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Sent: 29 May 2021 15:07
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[REDACTED]

Subject: P/132/20/RES - Land north of Hook Lane Pagham-

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Dear All

The facts are:

- The OPP granted under P/30/19 OUT was granted on the advice of ADC Officers contrary to relevant development plan policies applicable at that date
- This Reserved Matters application for 300 houses does not accord with the OPP and its related conditions and S106 Agreement granted and the relevant development plan policies in a number of key respects
- The application falls to be determined in accordance with S38(6) of the Act and it is a legal fact that all relevant development plan policies including those of most importance are out of date and under review so that the Presumption in favour of sustainable development at Framework Paragraph 11)d) is engaged and this states:

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date 7 , granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed 6 ; or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Footnote 7 makes it clear that This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73) and footnote 6 makes it clear that The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63 in chapter 16); and areas at risk of flooding or coastal change.

- The Council is unable to demonstrate a 5 year land supply but there are no benefits whatsoever accruing from a grant of permission in this case because all the available evidence demonstrates that even if the reserved matters application were approved this site would not deliver any housing at all over the next 5 years.
- Framework policies relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63 in chapter 16); and areas at risk of flooding or coastal change do provide clear reasons for refusing the development proposed and
- the adverse impacts of granting the application would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- There is a Local Petition circulating with 3000+ signatures that calls for ADC Members to consider and debate the revocation or modification of the OPP on which this Reserved matters application depends but Officers are currently doing all that they can to prevent those matters being debated by Members before they have the opportunity to get this reserved matters application approved

Members and Officers will also be aware of the Government's intention to reform the Planning system and the Parliamentary Petition highlighted and circulated by Councillor June Hamilton and that such matters have resonance in this case and may also amount to material considerations in this case.

Given the above facts it seems to me that this application may not lawfully be approved so that if Officers choose to advise their members and the public that this application should be approved I can only assume that they are doing so ineptly, disingenuously and/or dishonestly and I advise members accordingly so that if members do decide in due course to approve this application they will be doing so knowing that they are doing so on the basis of inept, disingenuous and/or dishonest advice from their Officers.

For my part I urge Officers and/or members to refuse this application at the earliest opportunity so that if the site promoters and their advisors are so sure of their case as they seem to be they can be given the opportunity to have that case tried and tested independently through the appeal process.

Please place this e mail on the file as my representation in respect of this application and please make sure that it is reported and taken into account by Members when and if the application is (eventually) reported to them for decision. Please also note that I give all recipients my permission to circulate this e mail to whomever they wish.

Thank you

Paul Collins BA (Hons) DipTP

