:** RE: BN/39/20/PL

Hi Patrick,

Thanks for your email. I believe we have everything we need and I will contact you when we get a consultation response that requires a response.

You are right that the NP forms a part of the Development Plan however section 38 (5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". The Local Plan is the more recent plan and therefore I agree that it is right to advertise the application as a departure.

I will ensure that your email is added as a formal submission.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |  
Location: Planning, First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF  
Internal: 37874 | External: +44 (0) 1903 737874 | E-mail: [simon.davis@arun.gov.uk](mailto:simon.davis@arun.gov.uk)  
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Save the environment - think before you print.

**From:** Patrick Barry [REDACTED]  
**Sent:** 11 May 2020 09:54  
**To:** Simon Davis <[Simon.Davis@arun.gov.uk](mailto:Simon.Davis@arun.gov.uk)>  
**Subject:** BN/39/20/PL

Simon,

I hope you are well.

Firstly, I just wanted to ensure that you have everything you need with the submitted application.

Secondly I wanted to set out the applicant's position in relation to the principle of development. The submitted Planning Design and Access Statement references our pre-app discussions where it was agreed that the proposal was in accordance with the Barnham & Eastergate Neighbourhood Plan infill Policy H2. However, I note that the description of development references 'Departure from the Development Plan', which seems at odds with the pre-app position on the basis that the Neighbourhood Plan forms part of the Development Plan.

It was not my intention to focus on the district wide housing land supply (HLS) position given our agreement on compliance with the Neighbourhood Plan as set out above. However, given the description of development and for the avoidance of doubt, I have put on record below the merits of the proposal having regard to HLS.

We note that recent planning appeals confirm that ADC have circa 3 years supply (Ref. APP/C3810/W/19/3236911) and therefore paragraph 11 (d) of the NPPF is engaged.

***d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:***

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or***
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***

***6 The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.***

***7 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.***

It is accepted that criteria d) is met by virtue of the HLS position. As such, it is a case of assessing the proposal against (d)i and (d)ii

(d)i – The site is not a designated area as set out under footnote 7

(d)ii – The application includes an assessment of all relevant impacts, including all environmental impacts as follows:

- Trees – Arb Assessment
- Landscape – LVIA (including pre-app input from the ADC Landscape Officer)
- Highways – TS (including direct pre-app from WSCC)
- Drainage – FRS and Drainage Strategy (including Winter Ground Water Monitoring and pre-app dialogue with ADC Drainage Engineer)
- Ecology – Phase 1 and Water Vole Survey

As such, the proposal will provide much needed housing to meet the current shortfall. It will do so in an undesignated area and in a sustainable location as acknowledged by the ADC pre-application response. All impacts have been fully considered and mitigated through the application, such that planning permission should be granted in accordance with the provisions of Paragraph 11 of the NPPF.

Can you please include this email as a formal submission, forming part of the above-referenced planning application and to be read with the submitted Planning Design and Access Statement.

Kind Regards

**Patrick Barry**  
Director



Ground Floor, Building 1000  
Lakeside North Harbour, Western Road  
Portsmouth, PO6 3EZ

