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From: paul collins [REDACTED]
Sent: 23 July 2020 15:18
To: Simon Davis <Simon.Davis@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>; Karl Roberts <Karl.Roberts@arun.gov.uk>

[REDACTED]

Subject: P/68/20/NMA - Land To North And South Of Summer Lane Pagham PO21 4NG

Mr Davis

The procedural and legal gibberish and the resulting nightmare continues despite the litany of e mails and complaints made by residents and Pagham Parish Council which officers simply refuse to properly address or answer and remain unresolved.

Despite my repeated (but ignored) suggestions as to how officers might lawfully resolve all the issues raised you plough on largely it seems to me in total ignorance and disregard for the relevant planning legislation and oblivious to the increasingly evident tactics of the developer in this case.

I point out (yet again) why ADC is acting ultra vires and invite Officers to start acting lawfully and properly so as to effectively secure the implementation of the only Planning permission on the site which is that granted under ADC Ref: P/58/15 OUT.

This latest application is described as being for *Non-material amendment following grant of reference P/70/19/RES to change the Public Open Space lighting from mains fed lighting columns / bollards to solar powered lighting columns / bollards* and is made under S96A of the Act. (Power to make non-material changes to planning permission)

S96A states that *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. And The power conferred by subsection (1) includes power to make a change to a planning permission] —(a)to impose new conditions; (b)to remove or alter existing conditions.*

P/70/19 RES is a reserved matters approval and is not as a matter of basic planning law a planning permission or a permission in principle so that there is no legal authority for the LPA to deal with the application submitted so that to do so is an ultra vires act.

As I have said this matters because with every application made by the developer, considered and determined ultra vires by officers you get further and further away from any ability to lawfully enforce the terms and conditions of the only planning permission on the site and its related S106 Agreements which is probably exactly what the developer wants to achieve as they, I am sure, will know exactly what they can and cannot do legally so as to get around obstacles to achieving exactly what they want to achieve which is to develop the site in the most cost effective and profit efficient manner possible even if this is contrary to the wishes of ADC, Pagham Parish Council or the communities they represent.

Please get some reliable legal advice and start doing your job properly as this is now becoming farcical and it is becoming tedious and tiresome for me to have to continuously wet nurse seemingly naive Planning officers as to the loophole finding strategies of the profit driven commercial development world.

Paul Collins BA (Hons) DipTP

