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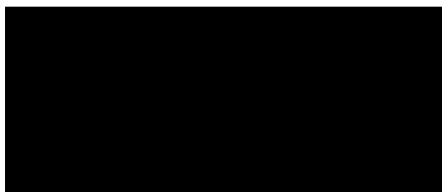
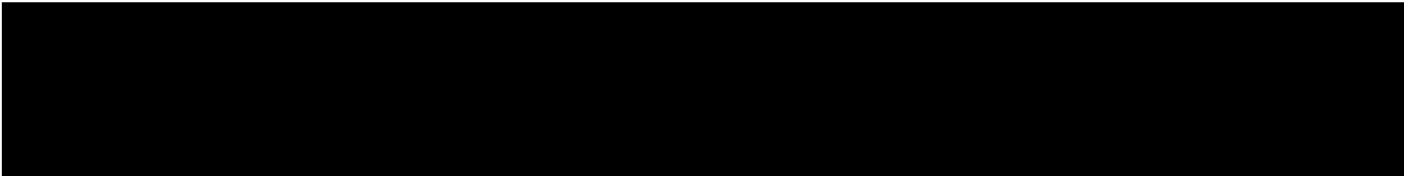


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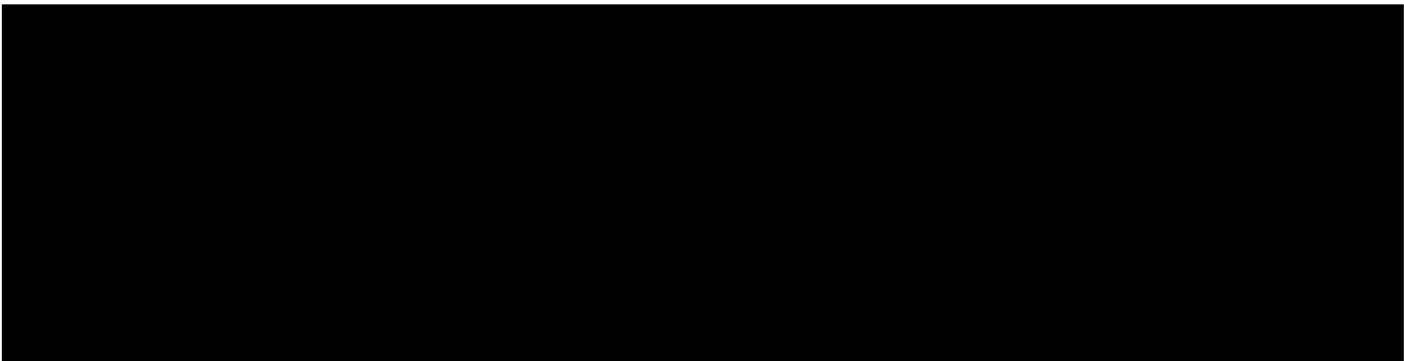
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From: paul collins [redacted]

Sent: 20 November 2021 15:18

To: Karl Roberts <Karl.Roberts@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>



Subject: RE: WA/44/17/OUT - Land East of Tye Lane Walberton Agenda Item 6 Planning Committee 24 November 2021

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Dear All

I act for no one in this matter but I wish to make the following representations in respect of the above application for the Committee and the file.

This pigs breakfast is what happens when the Arun District Council Planning Committee makes unlawful decisions in respect of Outline applications for major developments and their subsequent Reserved matter applications and condition discharge consents and imposes unlawful/unenforceable conditions and S106 Agreements based on the inept advice and recommendations of the Group Head of Planning and the Director of Place and/or the flawed advice of their internal legal advisors. It is also a very good example of the lengths that both these Officers are seemingly prepared to go to cover up their mistakes purely out of self interest and preservation and without any sense or acceptance of accountability/responsibility for the messes they create when they allow their headless chickens to run around the farm yard as a result of their failures.

The failings in this case are not restricted to this site alone as this is an illustration of the systemic failings of the development management procedures and practice that have infested Planning Services under this Director and Group Head of Planning over the last 10 years without resolution and their mismanagement of the resulting problems that result. (See my previous e mails regarding sites in Pagham, Climping and Ford with sadly more to follow).

Moreover it is also a very good example of their abject failure to even properly consider let alone action the use of proper enforcement procedures in accordance with the Councils adopted Planning Compliance Strategy 2019 and the relevant PPG at <https://www.gov.uk/guidance/ensuring-effective-enforcement> so as to remedy breaches of planning control that arise from their DM failings and in this regard those residents who I know have been badly affected by their failings in respect of other major developments in other parts of the district may like to review the advice given to Walberton Parish Council in this case by their independent legal advisor as recorded in the Officers reports on the agenda to see if it is applicable to the sites that they are affected by.

The facts, policy position and legal position are not as advised by Officers in their various reports and the committee should approach this application and the Officers recommendations with extreme caution if they are to avoid the possibility of Court cases and/or Ombudsman complaints for maladministration going forwards.

Having read the Officer reports and carried out the most basic research(of the history and read the representations it is my professional view that the safest course of action for the Committee is to refuse this application (contrary to officer advice) on the basis that it fails to provide a safe, convenient or adequate access for the development approved and started under WA/44/17 OUT contrary to policies TSP1,TDM1 and TSP3 and TSP3 of the Arun Local Plan and Policies GA 5 and GA6 of the Walberton Neighbourhood Plan. The Applicant will have a right of appeal against any such decision in the normal way but in the meantime.....

It is also clear that the development undertaken on the site to date is not only unauthorised by the only planning permission for the site that exists (WA/44/17 OUT) but also cannot be lawfully completed in accordance with the planning permission and its conditions and that because of the wording used in the S106 Agreement the planning obligations it contains may not be enforced. This being so I also consider that the Committee should instruct Officers to properly investigate the unauthorised development on the site and the breaches of conditions and other breaches of planning control taking place on the site (development cannot be 'mothballed' indefinitely as the ability to remedy breaches of planning control is time limited) properly discuss the matter with WPC and then bring back a proper report to the Committee in accordance with the Councils Planning Compliance Strategy 2019 which properly considers all the options available to remedy the breaches of planning control so that the members may exercise their discretion to properly consider and take the appropriate Enforcement Action in accordance with the relevant Planning Practice Guidance at <https://www.gov.uk/guidance/ensuring-effective-enforcement> .Furthermore Officers should be instructed to also give consideration to how the S106 Agreement can or cannot be modified and/or amended so as to reflect the development that will be allowed to take place on the site following that investigation and any subsequent enforcement action taken. .

Thank you for considering my representation and please place same on the file and note that I hereby give all recipients my permission to use and circulate my representation as they see fit

Paul Collins BA (Hons) DipTP Independent Town Planner (Retired)

From: paul collins [REDACTED]
Sent: Wednesday, November 17, 2021 2:54 PM
To: 'Karl Roberts' <Karl.Roberts@arun.gov.uk>; 'Neil Crowther' <Neil.Crowther@arun.gov.uk>

Subject: RE: Written submission for Planning Committee 24 November 2021 in respect of Application F/4/20/OUT - Land at Ford Airfield Ford

Mr Roberts

Further to my last below and my written submission to the committee I have now had the opportunity to read the Officers Report published with the agenda on 16 November 2021 (after my submission was written) and on reading same (which I believe was written by the Case Officer who has only just taken on the case in the last month or so but was I assume agreed and sanctioned by you both in accordance with your responsibilities as the Group Head of Planning and the Director of Place) is to any independent qualified observer (like me) typically and unduly verbose, littered with extraneous matters which are not material considerations , inaccuracies, errors of fact, misdirection's on important matters of Policy and to top it all ends with a recommendation that encourages the Committee to make an unlawful/indefensible decision and to impose unlawful and unenforceable conditions and S106 Planning Obligations and I therefore stand by my written Statement in full.

In order to assist your Members and the Committee to make some kind of sense of the complete pigs breakfast that you now insist on presenting them with, I attach a copy of the appeal and costs decision relating to the Yapton Housing site located just two fields along Ford Lane to the west of this site. On reading the appeal decision (which is a material consideration in this case but not identified in the Officers report) and the associated costs decision it will be noted that not only is it an abject and valuable lesson for ADC Officers on how not to do things when dealing with large scale housing developments but is also (or should) be a very useful blueprint for you both on how to compose and impose acceptable and enforceable conditions and S106 Planning Obligations when dealing with such schemes and yet you both refuse to learn from such past mistakes and plough on making the same old development management mistakes not only in respect of the subject application at Ford but also on every major housing site throughout the district. (More on this to follow)

Once again and for the record this application can be and should be approved for the reasons stated in my written statement subject to the same conditions as those imposed by the Inspector in the attached decision (albeit with slightly different wording to reflect the indicative content of the Ford Scheme) and the same Formula based Financial Obligations set out in its attached S106 Unilateral Undertaking (copy also attached)

With regard to the S106 I note that the detail in the Ford case is still under discussion and that Officers therefore recommend :

That delegated authority is granted to the Group Head of Planning in consultation with the Chairman and Vice-Chairman of the Planning Committee to approve the application subject to receiving confirmation from the independent odour specialist as to the acceptability of the submitted Odour Assessment Subject to the below conditions and completion of the Section 106 agreement.

That recommendation is unlawful because the Councils Constitution, the committees terms of reference and the Scheme of delegation does not allow for such a process and would if accepted by the Committee lead to yet another unacceptable and unnecessary delay in the determination of the application and the delivery of what we

can all agree is a sustainable housing development in a district where the shortfall of such sites is now the worse it has been in the 47 year history of the Council.

Once again (because I have been making this point for some 5 years or more now without receiving any sensible response from you or your colleagues) relevant Planning Practice Guidance at <https://www.gov.uk/guidance/planning-obligations> and <https://www.gov.uk/guidance/use-of-planning-conditions#Application-of-the-six-tests> provides a solution if you would only but read and properly understand/consider same. Paragraph: 005 Reference ID: 21a-005-20190723 under use of conditions states that

No payment of money or other consideration can be positively required when granting planning permission. However, where the 6 tests will be met, it may be possible use a negatively worded condition to prohibit development authorised by the planning permission until a specified action has been taken (for example, the entering into of a planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure).and such a condition or conditions in this case could be formulated and Paragraph: 003 Reference ID: 23b-003-20190901 under Planning Obligations states:

Developers may be asked to provide contributions for infrastructure in several ways. Local authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Developers will have to comply with any conditions attached to their planning permission. Conditions should be kept to a minimum and only imposed where they are necessary, relevant, enforceable, precise and reasonable.

Planning obligations, in the form of section 106 agreements and section 278 agreements, should only be used where it is not possible to address unacceptable impacts through a planning condition.

All of the Obligations sought in this case could be imposed and sought through conditions worded as suggested in the PPG on any planning permission granted (I have successfully used this approach in Arun (e.g see the Grampian condition on the attached Appeal decision) and on sites elsewhere in West Sussex in the past) but I note that Officers do not even consider or suggest such an approach in their report. As I said in my e mail below if you do need any help understanding and applying this approach in this case prior to the Committee you only have to ask.

Thank you for taking the time to read this additional representation and please place it and the attachments on the file and report same via any update report you may in due course produce for the Committee.

Paul Collins BA (Hons) DipTP

From: paul collins [redacted]
Sent: Sunday, November 14, 2021 6:46 PM
To: 'Karl Roberts' <Karl.Roberts@arun.gov.uk>; 'Neil Crowther' <Neil.Crowther@arun.gov.uk>

Subject: Written submission for Planning Committee 24 November 2021 in respect of Application F/4/20/OUT - Land at Ford Airfield Ford

Mr Roberts

Please see the attached. For the record I do not act for anyone in this matter but I would be grateful if you would place this e mail and the statement on the file and report it as a further personal representation in any Update Report that Officers may in due course produce.

This submission is made pursuant to the two stage procedures for speaking at the Committee set out in a letter to me from Arun District Council dated 12th November 2021. I complied with Stage One by telephoning and registering my wish for this statement to be read out on my behalf on 13 November 2021 and have complied with Stage two by e mailing this statement by the deadline given.

As always my aim in making this statement is to provide Members with important information regarding how this application should be determined so as to assist them in making a lawful/defensible decision (approve or refuse) regarding the application at their meeting on 24 November 2021 as I am afraid that based on experience I have no confidence whatsoever that the Officers report will do so (The report is not on the file or published and is therefore not in the public domain at this date and I may yet be pleasantly surprised in this regard).

Although I am no longer a member of the RTPI as I am retired from commercial practice, I remain (after 40 years + of professional practice in both the public and private sector) a competent professional who is more than qualified to make such a statement and advise and I have prepared the Statement with due diligence and integrity. Furthermore I have copied this statement to all members of the Committee so that they may have the opportunity to read same before the Committee so that they can be aware of its contents in the event that my Statement cannot be read to the Committee for any particular reason. Once again and for the record this is a perfectly reasonable and legitimate approach which does not fall foul of any Codes of Conduct and Members are entitled to receive and take into account (if they choose to do so) the information it contains without prejudice to any decision that they subsequently choose to make at the Committee itself.

Finally, you will note that I consider it important that any conditions and/or Planning Obligations that may in due course be suggested/recommended by Officers to the Committee meet the relevant statutory and Policy tests and I therefore reserve the right to comment further in this regard (should I choose to do so) once I have sight of same via any Officer report published. In this regard so you may find it helpful to let me have sight of these before the Committee as you never know I may actually (based on experience) have something useful and helpful to say and/or add in this regard as well and any such advice is free and independent.

Thank you

Paul Collins BA (Hons) DipTP

