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From: paul collins [REDACTED]
Sent: 19 February 2021 15:57
To: Simon Davis <Simon.Davis@arun.gov.uk>; Karl Roberts <Karl.Roberts@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>
Subject: P/1/21PL and P/97/20 PL - Summer Lane Pagham

Mr Davis

I refer to the above applications and the Appropriate Assessment undertaken by ADC dated 18/2/21 (copy attached for bcc recipients).

Firstly I must point out that the Appropriate Assessment process followed by ADC in this report does not follow that advised in the relevant PPG at <https://www.gov.uk/guidance/appropriate-assessment#what-is-a-habitats-regulations-assessment> or that advised by NE. In particular the AA does not consider or assess the proposed development alone and in combination with all projects in the Pagham area e.g it does not assess the likely impacts in combination with the proposals for 65 and 400 houses the subject of OPPs P/25/17 Out and P/140/16 OUT let alone the 580 houses proposed to the north by way of OPPs P/30/19 out and P/134/16 OUT on Pagham Harbour through recreational disturbance and water quality (Foul and surface water drainage).

It also makes no reference to the fact that the only Outline Planning permission for this site under P/58/15 out (90 dwellings) was approved without such an AA and that development has commenced on site in breach of conditions

9,10 and 11 of that permission and is continuing on site without any approved suds or foul water drainage scheme having been approved for the site itself or any of the above projects which will drain foul and surface water to the same points as that proposed here I.e PWWTW and Pagham Harbour

Secondly I note that the AA is not undertaken in accordance with ALP 2018 Policy ENV DM2 Pagham Harbour in that this policy requires that *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.....*

Whereas the AA assumes that i alone is all that is required to mitigate the proposals impacts on recreational disturbance

Thirdly I draw your attention to ALP Policy SD SP1 Sustainable development which states:

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.

Fourthly as I read the ADC AA it concludes that the undoubted impacts of the proposal on recreational disturbance and water quality in the Pagham Harbour SPA/Ramsar site can be mitigated and controlled by way of conditions imposed on any planning permission granted. This approach might be acceptable where the conditions are worded in such a way so as to prescribe the measures necessary to satisfactorily mitigate the identified impacts it is not acceptable where such conditions simply require the submission of further information for approval at a later date so as to demonstrate that a schemes identified impacts can be mitigated. The mitigation measures necessary to mitigate a schemes impact must be prescribed and included as part of the scheme itself so as to ensure that it is acceptable and can be approved as if not there can be no certainty that the scheme's impacts can be mitigated so that it should be refused.

Finally I draw your attention to NPPF 2019 Paragraphs 174 – 177 in these regards. Paragraph 177 states: *The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.* and the fact that the ADC AA in this case does not conclude in these terms.

Please place this representation on both the files identified,

Thank you

Paul Collins BA (Hons) DipTP

