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Save the environment - think before you print.

From: Amy Myer <Amy.Myer@arun.gov.uk>

Sent: 20 July 2020 16:12

To: Planning.Responses <Planning.Responses@arun.gov.uk>

Subject: FW: P/116/19 OUT - Land adjacent to Sefter School House Sefter Road Bognor Regis PO21 3EE

Hi – pls add below email to the case file online as an Objection

Thanks

Amy

From: paul collins [REDACTED]

Sent: 20 July 2020 15:40

To: Amy Myer <Amy.Myer@arun.gov.uk>; Daniel Vick <Daniel.Vick@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>; Karl Roberts <Karl.Roberts@arun.gov.uk>

Subject: RE: P/116/19 OUT - Land adjacent to Sefter School House Sefter Road Bognor Regis PO21 3EE

Dear Ms Myer

Thank you for sending me a read receipt with regard to my e mail below. Please record this as a further representation and bring it and any response you may wish to make to the attention of your members by way of your Update Report for the DCC on 29 July.

Since sending that e mail I have had the opportunity to read your Officers report for the DCC on 29 July 2020 (published on 17 July 2020) and given our correspondence to date I am surprised to note that you are

recommending that the application be approved conditionally given the clear, unequivocal and acknowledged conflict between the principle of developing this site as proposed and a whole raft of development plan policies and some in the emerging NP.

Your report states that this recommendation results from the Councils inability to demonstrate a 5 year land supply and the resulting application of the Presumption in favour of sustainable development at paragraph 11 of the NPPF 2019 but with all due respect it is clear from the file and your report that you have reached this conclusion and recommendation on the basis of a flawed assessment of the submitted application and, once again with all due respect, misunderstandings and misrepresentations of relevant DP policies and statutory consultee responses and without due regard to the law.

I also note that in the report you refer to a recent appeal decision which established that the Council could only demonstrate a 2.99 year HLS seemingly by way of support for your view that the 5YHLS Shortfall and the PIF trumps the acknowledged in principle conflict with ALP 2018 and emerging NP policies relating to the BUA and Countryside protection. I agree that Appeal decisions relating to similar sites with similar issues can be material considerations and therefore attach the appeal decision to which I think you refer. What your report does not tell members or the public is the fact that the appeal application was refused on the recommendation of officers for 2 reasons and that the second reason was because the proposal for housing was in principle unacceptable because the site lay outside the bua and in the countryside contrary to the same relevant ALP 2018 and emerging NP Policies that are applicable here and that despite the Inspector finding that the 5YHLS was 2.99 years and (not 5.3 years as claimed by ADC Officers when determined) and that the PIF was engaged and that none of the areas or assets set out in footnote 6 to the PIF would be affected by the proposal the appeal was dismissed for the reasons set out in paragraphs 64 – 69 of the decision which reflected RR 2 cited by Officers because of the weight that he as the decision maker chose to give to those material considerations. The decision has not been challenged to my knowledge?

In the case of the subject application the site lies outside of a defined bua and in the countryside and is contrary to the relevant policies in both the ALP 2018 and the emerging NP prepared in conformity with same and unlike the appeal decision case areas or assets set out in footnote 6 to the PIF (habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest (see NPPF Paragraph 177) and an area at risk of flooding or coastal change) would be affected by the proposal so despite the significant 5yhls shortfall and notwithstanding the criticisms I will make of your report, I find it impossible to understand why Officers are recommending approval in this case but very easy to understand why Members should reject such a recommendation and refuse the application as a matter of principle in a manner that would be easy to successfully defend at appeal (with no risk of a costs award) should such a need arise.

I am registered to speak at the DCC on 29 July 2020 and will do so by way of my preference for a written submission to be read to members but because of the criticisms of the officers approach in this case and your published report that it will be forced to publically make I will be sending this to you in advance of the meeting under separate cover so that you and the responsible managers can be given a heads up opportunity to read my submission and can either consider preparing a proper response for the DCC or withdrawing the report before the DCC. If you decide on the latter perhaps you could let me know before close of play on 23 July 2020 so that I can avoid wasting my time and that of the DCC in having to prepare and make that submission.

This is one where Members and ADC Officers could for once be speaking with one voice to the same effect and I commend such an approach to you not least because I am sure that PPC and residents would metaphorically carry you shoulder high through the streets if you did.

Thanks

Paul Collins BA (Hons) DipTP

From: paul collins

Sent: Friday, July 17, 2020 12:31 PM

To: 'Amy Myer' <Amy.Myer@arun.gov.uk>; 'Daniel Vick' <Daniel.Vick@arun.gov.uk>; 'Neil Crowther' <Neil.Crowther@arun.gov.uk>

Subject: P/116/19 OUT - Land adjacent to Sefter School House Sefter Road Bognor Regis PO21 3EE

Dear Ms Myer

Please add the following to the Pagham Parish Councils representations regarding this application and include same in your report to the DCC and place this representation on your file.

Given the Applicants Land Contamination report and soil reports shared with Arun District Council and the public in July 2020 and the fact that this site is heavily contaminated due to previous unauthorised uses and the site is already draining contaminated surface water into existing water courses which in turn drain into the Pagham Harbour RAMSAR, Pagham Parish Council requests that Arun District Council liaise with WSCC as the Lead Local Flood Authority, Natural England, The Environment Agency and SWS Ltd with a view to exercising their relevant powers so as to require that the landowner decontaminate the site, improve the existing land drainage ditches and safeguard water quality in the Pagham Harbour RAMSAR (in accordance with ALP 2018 Policies ENV SP1 Natural Environment, ENV DM2 Pagham Harbour, W SP1 Water, W DM1 Water supply and quality, W DM2 Flood risk, W DM3 Sustainable Urban Drainage Systems, QE SP1 Quality of the environment and QE DM4 Contaminated land) before granting any planning permission for the redevelopment of the site contrary to the development plan.

In this regard Pagham Parish Council takes this opportunity to remind ADC that Conditions requiring compliance with other regulatory requirements (eg Building Regulations, Environmental Protection Act) may not be used and that Grampian conditions (ie those prohibiting development authorised by the planning permission or other aspects linked to the planning permission from taking place until a specified action has been taken should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission and that in such circumstances and where such matters are fundamental to the principle of developing the site the right and proper course of action is to refuse the permission sought until the subject issue that prevents development has been resolved. You are also reminded that whilst it is reasonable for statutory consultees and other third parties to suggest conditions to make a development acceptable in planning terms, the decision as to whether it would be appropriate to impose such a condition rests with the decision maker (i.e in this case ADC - See PPG Use of planning conditions ID: 21a-001-20140306 and NPPF 2019 Decision-making Paragraphs 38 to 58)

Thanks

Paul Collins BA (Hons) DipTP