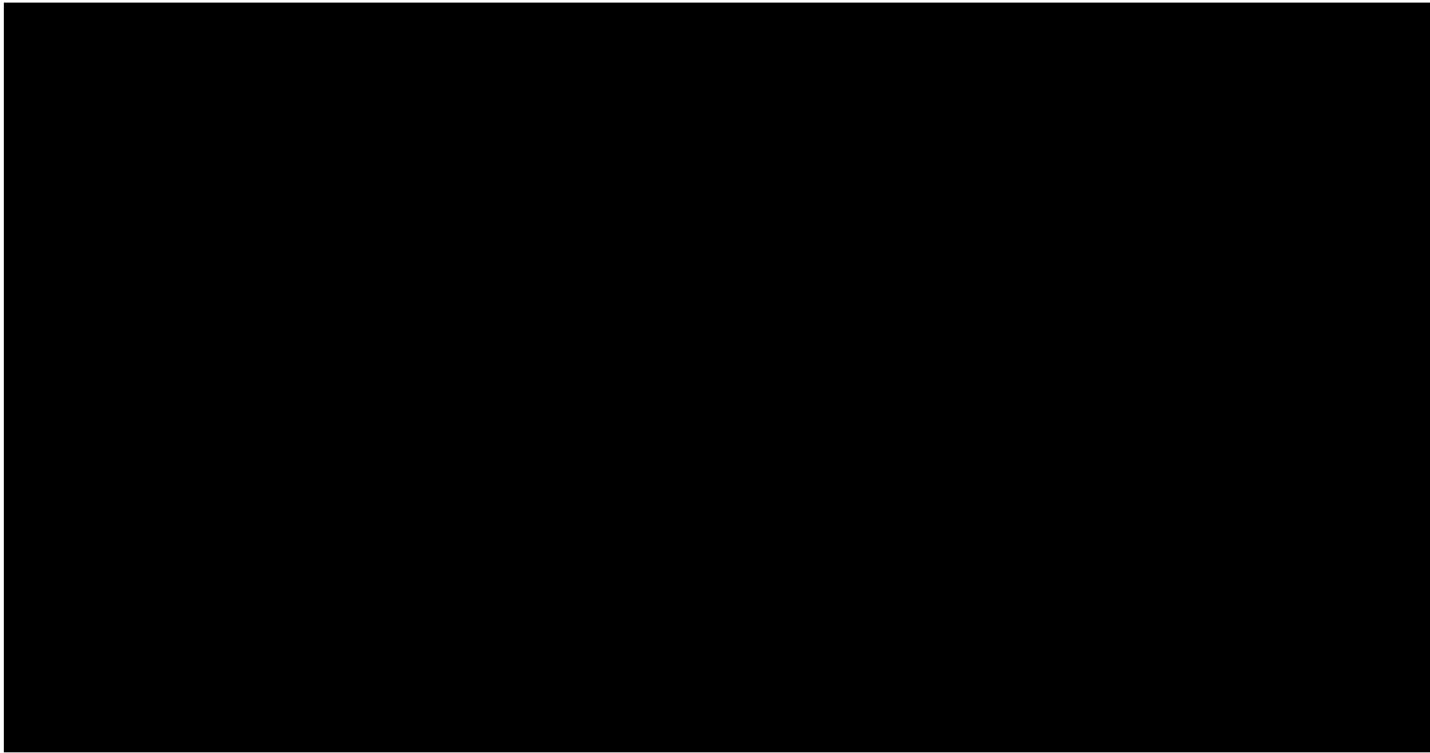




From: Juan Baeza <Juan.Baeza@arun.gov.uk>

Sent: 03 January 2020 12:12

To: 

Cc: Sue Bowley <Sue.Bowley@arun.gov.uk>; Carolyn Nysingh <Carolyn.Nysingh@arun.gov.uk>; Anita Gardner <Anita.Gardner@arun.gov.uk>

Subject: Service Complaint from Ms Louise Alger, 14 Silver Birch Drive, MOS re M/80/19/PL

Dear Ms Alger,

Thank you for your complaint form dated 9th December 2019 concerning the current application at the former Poultry Farm. I will respond to each of your numbered 1) – 7) points as follows:

1) – 2) It is noted that some comment slips from addresses not close to the application site have been published on the web site which were received after the 'no decision before date'. They can be considered before the application is determined and that is why they are published on the web site. The 'no decision before date' has been the deadline for receipt of representations when dealing with applications for the foreseeable past and this application is being dealt with in the same way as every planning application submitted to the Authority in accordance with adopted procedure. The only cut off point for receipt of comments is prior to the formal determination of the application. The advertising period is referred to as the 'no decision before date' which is the date by which comments should be made to ensure they can be considered prior to determination of the application. After that date the application can be determined at any time so there is a risk that any comment made will not be taken into account prior to a decision being made.

The guidance given on our website in relation to making comments on planning applications states 'Most types of planning applications have a 21 day public consultation period, in which members of the public and interested parties can make comments (known as representations) about the application. Comments should be received by the date stated on the site notice.' It does not say they must be received by that date or say it is a 'cut off' date.

The method of submission of a representation and what needs to be included is not defined. They do not need to be dated and standard identical representations can be submitted akin to a petition, but will be recorded separately in the officer report. Comments from immediate neighbours referring to material planning considerations would carry more weight than those from third parties who would not be as closely affected and have little by way of supporting information.

Occasionally representations are bunched together when scanned on the web site and this is clearly stated on our guidance on the web site. The section on making comments on a planning application says 'Please be aware that more than one letter may be batched together'.

I am satisfied that the Council is acting in line with standard procedure when it comes to registering representations from the public and no differently to how it would deal with any other similar application elsewhere. Only by operating in this manner can the Council be seen to be acting impartially and in a transparent way when processing an application.

3) Representations are scanned as soon as possible by a limited number of staff. At times of high volume and when staff resources are limited there is a delay. In uploading representations it ensures that the case officer considers these before the application is determined. Whilst the target time for scanning representations is within 5 days of receipt provided any received prior to the 'no decision before date' are scanned and available to view prior to determination any comments made can still be considered.

4) A Tree Preservation Order is made to protect a tree which is considered to be of significant public visual merit and to be in good health to allow a reasonably long life expectation. An Order does not mean that a tree cannot be removed, but that its loss or any work to it would require careful consideration and a clear justification by way of having to make an application.

A second consultation response from the Tree Officer has recently been received and published on the website which may help to clarify his earlier comments. This shows that the proposal can go ahead without requiring the removal of the protected trees.

5) The Tree Officer's comments were made as soon as he had the time to respond to the consultation. He is the only tree officer at Arun and is responsible for responding to every tree application submitted in the District as well as planning applications. It is not unusual for his comments to be delayed beyond the expiry of the advertising period and it would be necessary to ensure his comments were received prior to a recommendation being made on the application.

Further, the application is current and as a result the Tree Officer's comments have been expanded on, in a second consultation response, which is available to view on the Council's web site.

6) The complaint you made in relation to works to the preserved tree was investigated by the Tree Officer and the Compliance Officer and it was found that no obvious harm had been inflicted on any protected tree and that only ground vegetation clearance/light pruning to abate nuisance was carried out.

7) Any complaints regarding a public Right of Way should be directed to West Sussex County Council who are the Rights of Way Authority. Arun District Council has no jurisdiction over rights of way.

I hope I have adequately addressed your concerns but please get back to me if I can be of further assistance.

Regards

Juan Baeza Area Team Leader – Planning Department, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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Visit Arun's web site at www.arun.gov.uk



Save the environment - think before you print.

COMPLAINT FORM

Your Name:

LOUISE ALGER

Your Address:

14 SILVER BIRCH DRIVE

MIDDLETON ON SEA

BOGNOR REGIS

WEST SUSSEX

Post Code: PO22 6SJ

Your Tel. No:

[REDACTED]

e-Mail Address:

[REDACTED]

What went wrong? (please give as much detail as you can)

Planning Application M/SC/19/PL Tree preservation
TPC/M/1715

1) why were 14 comments of approval accepted by ARX one month after the deadline of 24/10/19. These comments were encouraged by people associated with Franker Estates the applicants, over 5 miles away from the proposed development? The slips have no date, address, minimal comment and were logged on the planning portal individually by ADC on 25/11/19.

What is the point of a 'deadline'? definition of this in the Oxford English dictionary is 'final'. It is understandable if due to admin constraints one or two are logged after the closing date - but one month? - comments please? (There was actually a four week gap)

2) why were meaningful and detailed letters 'lumped' together 5 or more at a time by those directly affected by this proposed development making them very difficult to identify? (I refer to objection letters here)

3) Why were some objection letters by those immediately affected not logged for over 3 weeks? This infact was discovered by chance! We have no way of knowing who sent letters in of objection, which were not put on the portal. This definately happened to my next door neighbours 16 and 18 Silver Birch Drive. (They have proof that they were sent)

4) What is the point of a TPO tree if the TPO status can just be lifted to suit developers needs? Mark Warwick ABC Tree officer has stated that he has 'no objection' to protected trees being chopped to facilitate Frontier Estates Plans. Why would he do this when it goes against all ABC environmental policies? (REF TPO/M/1/15)

5) Why was ABC Tree Report uploaded on the planning portal one month after objections? closed?

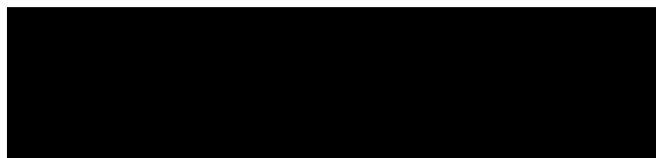
6) A complaint was made by myself on 27/8/19. TPO trees (REF TPO/M/1/15) were 'trimmed' and overhanging branches cut down. ABC compliance department called and visit made. What action has been taken?

7) Why were no notices displayed anywhere to alert the public of intention to sell a public right of way - this is the greens highway?

What do you think the Council should do to put things right?

- 1) Follow their own policies - A TPO tree is a TPO tree!
- 2) Not be influenced by large companies like Franker Estates who have resources to produce many pages of reports - all in their favor! Many of these reports contain misleading and incorrect information designed to influence voting councillors. Permission was granted by ADC in February 2017 when there was never viable access! A more suitable access road must be found if this 'care home' goes ahead. DO NOT AGREE TO THIS ACCESS. Please do a site visit call voting councillors and look at the problems caused on a residential estate.)
- 3) Ref Nigel Lynn letter to Nick Gibb on 24/11/2017 states that "if impact on TPO trees cannot be mitigated permission should be refused!" - what went wrong?

Signed:



Dated:

9/12/19

A copy of this form will be logged in a central register by the Corporate Complaints Administrator. An acknowledgement will be sent within 5 working days, telling you who is dealing with your complaint.

DATA PROTECTION

The information contained in this form will be used by Arun District Council for the purposes indicated and will be further used or transferred to other organisations or individuals, only as the law permits



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West Sussex
BN17 5LF

Tel: 01903 737709
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e-mail: sharon.lilleywhite@arun.gov.uk

12 December 2019

Please ask for:
Sharon Lilleywhite

Ms L Alger
14 Silver Birch Drive
Middleton on Sea
Bognor Regis
West Sussex
PO22 6SJ

Dear Ms Alger,

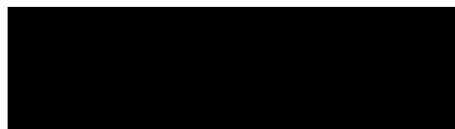
Complaint regarding Planning Application M/80/19/PL

Thank you for your complaint form dated 9 December 2019, received in this office on the same date, concerning the above planning application.

Please be advised that I have passed your form to the Planning Department, with a request that the matters you have raised are investigated. You will receive either an update or a full response within 10 working days, being 3 January 2020. Please note that this date takes account of the Council's Christmas office closure from 4.00 pm on Tuesday 24 December 2019 until 08.45 am on Thursday 2 January 2020.

I hope this assists.

Yours sincerely,



Sharon Lilleywhite
Information Management Team Leader/
Corporate Complaints Administrator

cc: Planning Department