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From: paul collins [redacted]
Sent: 04 May 2021 14:28
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Subject: P/64/21/NMA - Land To North of Summer Lane Pagham PO21 4NG

Dear All

Yet another application, yet more legal nonsense and yet more confusion and mismanagement relating to this site.

The relevant Planning practice guidance is at **How can a proposal that has planning permission be amended?** and **Making a non-material amendment to a planning permission which read as follows:**

How can a proposal that has planning permission be amended?

When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements.

New issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted. Where less substantial changes are proposed, there are the following options for amending a proposal that has planning permission:

Making a non-material amendment
Amending the conditions attached to the planning permission, including seeking to make minor material amendments
Paragraph: 001 Reference ID: 17a-001-20140306

Making a non-material amendment to a planning permission

There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning

authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990. **Paragraph: 002 Reference ID: 17a-002-20140306**

S96a of the Act (as amended) ***Power to make non-material changes to planning permission or permission in principle states:***
(1) A local planning authority may make a change to any planning permission or any permission in principle (granted following an application to the authority),] relating to land in their area if they are satisfied that the change is not material.
(2) In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission or permission in principle] as originally granted.
(3) The power conferred by subsection (1) includes power o make a change to a planning permission] —
(a)to impose new conditions;
(b) to remove or alter existing conditions.
(4)The power conferred by subsection (1) may be exercised only on an application made by or on behalf of a person with an interest in the land to which the planning permission or permission in principle relates.

The submitted application is described as being a ***Non-material amendment following the grant of P/70/19/RES for the introduction of a slip/access road to the substation within the eastern parcel and the omission of the substation previously indicated in the western parcel*** and the submitted application forms state that the application is made under S96a and is supported by one plan which does not show what is proposed.

P/70/19 RES is not a planning permission or a permission granted in principle as it is a reserved matters approval so that the submitted application cannot be accepted or determined by ADC under S96a as to do so is and would be an ultra vires act.

Notwithstanding this somewhat fundamental point the application also falls foul of subsection 2 in that the applicant has provided insufficient information to enable ADC to decide whether or not the changes proposed are material as the effect of the changes, together with any previous changes made under the section, on the only planning permission originally granted are not explained or understood.

Therefore if the applicant intends to make yet more changes to the only planning permission and its conditions that does exist for this site they should do so by way a fresh application for planning permission (part retrospective) in respect of the whole site.

Yet another reason why the manner in which this development is being allowed to proceed by ADC Officers acting under delegated powers should be the subject of a report to the Councils Planning Committee so that members may properly consider what action can be and should be taken by ADC in order to properly control and manage this development in the public interest and the amenities of the locality generally and the interests of safeguarding the residential amenities and property rights of local residents in particular and once again (since Officers are refusing to allow the Planning Committee to consider the matter) my clients will write and ask that the ADC Ward Members and Pagham Parish Council write to ADC Officers and request that they put a report to the Planning Committee (either by way of a scheduled meeting or by way of a special meeting) at the earliest opportunity. As you are all aware the precedent for such a special meeting to be arranged has already been set by way of the special meeting arranged by Officers for 18 May 2021 at the request of Members and what is good for Littlehampton should also be good for Pagham.

In the meantime I am instructed to prepare an independent report on behalf of local residents which meets these requirements and this will be circulated to all recipients of this e mail later this week.

Please place this e mail on the file as an objection.

Thank you

Paul Collins BA (Hons) DipTP
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