

Supporting Statement

Introduction

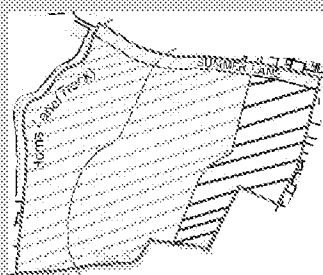
The application is made by me (Paul Collins BA (Hons) DpTP) as the Applicant and for clarity I confirm that I do not act for anyone else in this matter nor do I have any financial or other legal interest in the land to which the application relates. I am also not a resident in Arun District or Pagham nor am I an elected representative of anyone who is. Therefore I have no financial or personal interest in the proposed development gaining the planning permission sought or being implemented if planning permission is granted.

In making this application and writing this Statement I have been guided by relevant Planning Practice Guidance as quoted throughout as appropriate.¹

Relevant PPG at Paragraph: 027 Reference ID: 14-027-20140306 states:

Can a planning application be made on someone else's land? - The planning system entitles anyone to apply for permission to develop any plot of land, irrespective of ownership. However, an applicant is required to notify owners of the land or buildings to which the application relates, as well as any agricultural tenants, in accordance with article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. When making an application, an applicant is required to sign a certificate confirming the ownership of the land to which the application relates and that the relevant notices have been served.

As I understand matters² the land ownership of the application site is as shown on the Plan below and I confirm that the requisite land ownership certificate has been provided and the requisite Notices served.



Land hatched Yellow – Summer Lane Public Bridleway owned by CLAUDIA LANGMEAD, OLIVIA LANGMEAD, VICTORIA LANGMEAD and MELANIE JENKINS

Land hatched Blue – Either owned by Drew Smith Limited or the above or both

Land hatched green – Owned by Pagham Homes Ltd

The applicants motives for making an application are not material to the determination of the application but for what it is worth and for clarity³ I confirm that I make this application as I believe (based on objective professional competent and diligent assessment) that the development I propose is appropriate for this site in planning terms and that if planning permission was granted on this land for the purposes specified and this was implemented (see further on in this statement) the development would make a significant contribution to the achievement and delivery of sustainable development in Pagham over the next 20 years in accordance with Government Planning Policy⁴ and Policy SD SP1 Sustainable development in the Arun Local Plan 2018 which asserts the ADC overriding commitment to achieving sustainable development in the district .

¹ This can be viewed at <https://www.gov.uk/government/collections/planning-practice-guidance>

² Based on public files and land registry records

³ And because my motives for making previous applications for land in this area have been publically questioned previously by ADC Officers

⁴ NPPF 2021 Achieving sustainable development Paragraphs 7 to 14

The Application

The application seeks planning permission for the Material change of use of 7.5 hectares of agricultural land to a public park comprising public allotments and open space and was made via the planning portal on 22 January 2022

The application made comprises the following Forms, Plans and documents and the requisite Application Fee has been paid:

Forms

- Completed Application forms and certificate of ownership
- Completed CIL Form

Plans

- Location and Existing Block Plan
- Indicative site layout Plan

Documents

- This Supporting Statement

Validation and determination timescale

Validation

PPG Paragraph: 016 Reference ID: 14-016-20140306t states:

What is required to make a valid application for planning permission?

The submission of a valid application for planning permission requires:

(a) A completed application form

(b) Compliance with national and local information requirements

(c) The correct application fee

And I confirm that the submitted application meets those requirements

Determination Timescale

PPG at Paragraph: 056 Reference ID: 14-056-20140306 states:

Can an application be made for a development which has already been refused?

An application can be made for a development which has already been refused. However local planning authorities have the power to decline an application for planning permission which is similar to an application that, within the last 2 years, has been dismissed by the Secretary of State on appeal or refused following call-in..... And where a local planning authority declines to determine an application, it should notify the applicant that it has exercised its power under section 70A of the Town and Country Planning Act 1990, or section 81A of the Planning (Listed Buildings and Conservation Areas) Act 1990, to decline to determine the application and should return the application to the applicant.

The application now made relates to a site that forms part of a larger site that was the subject of a refusal by ADC under reference P/1/21 PL and the applicant in that case appealed that decision and this appeal was dismissed under Appeal Ref: APP/C3810/W/21/3270415 on 19/7/21

However **PPG Paragraph: 057 Reference ID: 14-057-20140306** states:

What constitutes a similar application?

Section 70A(8) of the Town and Country Planning Act 1990 defines applications for planning permission as 'similar' if (and only if) the local planning authority thinks that the development and the land to which the applications relate are the same or substantially the same.

The development proposed in this application is materially different from that proposed under reference P/1/21PL and the application is made by a different applicant for a smaller and materially different site from that proposed under ref: P/1/21PL Therefore the application now made is not similar to that made under Ref: P/1/21PL for the purposes of Section 70a of the Act.

Notwithstanding the foregoing **PPG Paragraph: 058 Reference ID: 14-058-2014030** states:

Must a local planning authority decline to determine repeat planning applications?

Where an authority considers that an application is similar, it is not automatically obliged to decline to determine the application. The purpose of these powers is to inhibit the use of 'repeat' applications that the local planning authority believes are submitted with the intention of, over time, wearing down opposition to proposed developments. They are, however, designed to be flexible and to give local planning authorities the discretion to entertain 'repeat' planning applications where they are satisfied that a genuine attempt has been made to overcome the planning objections which led to rejection of the previous proposal or there has been a material change in circumstances.

For these purposes I confirm that this application is not a repeat application but it has been submitted in a genuine attempt to overcome the planning objections that led to the rejection of the previous dissimilar proposal and that there has in any case been a material change in circumstances since that previous application was determined.

Therefore this is a valid planning application that should be determined by ADC on or before the expiry of the statutory determination period which is 13 weeks from the day after the date of submission i.e. by 22/4/22) and I invite ADC Officers and/or Members to do so.

The Proposal

The proposal is to change the use of 7.5 hectares of agricultural land so as to provide a public park comprising public allotments and open space in the manner set out on the submitted Indicative site layout plan. (Copied overleaf)

No operational development is proposed as an application for a change of use may not include any such operational development and any operational development that was considered to be necessary so as to affect the change of use proposed would need to be the subject of separate applications for planning permission before any of the uses (if approved) were implemented.

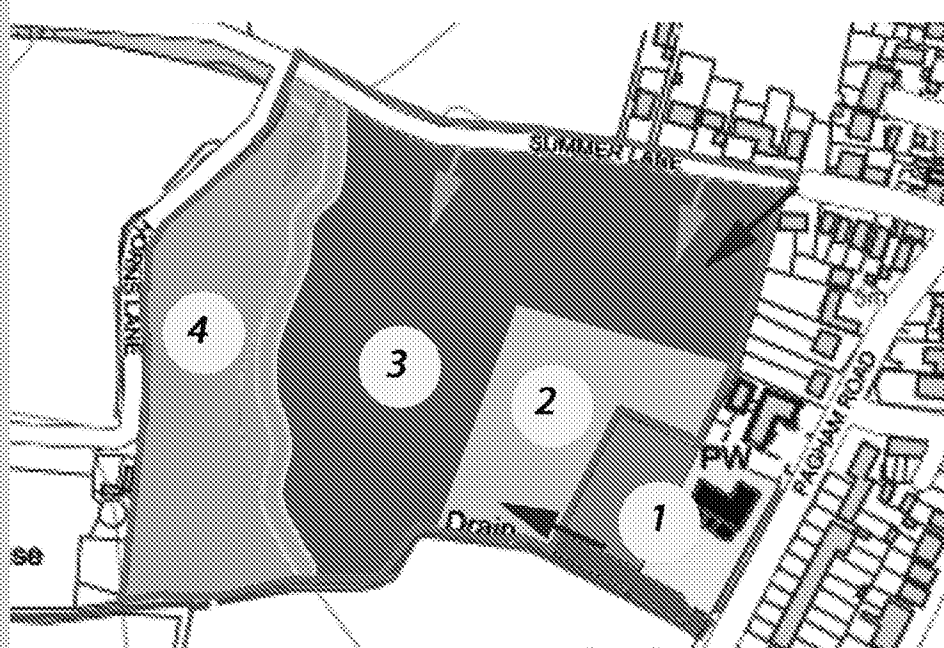
Access for NMU, Cyclists, pedestrians, maintenance vehicles and others to the proposed uses is achievable via the existing public bridleway, the public highway (the first section of Summer Lane) and/or private land so these potential access points are not part of the application made as planning permission for such access is not required and any operational development considered necessary

so as to affect such access would need to be the subject of separate applications for planning permission before any of the uses (if approved) were implemented.

No Drainage (surface water or foul) is proposed as the existing field already benefits from existing SW land drainage systems on its western and southern boundaries and the proposed uses require no change to that system or any new foul drainage system.

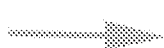
This said as the existing ditches are currently considered to be inadequate so as to meet their existing purpose regarding SW land drainage and/or inadequate to serve the needs of future planned housing development in the locality these proposals (if approved) provide an opportunity for those responsible (Arun District Council, Environment Agency, West Sussex County Council and the landowners) to address those issues.

*Indicative Site Layout Plan with Site edged red
Not to Scale*



Key:

1. Existing Village Hall and associated car parking, dog walking area and childrens play area
2. Potential location for public allotments up to circa 1 hectare in area
3. Public Park & alternative natural open greenspace
4. Potential wetland biodiversity enhancement and tree planting area



Potential access for Non motorised users, cyclists, pedestrians and maintenance vehicles only from existing public bridleway



Potential Vehicular access points for all others

The Site

The following can and should be verified by site inspection

SITE AREA: Approximately 7.5 hectares

CURRENT LAWFUL USE: Agricultural. At the date of this application construction works have proceeded and/or are proceeding in respect of Summer Lane and a 1.6 hectare section of the site in the north eastern section of the site in association with the implementation of P/58/15 OUT but for the reasons set out in the next section these works seem to have taken place unlawfully and the resulting breaches of planning control are under investigation by ADC Officers and the lawful use of the site, therefore remains agriculture

TOPOGRAPHY: Predominantly flat but with the western part of the site lying below the 5 metre contour line which defines those areas which are vulnerable to significant sea level rise and the risk of flooding as a result of climate change

EXISTING SW DRAINAGE: There are two existing SW land drains which run along and form the southern and western boundaries of the site but these are ineffective at times of high rainfall during the winter months as evidenced by the fact that the lower lying western part of the site regularly floods at times of high rainfall. The proposed uses of the site would give rise to no greater risk of flooding and would in fact provide an opportunity for the efficiency of these two land drains to be improved thereby reducing flood risk at times of high rainfall and the effects of climate change.

EXISTING FOUL DRAINAGE: There is an existing Foul Main Sewer which crosses the SW part of the site before connecting to the WWTW which serves Pagham and is situated to the north west of the site. There is no connection between the site and the existing Foul sewers serving Pagham and SWS Ltd have confirmed that No discharge or foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are completed. These proposal for the site generate no requirement for foul sewerage discharge and therefore no requirement for such a connection.

ECOLOGY AND BIODIVERSITY: The site is dominated by a regularly ploughed field with little or no potential habits for flora and fauna of note as such habitats are restricted to the trees and hedgerows on the field margins and the two surface water drainage ditches. These proposals would have no impact on those habitats and also represent an opportunity to substantially enhance the biodiversity of the site through the retention and improvement of the drainage ditches, the creation of a new wetland area and the planting of trees.

ACCESS: Existing access to the site is via the public bridle path which runs along Summer Lane and is privately owned (WSX 100) and the north east corner of the site which abuts that part of Summer Lane which is an adopted public highway. There is a private right of way along the western boundary of the site known as Horns Lane but this provides no access to the site and the public have no right of way over Horns Lane.

Relevant Planning permissions relating to the site and its surroundings

PPG Paragraph 010 Reference ID: 21b-010-20190315 states:

Can local planning authorities take the planning history of a site into account when determining an application for planning permission?

The planning history of a site may be a relevant consideration in the determination of an application. In particular, when considering applications for major development involving the provision of housing, the National Planning Policy Framework indicates that local planning authorities should assess why an earlier grant of planning permission for similar development on the same site did not start. Relevant factors to take into consideration might include evidence as to the reasons why an earlier permission was not implemented, the time that has elapsed since the previous permission expired and the number of similar applications made for the same site.

The relevant Planning permissions for this purpose are set out on the Plan below and it can be seen from this plan that the grant of planning permission for the development proposed in this application does not, would not and could not prejudice the ability (or otherwise) of the landowners/developers to lawfully implement the existing planning permissions granted for the reasons stated in the established principles set out overleaf.

The existing planning permissions relating to the site should be considered in the light of the following well established principles.

- As a matter of law there is nothing to prevent the grant of multiple planning permissions for a site as it is a matter for the developer /landowner to decide which of those permissions they can or will lawfully implement and the role of the LPA is to monitor and enforce against breaches of planning control that may or may not arise as a result of that choice.
- There is a difference between the grant of a planning permission and its implementation so that the existence of an existing planning permission that has not been implemented and/or lawfully implemented is not a lawful reason for refusing to grant a planning permission for an alternative use of the site or part of it as the later application must be considered on its own merits and not on the basis of what the developer/landowner may or may not have previously proposed and/or intends or what planning permission has been previously granted but not yet implemented by the LPA.

In this regard I draw the reader's attention to the Officers report and update to the Councils Planning Committee on 24/11/21 in respect of another application WA/63/21PL which confirms the Officers agreement with this principle (see

<https://democracy.arun.gov.uk/documents/g1511/Public%20reports%20pack%2024th-Nov-2021%2011.00%20Planning%20Committee.pdf?T=10>) .

- Applications for Reserved matters approval are not applications for planning permission and even when a reserved matter approval is granted it does not and cannot grant an amended or fresh planning permission for the development to which they relate nor do they extend the time limits or alter the conditions attached to the original planning permission granted.

In this regard I draw the reader's attention to the relevant PPG at Paragraph: 005 - 008 Reference ID: 14-008-20140306 and in the circumstances of this case Paragraph: 008 in particular which states:

Do all reserved matters need to be submitted for approval at the same time?

Applications for approval under outline permission may be made either for all reserved matters at once, or individually. Even after details relating to a particular reserved matter have been approved, one or more fresh applications can be made for approval of alternative details in

relation to the same reserved matter. Once the time-limit for applications for approval of reserved matters has expired, however, no applications for such an approval may be submitted.

In the circumstances of this case I also draw the reader's attention to the relevant PPG at Paragraph: 001 Reference ID: 17a-001-20140306 which states:

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***

Finally in the circumstances of this case I also draw the reader's attention to the legal fact that the submission and approval of matters seeking to discharge other conditions on a planning permission granted does not implement the planning permission granted and/or negate the need for developer/landowner to demonstrate that they are implementing that planning permission in accordance with its terms and conditions and in the event that it is found that this is not the case a LPA may exercise its discretionary enforcement powers with regard to any breach of planning control arising unfettered by what they may or may not have approved by way of discharge consents and/or reserved matter approvals. In this regard I draw the reader's attention to the relevant PPG at Enforcement and post-permission matters at Reference ID: 17b-015-20140306 (<https://www.gov.uk/guidance/ensuring-effective-enforcement>)

How must the decision on this application be made by Arun District Council?

This is a lawfully made planning application and ADC officers and members are invited to determine the application in accordance with the law as set out in the relevant PPG at Paragraph 006 Reference ID: 21b-006-20190315 which states:

How must decisions on applications for planning permission be made?

To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 – these provisions also apply to appeals).

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at paragraph 14 of the Framework. If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.

The application falls to be determined on its own merits in the light of the relevant development plan policies and for the reasons given in the previous section the Council can make its decision unfettered by the planning history of the site which is not a material consideration for these purposes

Development Plan Policies that are material to this application

The only part of the development plan that is relevant in this case is the Arun Local Plan (ALP) adopted on 18 July 2018 and what matters for the purposes of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 is the wording of the material policies (and not their supporting text) when adopted and not how Officers and some Members have chosen to interpret/apply or alter them post adoption.

In the case of the application made under P/1/21PL for an albeit materially different proposal for open space on a significantly different and larger site by a different applicant (see above under the heading **Determination Timescale**) the Officers report listed those policies it considered to be material to the consideration of the principal of using this smaller site for open space and this list included Housing Delivery Policies HSP 1, HSP2 and HSP 2A and I remain confused and unconvinced as to the materiality of Housing Delivery Policies to the determination of an application which proposes the use of land for open space and allotments. However and notwithstanding this Statement proceeds on the basis of an assessment of the accordance or otherwise with all those policies which Officers assert are material to the determination of this application for the purposes of S38 (6) of the Act.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Having carefully assessed the proposals against all relevant development plan policies and all relevant material considerations below and overleaf I confirm my view that the proposals accord with those policies and that there are no material considerations that indicate a decision otherwise than in accordance with same.

The Policies and my assessment

SD SP1 Sustainable Development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work pro-actively with applicants to jointly find solutions which mean that proposals can be approved wherever possible and to secure development that will contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland). This presumption will not be applicable where development requires an Appropriate Assessment or where consideration of the need for one is being undertaken.

Assessment: The proposals in this application would (if approved and implemented) undeniably positively contribute to the social and environmental conditions in Pagham and would have a neutral effect in terms of economic conditions and do not require appropriate assessment. Therefore in accordance with this policy I can reasonably expect that ADC will work with me (as the applicant) so that the proposals can be approved. **The Proposals are in accordance with this Policy**

Policy SD SP1a Strategic Approach

To maintain the District's unique character as a coastal location set against the South Downs whilst ensuring that the needs of the community are met through sustainable growth and the provision of suitable services, the spatial strategy for Arun District to 2031 is (amongst others which are not relevant to this proposal) to;

- c. provide for growth of the sustainable villages whilst maintaining their setting within the open countryside.
- f. provide for development in the countryside area which reflects its character and role as the coastal plain, with green wedges separating urban areas, high quality agricultural land and environmental assets.
- j. Ensure that development, particularly in the undeveloped areas of the District, takes account of the coastal topography to mitigate and adapt to climate change, especially in high risk flood areas.
- k. Retain and enhance natural environment resources, including biodiversity.

Assessment: To the extent that this development plan policy is material to the determination of this application for planning permission the proposals accord with same.

Policy SD SP2 Built-up Area Boundary

Built up Area Boundaries are defined for the main towns and villages in the District and shown on the Policies Maps. Development should be focused within the Built up Area Boundaries and will be permitted, subject to consideration against other policies of this Local Plan.

Assessment: The site of this application lies within the built up area of Pagham as defined by the policy so the proposals are in accordance with same

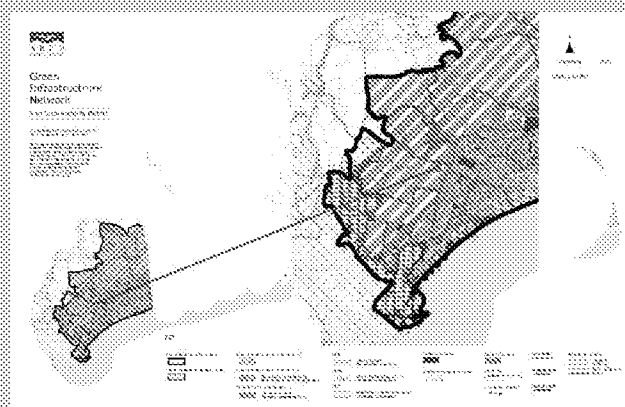
Policy GI SP1 Green Infrastructure and development

The existing Green Infrastructure Network, as shown on the Green Network Maps for each parish and town, must be considered at an early stage of the design process for all major development proposals.

All major development must be designed to protect and enhance existing Green Infrastructure assets, and the connections between them, in order to ensure a joined up Green Infrastructure Network. The Green Infrastructure Network must be protected from light pollution to ensure that areas defined by their tranquillity are protected from the negative effects of light in development.

Where compatible with nature conservation objectives, development proposals must identify opportunities to connect existing Green Infrastructure assets with the coast, the South Downs National Park or to the District's inland villages. Opportunities to enhance the network should take account of the multiple functions of Green Infrastructure assets and should be based upon those opportunities set out in the supporting text.

Assessment: The application site was shown as being part of the GI Network on the plan to which the policy refers when the plan was adopted on 18 July 2018 and the proposals are in accordance with this policy and would (if planning permission was granted and the proposed uses implemented) assist with the implementation of this policy.



Policy H SP1 The Housing Requirement

This states that the site forms part of the following strategic housing site allocated as shown on the Policies Maps: as SD1 Pagham South for development with 400 dwellings said to be necessary so as to deliver the housing requirement for the district during the Plan period. (2011 – 2031)

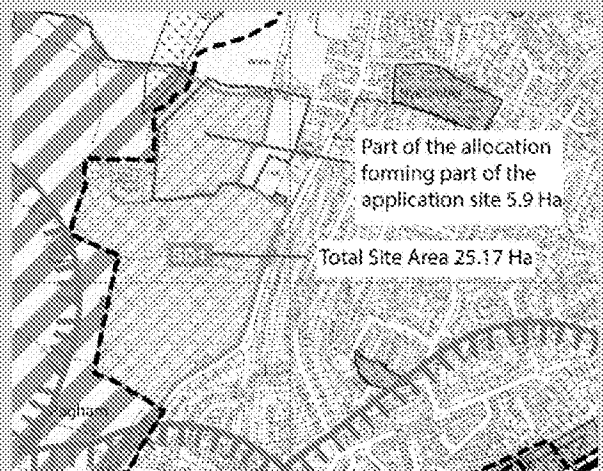
The Policy also states that *Additional non-strategic allocations will be made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans. On adoption of the Local Plan the Council will assess progress on Neighbourhood Plans and immediately commence the production of a Non-Strategic Site Allocations DPD for those areas of the District which will not be covered by, or committed to the preparation of, an up-to date Neighbourhood Plan but this approach was formally abandoned by the Council in 2020/21.*

Under the Heading “Housing Strategy” Paragraph 12.1.12 states: *The Council will monitor housing delivery against the housing trajectory for the District using the indicators specified in the Monitoring Framework set out in the Local Plan. If the Authority Monitoring Report (AMR) demonstrates that annual housing delivery is less than the annualised requirement or the projected completion rate (whichever is the lower) in two consecutive years (based on the trajectory set out in picture 12.1 of this Plan and in Appendix A to the Housing Implementation Strategy), the Council will undertake a partial review of this Plan. In undertaking this review, the Council will ensure that sufficient infrastructure capacity is available, and that the potential allocation of additional housing sites will not prejudice delivery of the infrastructure*

The Trajectory in the Housing Implementation Strategy published by the Council with the adopted Plan states that the Strategic site known as SD1 was projected to deliver 150 dwellings between 2018 and 2021/22 and this has not happened. The Trajectory also states that the remainder of the allocation of 250 dwellings would be delivered between 2021/22 and 2025/2026 and there is clear evidence that this cannot happen either.

Finally the Authority Monitoring Report (AMR) does demonstrate that annual housing delivery is less than the annualised requirement or the projected completion rate (whichever is the lower) in the two consecutive years following the Plans adoption but the Council has not undertaken and has no commitment to undertake the partial review that this policy states would be undertaken in such circumstances.

Assessment: The site allocated as SD1 extends to 25.17 hectares in area and the part of that allocation required for the uses proposed in this application extends to 5.9 ha in area leaving 19.27 ha of the allocation available for development with 400 dwellings at a net density of just 20.7 dwellings per hectare. **Therefore to the extent that Policy HSP1 remains up to date and relevant given the circumstances set out above the use of the land forming part of this allocation for the purposes specified is not in conflict with the Policy.**



Policy H SP2 Strategic Site Allocations

The last sentence of paragraph 12.1.11 under the heading Housing Strategy in the Plan states;

A general strategic site policy will apply to all allocations in addition to specific strategic policies for that site.....and this Policy is that Policy and it states:

Development proposals within the Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas which incorporates high quality imaginative design giving a sense of place and a permeable layout.

The comprehensive development of the allocation will need to meet the following key requirements: (A – Q) and those that are of relevance to the proposals to which this application relates are:

- c. Protects, conserves or enhances the natural environment, landscapes and biodiversity,
- d. incorporate high quality, well connected green spaces, planting within main streets and biodiversity rich open spaces,
- e. extend, enhance and reinforce strategic green infrastructure and publicly accessible open

Assessment: Development proposals made for this strategic allocation to date have not been comprehensively planned (see relevant planning permissions above) and there is no masterplan endorsed by the Council for this allocation. However this is a development proposal for part of this allocation and the proposals subject to this application do accord with those requirements which are relevant and would not (if approved and implemented) prevent this Strategic allocation being developed with 400 houses in the manner specified in this policy and more positively would in fact help to help any housing development proposed to comply with this policy. **Therefore to the extent that this policy remains relevant and up to date the proposals in this application are in accordance with this Policy.**

Policy H SP2a Greater Bognor Regis Urban Area

To support the sustainable growth of Bognor Regis, growth will take place at three strategic allocations adjacent to the urban area onto the coastal plain. The following strategic housing sites are allocated as shown on the Policies Maps.....:

SD1 Pagham South 400.....

Located to the west of the urban area of Bognor Regis, the Pagham South and Pagham North Strategic Allocations will collectively provide at least 1,200 dwellings over the plan period. Both sites consist of a number of parcels of land, it is imperative that individual areas are aligned with neighbouring parcels of land. The sites lie in close proximity and are within the drainage catchment of the internationally designated Pagham Harbour site which has drainage and waste water implications. Development proposals will need to meet the following key design and infrastructure requirements (A – H) and those that are of relevance to the proposals to which this application relates are:

- a. ensure no detrimental impact to Pagham Harbour SPA, through compliance with ENV DM2 (Pagham Harbour) and its supporting text,
- f. provision of public open space including children's play areas, landscaping, drainage and earthworks

Assessment: The Development proposals made for this strategic allocation to date (see above) have not been aligned with neighbouring parcels of land. However this application proposes a development proposal for part of this allocation and it does align with neighbouring parcels of land (see above) and the proposals subject to this application do accord with those requirements which are relevant and would not (if approved and implemented) prevent this Strategic allocation being

developed with 400 houses in the manner specified in this policy and more positively would in fact help to facilitate such housing development to comply with this policy. **Therefore to the extent that this policy remains relevant and up to date the proposals in this application are in accordance with this Policy.**

Policy HWB SP1 Health & Wellbeing

All development shall be designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. In particular regard shall be had to:

- a. Providing or contributing to the necessary infrastructure to encourage physical exercise and health, including accessible open space, sports and recreation facilities (including outdoor fitness equipment) and safe, well promoted, walking and cycling routes.
- b. Creating mixed use development and multi-use community buildings that reduce the need to travel by providing housing, services and employment in close proximity to each other; and
- c. Ensuring that arts and cultural facilities are accessible to all residents and visitors to the District.

Where new health, recreation and leisure facilities are planned, where possible, these shall be located along public transport corridors that are easily accessible to members of the wider community.

Assessment: The proposed use of this site for open space and allotments is **self-evidently in accordance with this policy.**

Policy OSR DM1 Open Space, sport & recreation

1. Protection of open space, outdoor and indoor sport, community, arts and cultural facilities.

Existing open space, outdoor and indoor sport, community, arts and cultural facilities should not be built on or redeveloped for other uses unless:

- a. a robust and up-to-date assessment has been undertaken which has clearly shown the facilities to be surplus to requirements; or
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision of open space, outdoor and indoor sport, community arts and cultural facilities, which will be assessed in terms of quantity and quality and suitability of location;

Or

- c. the development is for alternative open space, sports, community, arts or cultural provision, the needs for which clearly outweigh the loss.

2. Open space, sport and recreation in new developments

Housing and, where viable, commercial development will be required to contribute towards:

- a. Open space provision in accordance with guidance set out in the current Open Space Study In some parts of the District open space provision is identified as being sufficient in terms of quantity. Therefore, provision of new open space is not deemed necessary but what is needed is to seek contributions for quality improvements and/or new offsite provision in order to address any future demand. For larger scale developments, the quantity standards should be used to help determine the requirements for open space provision as part of that development.
- b. Playing pitch provision in accordance with guidance set out in the Playing Pitch Strategy. This will include improvements to existing provision to increase playing capacity and providing hubs of new pitches.

c. Indoor sport and leisure facilities through financial contributions in accordance with guidance set out in the Indoor Sport and Leisure Facilities Strategy which identifies a need for a new leisure centre in the West of the District.

d. Strategic projects identified in the Leisure and Cultural Strategy.

3. Local Green Space and Neighbourhood Plans

Local Green Space is not identified in this Local Plan but will be designated in Neighbourhood Plans in circumstances where the criteria in paragraphs 99 and 100 of the National Planning Policy Framework (49) are met.

4. Quality expectations

Developments with respect to all of the above shall have regard to the 'Secured by Design' guidance documents and shall also be consistent with all other Local Plan policies.

Assessment: The proposals are self-evidently not in conflict with this policy and whilst Pagham Parish Council have not progressed a Neighbourhood Plan to date they remain able to do so and if so this site could be allocated as Local Green Space in such a plan as it does undoubtedly meet the specified criteria

Policy OSR SP1 Allotments

The Council will encourage the development of sites as allotments subject to all of the following criteria:

- a. The land shall be situated within or immediately adjacent to the built-up area boundary or adjacent to community facilities or on appropriate sites close to residential areas;
- b. The land shall be suitable (i.e. having regard to flooding and gradient) and be easily accessible;
- c. Adequate water supply and parking facilities shall be provided on site;
- d. Located so that natural surveillance can be maximised; and
- e. Secure boundaries should surround the area of the allotment.

The loss of allotment sites to development shall only be permitted where a site of a similar scale can be provided that is as, if not more, conveniently located to the local community as the existing allotment site, subject to the above criteria.

Assessment: The Allotments proposed as part of the proposals meet the criteria in this policy and I therefore look forward to receiving the encouragement offered by the Council in the Policy by way of a grant of the planning permission sought.

Policy T SP1 Transport and Development

This Policy was previously said by Officers to be relevant to proposals for open space and allotments but it is clearly not to any extent relevant to the consideration of the current application

Policy T DM1 Sustainable Travel and Public Rights of Way

New development must ensure ease of movement, prioritising safe pedestrian and cycle access to the green infrastructure network and access to public transport and community transport services where a need has been identified. Access to alternative modes of transport including public transport services, the public right of way and cycle networks, must be available and accessible to all members of the community.

Proposals for all new development must:

- a. Be located within easy access of established public transport service(s), existing pedestrian and cycle networks, the committed and aspirational cycle networks and the green infrastructure network which links the development with key destinations including places of work, education, leisure and town centres;
- b. Where applicable, contribute to the extension of public transport services to serve the development and community transport services to ensure that a wide range of transport services are available to all residents;
- c. Make provision for cycling and pedestrian facilities to meet the County Council Parking Standards, including cycle storage, convenient and secure cycle parking in association with retail and educational uses and sufficient secure parking and changing/showering facilities at places of work;
- d. Contribute towards the provision of a joined up cycle network and Public Rights of Way network, taking into account the aspirational cycle network, which provides convenient, accessible, safe, comfortable and attractive routes for pedestrians and cyclists and; where appropriate, horse riders, both within the development and in the form of links between the development and;
 - i. places of work, education, leisure and food retail;
 - ii. the South Downs National Park,
 - iii. along the coast particularly between Bognor Regis and Littlehampton,
 - iv. along the coast to Chichester,
 - v. Bognor Regis to Arundel, and
 - vi. Littlehampton to Goring.

Assessment: The proposed uses of this site rely on and require no and make no changes to all existing access arrangements so the proposals are self-evidently in accordance with this policy

Policy ENV SP1 Natural Environment

Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species. In relation to designated sites, development will be permitted where it protects sites listed in Tables 17.1-17.7 that are recognised for the species and habitats

Assessment: The proposals in this application will self-evidently promote, restore and enhance biodiversity so I therefore look forward to receiving the encouragement from the Council by way of a grant of the planning permission sought.

Policy ENV DM1 Designated Sites of biodiversity or geological importance

This Policy was previously said by Officers to be relevant to proposals for open space and allotments for a larger site but it is clearly not to any extent relevant to the consideration of the current application because the site is not a designated site and the proposals would not have any adverse impact on such an area or areas.

Policy ENV DM2 Pagham Harbour

a. Within Zone A (0-400m from the boundary) as identified on the Policies Maps, development will only be permitted in exceptional circumstances where the developer is able to demonstrate there will be no detrimental effects on Pagham Harbour, including non-native species and the water

environment. Regard shall also be had to tests 1-4 as set out in Policy DM1 (Designated Sites of Biodiversity or Geological Importance).

b. Within Zone B (0-5km) for all new residential development and development which is likely to have an impact on Pagham Harbour will be required to:

i. Make developer contributions towards the agreed strategic approach to access management at Pagham Harbour.

ii. Create easily accessible new green spaces for recreation within or adjacent to the development site. These shall be capable of accommodating the predicted increases in demand for local walking, including dog walking. Good pedestrian links shall be provided between housing areas and new and existing green space in order to discourage car use.

c. Major developments (as defined in the GDPO 1995 as amended taking place outside Zone B and close to its boundary will be considered on a case by case basis to determine any potential effects on Pagham Harbour, and the need for any avoidance or mitigation measures.

Assessment: The application site is not within Zone A. The site is within Zone B but is not a proposal for Residential development. However the proposals in this application would (if approved and implemented) would provide and create an easily accessible new green space for recreation that those developers who are proposing residential development within Zone B (which includes those proposing residential development in accordance with the allocation SD1) could rely on in their efforts to comply with b ii of the policy and that those proposing major development elsewhere in or outside Zone B which would have an effect on Pagham Harbour could rely on so as to mitigate the impacts. **These proposals are not in conflict with the Policy and could in fact form part of an effective strategy so as to protect Pagham Harbour**

Policy ENV DM5 Development and biodiversity

Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not). Development schemes shall also be appropriately designed to facilitate the emergence of new habitats through the creation of links between habitat areas and open spaces. Together, these provide a network of green spaces which serve to reconnect isolated sites and facilitate species movement.

Where there is evidence of a protected species on a proposed development site, planning applications shall include a detailed survey of the subject species, with details of measures to be incorporated into the development scheme to avoid loss of the species. This involves consideration of any impacts that will affect the species directly or indirectly, whether within the application site or in an area outside of the site, which may be indirectly affected by the proposals. All surveys shall be carried out at an appropriate time of year and shall be undertaken by a qualified and, where appropriate, suitably licensed person.

All developments shall have regard to Natural England's standing advice for protected species.

Assessment: The proposals are in accordance with this Policy

Material Considerations

The relevant PPG at Paragraph: 008 Reference ID: 21b-008-20140306 **What is a material planning consideration? states: A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission).**

The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

In this context I conclude that the planning permissions granted thus far in respect of the site are not material considerations for the reasons given earlier and that the developer landowners intentions regarding the development of the site (lawfully or otherwise) are not material considerations either because they relate to and concern the protection of purely private interests such as the value of their property and/or landowning restrictions/covenants that dictate how they must develop their sites.

Therefore the only material consideration for the purposes of Section 38 (6) of the Act that I can identify is the NPPF 2021 and there is nothing in that document that indicates a decision in this case other than in accordance with the development plan. Indeed the relevant presumption in favour of sustainable development at paragraph 11 of the Framework implicitly supports the proposals because it states:

For decision-taking this means:

(c) Approving development proposals that accord with an up-to-date development plan without delay; or

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

(i) the application of policies in this Framework that protect areas or assets of particular

Conclusion

The proposals in this application are demonstrably in accordance with all relevant and material development plan policies and there are no material considerations to indicate a decision otherwise than in accordance with same and I therefore respectfully request that Arun District Council grant the planning permission sought subject to any conditions that meet the statutory tests set out in the relevant PPG at Use of planning conditions Paragraphs 001- 045 Reference ID: 21a-001-20140306.

Paul Collins BA (Hons) Dip TP

Applicant