

[REDACTED]

From: [REDACTED]
Sent: 22 January 2019 13:08
To: Neil Crowther
Cc: Karl Roberts; David Easton; Planning.Responses; Cllr. Dawn Hall; Cllr. Ashvin Patel; Nicola Spencer
Subject: RE: P/6/17/OUT - Land North of Hook Lane Pagham

Mr Crowther

The access to the development was changed from two to one after submission and there are 8 plans (of unknown status) relating to the proposed access on your web site. Based on dates 4 of these plans appear to relate to alterations made to the proposed access arrangements after the application was first notified to Pagham Parish Council back in January 2017 and have not been notified to PPC since. Recommended Condition 3 refers to two of these plans and the Condition now recommended in your update report seeks to reserve details of aspects of the access arrangements as shown on these plans for later approval (in direct conflict with NPPG Paragraph: 005 Reference ID: 21a-005-20140306) in any case. Also I can see no WSCC LHA response on your web file which specifically refers to these later changes to these access arrangements or the condition now recommended.

Frankly PPC and I are, therefore, confused about the access arrangements that you are recommending that your members approve and/or the statutory consultees position pertaining to same and I suspect that your members will not be able to understand your recommendations in this regard either.

My comments are based on legal advice I have received whereas it appears yours are not and had ADC notified PPC of these alterations at the time they were made or since as highlighted this would have involved sending a copy of the alteration to the council; or informing the council in writing of their general effect which would have helped them (or anyone else an interest) to be less confused. Hence the necessity of my comment to which you have chosen to take umbrage.

I hope that this helps with your stated confusion but I understand that PPC will be writing to you separately in an effort to clarify such matters in due course in any case and in the interests of saving us both time and effort I suggest that we leave it there unless you or Mr Easton can helpfully provide the necessary information required to clarify matters.

Thanks
Paul Collins BA (Hons) DipTP MRTPI



From: Neil Crowther [mailto:Neil.Crowther@arun.gov.uk]
Sent: Tuesday, January 22, 2019 10:51 AM
To: [REDACTED]
Subject: RE: P/6/17/OUT - Land North of Hook Lane Pagham

Mr Collins,

As there are no 'alterations' on the Hook Lane application – the subject of your email to which I was responding – I'm confused as to what are you expecting the Parish to be notified of whether I agree with your view on the statutory requirements or not.

There is no case of 'knowing best' as your completely needless comment implies.

Neil

Neil Crowther | Group Head of Planning, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: [REDACTED]

Sent: 18 January 2019 14:38

To: Neil Crowther

Cc: Karl Roberts; David Easton; Planning.Responses; Cllr. Dawn Hall; Cllr. Ashvin Patel; Nicola Spencer

Subject: RE: P/6/17/OUT - Land North of Hook Lane Pagham

Mr Crowther

Thank you for your e mail.

As you know there is an existing and long standing agreement between Arun District Council and all Town and Parish Council's in the district for them to be specifically notified of Planning applications in their respective areas so as to meet the provisions of Paragraph 8 of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions) as replaced by Paragraph 53 of The Planning and Compensation Act 1991 which predates The Town and Country Planning (Development Management Procedure) (England) Order 2015. This agreement was put in place so as to avoid the need for Town and Parish Councils to write and request such notification on each and every occasion that an application is made in their areas and in this case Pagham Parish Council were notified of the application in accordance with that agreement.

As you know Paragraph 8 of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions) as replaced by Paragraph 53 of The Planning and Compensation Act 1991 makes it clear that where Town and Parish Councils have been notified in accordance with such an arrangement they should be notified of any subsequent alterations to such applications unless they are considered trivial. (NPPG Paragraph: 006 Reference ID: 15-006-20140306)

Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out general requirements for the Publicity for applications for planning permission and is not relevant and there is no suggestion that ADC did not comply with those requirements . in this case (NPPG Paragraph: 002 Reference ID: 15-002-20180615)

The Neighbourhood Planning Act 2017 Part 1 Planning Section 2 amended Paragraph 8 of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions) as replaced by Paragraph 53 of The Planning and Compensation Act 1991 by adding notification requirements in respect of Parish Councils and Neighbourhood Forums where they are responsible for post examination draft or made Neighbourhood Plans and does not as you say apply to Pagham Parish Council but this does not negate or obviate the extant requirements under Paragraph 8 Schedule 1 as you suggest.

As you are aware Paragraph 8 (6) of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions) as replaced by Paragraph 53 of The Planning and Compensation Act 1991 states that "A development order may require a local planning authority which is dealing with an application of which a council is entitled to be notified— (a) to give the council an opportunity to make representations to them as to the manner in which the application should be determined; (b) to take into account any such representations; (c) to notify the council of the terms of their decision or, where the application is referred to the Secretary of State, the date when it was so referred and, when notified to them, the terms of his decision" and Article 25 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 does so.

However, having brought these issues to your attention in an effort to avoid a continuation of one of the ongoing conflicts and misunderstandings between ADC and Pagham Parish Council that could escalate to the need for further legal challenge I am now forced to accept that as ever you know best and as previously stated will now leave you and Nicola Swann (Pagham Parish Council Clerk and RFO) to reach agreement (if possible) under separate cover.

Regards

Paul Collins BA (Hons) DipTP MRTPI



From: Neil Crowther [mailto:Neil.Crowther@arun.gov.uk]

Sent: Thursday, January 17, 2019 3:39 PM

To: [REDACTED]

Subject: P/6/17/OUT - Land North of Hook Lane Pagham

Mr Collins,

The reference you quote refers to notifications 'if requested'. OBO Pagham Parish Council you made a 'request' pursuant to the Act you quoted and I have acknowledged that request.

There is no legislation that requires a statutory notification to Pagham Parish Council of every alteration to a planning application in their Parish. Had they made a Neighbourhood Plan the Neighbourhood Planning Act would require the Council to do so. We have consulted on the application in accordance with the requirements of Article 15 of the DMP Order and the formal consultation period expired in February 2017. In the absence of a formal request (which was received on 8 January 2019) it was for the Local Planning Authority to determine whether further amendments made after the original consultation require publicity (NPPG, Paragraph: 026 Reference ID: 15-026-20140306). The Council has complied with the statutory responsibilities and no reminder of these was necessary.

Having made such a request, and as I have already confirmed, the Parish will now be notified of future amendments after 8 January 2019. However, there is no current notification that is applicable to this application, Article 25 is not relevant at this time and it will be presented to DCC on 23 January.

Regards, Neil

Neil Crowther | Group Head of Planning, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: [REDACTED]
Sent: 15 January 2019 13:42
To: Neil Crowther
Subject: RE: P/6/17 OUT - Land North of Hook Lane Pagham

Mr Crowther

Thank you for your e mail which I have passed to the clerk and RFO at Pagham Parish Council so that she can consider and reply direct as she sees fit.

In the meantime I should point out that this was not a request but was in a fact a reminder for Arun District Council that they must comply with their statutory responsibilities regarding such matters which they have not done so to date in regard of this application.

Paul Collins BA (Hons) DipTP MRTPI



RTPI

Chartered Town Planner

From: Neil Crowther [<mailto:Neil.Crowther@arun.gov.uk>]
Sent: Tuesday, January 15, 2019 12:59 PM
To: [REDACTED]
Subject: RE: P/6/17 OUT - Land North of Hook Lane Pagham

Mr Collins,

Following this request, I can confirm that Pagham Parish Council will be notified of any future amendments to this planning application.

Regards, Neil

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From: [REDACTED]
Sent: 08 January 2019 12:49
To: Karl Roberts; Neil Crowther; David Easton
Cc: Planning.Responses; Cllr. Dawn Hall; Cllr. Ashvin Patel
Subject: P/6/17 OUT - Land North of Hook Lane Pagham

Dear All

As you are aware this application was submitted to Arun District Council on 18/1/17, validated by the Council on 24/1/17 and Pagham Parish Council (PPC) were given information in relation to the submitted application pursuant to the requirements under paragraph 8(1) of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions)(b) on 25/1/17. However no further information has been provided to PPC by Arun District Council pursuant to those requirements since that date. In particular PPC has not been notified of any alterations made to the application since it was accepted as being valid by the authority on 24 January 2017.

However for the avoidance of any doubt please take this E mail as formal written confirmation pursuant to paragraph 8(1) of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions)(b) that PPC wishes to be notified of any alteration to this application accepted by the authority since the date of its submission and that PPC considers that your authority will comply with your duty to notify PPC of any such alterations by— (a)sending a copy of the alteration to the council; or (b)informing the council in writing of its general effect.

Please also take notice that in accordance with Article 25 1) and 2) The Town and Country Planning (Development Management Procedure) (England) Order 2015 PPC do propose to make representations about the manner in which the application should be determined and will make those representations within 21 days of the date that the requisite written notification of the alterations made to the application since it was submitted is provided by Arun District Council. In the meantime PPC understands that your authority must not determine the application before— (a) the council of the parish inform them that they do not propose to make any representations; (b) representations are made by the council; or (c) the period of 21 days mentioned in paragraph (1) has elapsed.

Please acknowledge receipt of this e mail and confirm your intentions with regard to the statutory duties specified.

Paul Collins BA (Hons) DipTP MRTPI



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