

Nicola Moore

From: [REDACTED]
Sent: 25 January 2022 17:18
To: Nicola Moore
Subject: RE: Request for further information BR/285/21/PL
Attachments: CBL-1020-235-UU 200122 v4.pdf; Make a payment.pdf

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Dear Nicky,

Further to my previous e-mail, please find attached the following documents:

- Completed and signed legal agreement
- Confirmation that our client has paid the Council's legal fees (the payment confirmation states building regs because apparently there was no selection for legal fees)

Please kindly confirm that the application has been validated.

Thank you

Kind Regards,

James

James Hutchison MRTPI
Planning Director

[REDACTED]
Address: Bizspace, Courtwick Lane, Littlehampton, West Sussex, BN17 7TL
Website: www.corbilplanning.co.uk
Facebook: <https://www.facebook.com/CorbilEPLtd>



Registered Company No: 09991331

From: [REDACTED]
Sent: 20 January 2022 10:06
To: 'Nicola Moore' [REDACTED]
Subject: RE: Request for further information BR/285/21/PL

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

[REDACTED]

Address: Bizspace, Courtwick Lane, Littlehampton, West Sussex, BN17 7TL
Website: www.corbilplanning.co.uk
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Corbil 
ESTATES & PLANNING LTD

Registered Company No: 09991331

From: Nicola Moore [REDACTED]
Sent: 19 January 2022 10:36
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



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

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From: [REDACTED]
Sent: 18 January 2022 12:47
To: Nicola Moore [REDACTED]; Planning [REDACTED]
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: www.corbilplanning.co.uk

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Registered Company No: 09991331

From:

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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DX 57406 Littlehampton

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