



Pls add to the file and label as Objection

Thanks
Amy



Dear All

I note that this application remains undetermined, the applicant has not appealed against the Council's failure to determine the application within the specified period (which expired on 1/8/20) and that my e mails below and since have received no reply.

As you are aware it is my view that this application should be refused under delegated powers for the following reasons:

- 1. The site lies outside of any defined built up area and in the defined countryside so that its development with the housing proposed would as a matter of principle be in direct conflict with Arun Local Plan 2018 Policies SD SP2 Built-up Area Boundary and Policy C SP1 Countryside*
- 2. The applicant claims that their proposal benefits from the presumption in favour of sustainable development at Framework paragraph 11 but having applied the approach set out in the Framework it is considered that the site is unsustainably located so that its development with housing would not represent sustainable development in transport terms, that the application of policies in the Framework relating to habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest and areas at risk of flooding or coastal change that protect areas or assets of particular importance provide a clear reason for refusing the development proposed and that the adverse impacts of a grant of permission in this case would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*

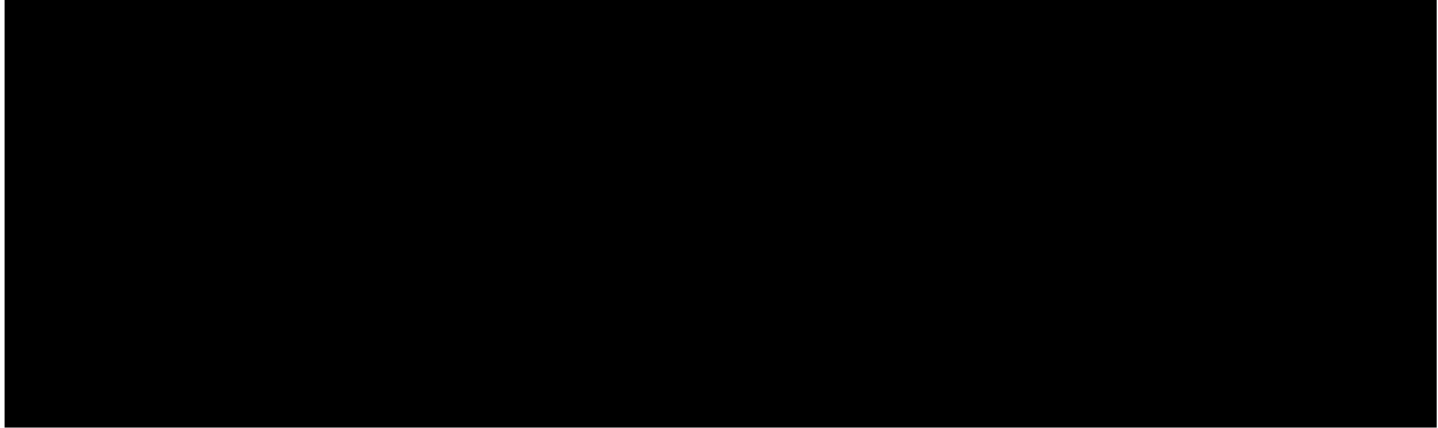
And for what it is worth I consider that such a refusal would be easily and successfully defended at appeal if necessary.

I have also highlighted the fact the landowner (based on the evidence provided by his agent in support of the application) has carried out unauthorised operational development on the site involving the stripping of Top soil across the whole site to the depth of the contaminated land level thereby rendering the site unusable for its lawful agricultural use, increasing the likelihood of surface water runoff with an increased likelihood of causing off site pluvial flood risk and the increased likelihood of contaminates entering nearby water courses with all the adverse impacts for wildlife and water quality that implies.

Therefore PPC has formally requested (and does so again now) that this breach of planning control is formally investigated and that consideration is given to the service of a Enforcement Notice requiring the decontamination of the site and the replacement of the top soil to a depth of that previously removed so that the site may be brought back into lawful agricultural use, the increased risk of pluvial flooding nullified and the increased risk of contamination removed.

Once again I invite you to advise as to your intentions in these regards.

Thank you



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

