

[REDACTED]

From: paul collins [REDACTED]
Sent: 24 July 2019 19:12
To: Karl Roberts <Karl.Roberts@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>; David Easton <David.Easton@arun.gov.uk>; Claire Potts <Claire.Potts@arun.gov.uk>; Carrie O'Connor <Carrie.OConnor@arun.gov.uk>; Donna Moles <Donna.Moles@arun.gov.uk>
Cc: Cllr. Jamie Bennett [REDACTED]; Cllr. Martin Lury [REDACTED] Cllr. David Huntley [REDACTED]; Cllr. June Hamilton [REDACTED]; Cllr. Gill Yeates [REDACTED]; Cllr. Mike Northeast [REDACTED] Cllr. Isabel Thurston [REDACTED]; Cllr. Billy Blanchard-Cooper [REDACTED] [REDACTED]; Cllr. Richard Bower [REDACTED] Cllr. Elaine Stainton [REDACTED] Cllr. Jacky Pendleton [REDACTED]; Cllr. Colin Oliver-Redgate [REDACTED]; Cllr. John Charles [REDACTED] Cllr. Hugh Coster [REDACTED] Cllr. Tony Dixon [REDACTED] Cllr. James Walsh [REDACTED]
Subject: P/134/16 OUT, P/25/17 OUT,, P/30/19 OUT and DCC on 7/8/19

Dear All

I make no apology for the length of this e mail as its length is necessary so as to properly reflect the following further representations of Pagham Parish Council and in their view you are likely to be better and more correctly informed and more able to take an appropriate decision on any of the matters to which it relates than you would be if reading the Officer Reports alone. I also make no apology for circulating this e mail direct to members as Officers have an unfortunate habit of ignoring my e mails and/or misrepresenting or failing to report them.

PAGHAM DEVELOPMENT MANAGEMENT PLAN 2019 – 2026

The comments made by Officers throughout the agenda reports have been seen by PPC for the first time today and they are factually and legally incorrect and also irrelevant to the determination of P/30/19 OUT.

The Plan has been published by Pagham Parish Council in accordance with the legal requirements set out in Reg 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) and in accordance with those

requirements a copy has been provided to Arun District Council with the invitation for ADC to make comments to Pagham Parish Council by the due date which is 31ST August 2019.

In due course Pagham Parish Council will consider any representations made by all parties (including any made by ADC Officers) as a result of the current Reg14 consultation and will then submit the plan together with those representations to ADC with the request that ADC then carry out their statutory responsibilities in that regard which are; "Where the draft neighbourhood plan or Order submitted to a local planning authority meets the requirements in the legislation, the local planning authority must publicise the neighbourhood plan or Order for a minimum of 6 weeks, invite representations, notify any consultation body referred to in the consultation statement and send the draft neighbourhood plan or Order to independent examination (see regulations 16, 17, 23 and 24 of the Neighbourhood Planning (General) Regulations 2012 (as amended)". NPPG Paragraph: 054 Reference ID: 41-054-20140306

Pagham Parish Council has not and does not claim that the Draft NP published under Reg 14 is a material consideration of any weight in the determination of P/30/19 OUT at this date as it obviously is not but it may become a material consideration of considerable weight at the appeal in respect P/6/17 OUT if and when this is actually heard at Inquiry on 22 October 2019.

Any decisions made by ADC in respect of Neighbourhood Plans are matters for the Council's Executive except where delegated to the planning Policy Sub Committee and not Officers or the regulatory DCC.

In a nutshell Officers assertions and comments are that the Draft NP conflicts with the basic conditions relating to compliance with Strategic Policies in the Local Plan and the NPPF but these are assessments and judgements for the Examiner to make if and when the Plan is examined as part of any examination of the Plan and not Officers, DCC or for that matter ADC at this stage of the proceedings. Furthermore the ADC decision as to whether or not the Plan should be put to examination when submitted for this purpose is a matter determined by whether or not the plan meets the legal requirements in the legislation regarding its preparation (which it does) and not Officer's unsubstantiated opinions regarding its contents.

That is the legal process and flawed or not and however inconvenient PPC is following it and also has a reasonable expectation that ADC will follow it too in the true spirit of Localism. Based on their comments to date Officers need to be reminded of the following;

"Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use. Communities may decide that they could achieve the outcomes they want to see through other planning routes, such as incorporating their proposals for the neighbourhood into the local plan, or through other planning mechanisms such as Local Development Orders and supplementary planning documents or through pre-application consultation on development proposals. Communities and local planning authorities should discuss the different choices communities have to achieving their ambitions for their neighbourhood" NPPG Paragraph: 002 Reference ID: 41-002-20190509.

Previously considered application P/134/16/OUT, Land north of Sefter Road & 80 Rose Green Road, Pagham

The facts set out in the report are incorrect. The correct facts are ;

- The application was presented to a meeting of the DCC on 24 October 2018 but was actually considered by a RECONVENED SPECIAL MEETING OF THE DEVELOPMENT CONTROL COMMITTEE on 13 November 2018 due to the fact that the then Chairman of the Committee had suspended the 24 October 2018 meeting and stated it would be reconvened to a later date.
- At the reconvened meeting of the Development Control Committee on 13 November 2018 the Committee resolved 9based on an officer report prepared in October2018 the Committee resolved to;
RESOLVED - That
(1) the application be approved as detailed in the report and update report; and
(2) authority be delegated to the Group Head of Planning, in

- consultation with the Chairman and Vice-Chairman, to allow for
- minor amendments to be made to the Heads of Terms.
- The recommendation in the report was APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT
- The S106 has not been signed, the decision has not been issued and Pagham Parish Council has no idea as to any amendments that have or have not been discussed between officers and the signatories or whether or not these can be considered minor or not or whether or not these have been agreed with the chairman and vice chairman as officers have point blank refused to discuss the matter or put such information on the web site.
- In accordance with relevant case law Pagham Parish Council has repeatedly asked that the application and any draft S106 be returned to the DCC so that they may reconsider the application before issuing a decision in the light of all relevant material considerations that have arisen since the Officers report was written in October 2018 and the DCC considered the matter in November 2018 and could make a lawful decision but Officers have steadfastly refused to confirm whether or not they would meet that request.

The agenda report is factually incorrect, does not address all relevant material considerations makes no recommendation to members and does not meet or report Pagham Parish Council's representations. Therefore PPC requests that members defer any consideration of the report at the meeting without comment until such time as Officers can prepare and present a report for their consideration with a recommendation that does.

Previously considered application P/25/17/OUT Church Barton, Horns Lane, Pagham PO21 4NZ

This application was considered by the DCC at its meeting in 23 January 2019 when they resolved that;
RESOLVED - That

(1) delegated authority be granted to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman to grant planning permission with conditions and informatives as detailed in the report and officer report update after the expiration of the 21 days Parish notification period and subject to the completion of the S106 Agreement; and

(2) authority be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman to make amendments to the S106 agreement which are substantially in accordance with the Heads of Terms. The S106 has not been signed, the decision has not been issued and Pagham Parish Council has no idea as to any amendments that have or have not been discussed between officers and the signatories or whether or not these can be considered minor or not or whether or not these have been agreed with the chairman and vice chairman as officers have point blank refused to discuss the matter or put such information on the web site.

In accordance with relevant case law Pagham Parish Council has repeatedly asked that the application and any draft S106 be returned to the DCC so that they may reconsider the application before issuing a decision in the light of all relevant material considerations that have arisen since the Officers report was written in January 2019 and the DCC considered the matter in January 2019 and could make a lawful decision but Officers have steadfastly refused to confirm whether or not they would meet that request and this report is seen for the first time today.

The agenda report is factually incorrect, does not address all relevant material considerations makes no recommendation to members and does not meet or report Pagham Parish Council's representations. Therefore PPC requests that members defer any consideration of the report at the meeting without comment until such time as Officers can prepare and present a report for their consideration with a recommendation that does.

P/30/19/OUT Land North of Hook Lane Pagham

This application is a resubmission of P/6/17 OUT which was considered at the DCC meeting on 23 January 2019 with an officers recommendation which read Approve conditionally subject to a S106 Agreement. Members should read the minutes of that meeting for a correct version of what the committee did and did not support or approve. However, members did vote on the officers recommendations regarding the development proposed, the S106 Heads of terms and conditions and rejected same before resolving to refuse the OPP sought for the following single reason suggested by the Group Head of Planning "The increased vehicle movements generated by the application

will exacerbate the capacity issues on the local highway network and the mitigation measures proposed are insufficient to overcome the safety concerns resulting from the additional vehicle movements contrary to policy TSP1 of the Arun Local Plan.”

Pagham Parish Council has read the minutes of the meeting and the members debate recorded and the single reason for refusal suggested by the Group Head of Planning at that meeting does not in any way reflect the debate that had taken place and/or any of the representation made by Pagham Parish Council including suggested reasons for refusal. Therefore it seems to have been contrived to make his prophecy that “the grounds for refusal were exceptionally weak and was extremely concerned with the potential for the applicant going to appeal and significant costs being awarded against the Council” a self-fulfilling one.

The applicant lodged an appeal against that decision on 20-02-19 and the appeal papers include a Skeleton application for a costs award against ADC on the basis of the appellant considers to be an unreasonable refusal reason.

ADC Officers and the Appellant have indicated that they intend to defend/prosecute the appeal on the basis of the single refusal reason only. Pagham Parish Council has formally requested to be a party to the appeal and has indicated that it intends to prepare and present evidence on the basis of that OPP should be withheld for 5 reasons related to conflict with development plan policy. The appeal is to be heard at an Inquiry currently scheduled for 4/5 days on 22 October 2019 and in accordance with the law, relevant planning practice guidance and PINS Procedural guidance the Inspector will make the decision under the circumstances existing at the time he or she makes it. The Inspector will therefore take account of:

- the material submitted to the local planning authority;
- all the appeal documents;
- any relevant legislation and policies, including changes to legislation, any new Government policy or guidance and any new or emerging development plan policies since the local planning authority’s decision was issued;
- any other matters that are material to the appeal rather than the single refusal issued alone and it is already becoming clear that such matters combine to support the reason that will be argued by Pagham PC..

The decision notice dated 24 January 2019 in respect of P/6/17 OUT includes a statement that does not appear on any other standard decision notice which states “Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant” There is no record of any such discussion or communication on the file but the submission of P/30/19 OUT was effectively invited by Officers without any approval from the DCC and was submitted on 20/3/19 with the clear intent of securing approval so that the appeal could then be withdrawn.

The Officers report on the agenda include the now regrettably all too familiar raft of inaccuracies, assertions, and misrepresentations relating to important material matters ending with a recommendation that is essentially the same as that made with regard to P/6/17 OUT and was rejected by members previously. Therefore even if it was now accepted/endorsed by members none of the parties to the appeal would be any further forward and even if OPP was eventually issued pursuant to a DCC decision to accept that recommendation and the appeal was withdrawn, ADC would still be facing a successful award of costs against them by the appellant as if the local planning authority grants planning permission on an identical application where the evidence base is unchanged and the scheme has not been amended in any way, they run the risk of a full award of costs for an abortive appeal which is subsequently withdrawn. In such circumstances Pagham Parish Council as a party to the appeal may also consider making such an application as they are also incurring costs in pursuing the appeal.

The DCC is entitled to reject the Officers advice and recommendations relating to this application and refuse the OPP sought as they previously did and Pagham Parish Council has set out 5 clear arguable planning reasons for refusal and they urge you to have the good sense to refuse the application for those reasons.

For my part and for what it is worth, I have long since given up trying to make any sense of the mess that ADC has got itself into and will simply fulfil my contractual obligations to Pagham Parish Council and the Inspector at this appeal in preparing and submitting my independent expert Planning Evidence in defence of their case in accordance with the current bespoke timetable unless the appeal is withdrawn beforehand.



RTPI

Chartered Town Planner