

## Nicola Spencer

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**From:** Nicola Spencer  
**Sent:** 25 January 2022 18:55  
**To:** [REDACTED]  
**Cc:** Nicola Moore  
**Subject:** RE: Request for further information BR/285/21/PL

Dear Mr Hutchison

Thank you for your article 12 Notice. I note that you have subsequently provided the agreement and legal checking fee to Nicola Moore today, so she will now instruct our legal team to check it.

On reviewing your notice, I have determined that you did not need to submit the signed unilateral agreement in order for the application to be validated. As a result the application will be accepted as valid from 18 January, the date on which the last piece of information required to validate the application was received.

I note the points you have made and we are looking to see how we could update the process in a way which would ensure we receive the signed unilateral agreement in sufficient time to ensure that it has been received and checked and if necessary corrected so that a determination can be issued before the expiry date of the application. We have asked for it at validation so that ideally we have a completed agreement ready to go and if there are issues there is sufficient time for them to be resolved in the life of the application especially where there are multiple signatories and a mortgagee involved.

I appreciate the fact that you have now provided the information and that the legal checking process can be started.

Yours sincerely

**Nicola Spencer**  
Technical Support Manager,  
Planning Services

**T:** 01903 737500 Ext 37446  
**E:** [nicola.spencer@arun.gov.uk](mailto:nicola.spencer@arun.gov.uk)



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

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**From:** [REDACTED]  
**Sent:** 20 January 2022 10:06  
**To:** Nicola Moore <[Nicola.Moore@arun.gov.uk](mailto:Nicola.Moore@arun.gov.uk)>  
**Subject:** RE: Request for further information BR/285/21/PL

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Hi Nicky,

I have asked my client to sign the legal agreement and this will be done shortly. However, in saying this it should not result in the application being held as invalid for the PPG is clear that a planning obligation should not be required as part of a local list for validation purposes (ID: 14-042-20140306). I have had to explain the same to your local authority every time that we present an application within the zone of influence of the Pagham SPA (22 Neville Road, 77 Aldwick Road, 73-75 Aldwick Road etc) and every time to date the application has passed validation with a draft s.106 only. To hold this application as invalid until the legal agreement is completed would be both unnecessary and inconsistent.

The s.106 agreement is only required to bring about the avoidance measures to ensure that there will be no significant effects on the Pagham Harbour SPA at the time of granting planning permission (to comply with reg 70 of the Conservation and Habitat and Species Regs 2017). Consequently, the LPA only has to ensure that it has a s.106 in place before any permission is granted (not validated). The reason that the PPG states that planning obligations should not be a requirement of validation is to ensure that such matters are not pre-determined before any consideration of the application takes place, and because the obligations to be agreed are subject to review and completion during the course of the application. It is also illogical for the applicant to pay the Council's legal fees to review and edit the s.106 where necessary after it has already been completed.

It is on this basis, that neither the payment of the Council's legal fees nor the submission of a completed s.106 agreement, should be used to invalidate the application. To do so would be clearly against the guidance set out by central government in the PPG, and is also unreasonable, disproportionate to the reasons why the s.106 is required, and therefore unnecessary and inexpedient on the basis that the obligations only need to be secured before the grant of permission and not validation.

Please therefore accept this as our **article 12 notice** hereby requesting that the application be validated without the information that you have sought, namely the Council's legal fees and the completed s.106 agreement. I look forward to receiving your response within the statutory time limits please.

Thank you

Kind Regards,

James

James Hutchison MRTPI  
Planning Director

E-Mail:

Tel:

Address: Bizspace, Courtwick Lane, Littlehampton, West Sussex, BN17 7TL

Website:

Facebook:

  
**Corbil**  
ESTATES & PLANNING LTD

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**From:** Nicola Moore <Nicola.Moore@arun.gov.uk>  
**Sent:** 18 January 2022 10:26  
**To:** [REDACTED]  
**Subject:** RE: Request for further information BR/285/21/PL

Good Morning James

With reference to the Draft Agreement (copy attached), thank you for confirming regarding the fee. Please could you provide a signed copy of the agreement for validation.

Kind Regards

Nicky Moore

**Nicky Moore**  
Technical Support Assistant, Planning  
**T:** 01903 737500 ext 37944  
**E:** [nicola.moore@arun.gov.uk](mailto:nicola.moore@arun.gov.uk)



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**From:** [REDACTED]  
**Sent:** 18 January 2022 12:47  
**To:** Nicola Moore <Nicola.Moore@arun.gov.uk>; Planning <Planning@arun.gov.uk>  
**Subject:** RE: Request for further information BR/285/21/PL

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Dear Sir/Madam,

Further to your attached letter received yesterday, please find attached to this e-mail the surface water drainage statement and plan.

We have already corrected the form on the planning portal to reference revision C of the site plan. Please check again.

I have asked my client to pay the Council's legal fee. This should be done shortly.

Please confirm validation on receipt of the above payment.

Thank you

Kind Regards,

James

James Hutchison MRTPI  
Planning Director

E-Mail:

Tel:

Address: Bizspace, Courtwick Lane, Littlehampton, West Sussex, BN17 7TL

Website:

Facebook:

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ESTATES & PLANNING LTD

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**From:** [planning.responses@arun.gov.uk](mailto:planning.responses@arun.gov.uk) <[planning.responses@arun.gov.uk](mailto:planning.responses@arun.gov.uk)>

**Sent:** 17 January 2022 13:43

**To:**

**Subject:** Request for further information BR/285/21/PL

<http://www.arun.gov.uk>

DX 57406 Littlehampton

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