

[REDACTED]

From: paul collins [REDACTED]
Sent: 28 September 2018 16:13
To: Simon Davis
Cc: [REDACTED]

Subject: RE: Planning application Y/44/17 OUT

Dear Mr Davis

Thank you for your e mail dated 25/9/18 but as my e mail explains I already knew that the application was not going to DCC on 3/10/18 and what I asked was which DCC you were now aiming at but I had noted that your e mail suggested that you did not know because of the S106 issue.

However there is now an e mail trail between you and the applicants agent (based on earlier telephone conversations on your file) that demonstrates that not only did you know that the application would be going to the DCC on 14 November 2018 but also that it was not the S106 that was delaying matters but rather the access issues. Can you explain this apparent lack of openness and transparency please?

Notwithstanding the foregoing I note that the proposals are as a matter of principle and fact in direct conflict with YNP 2014 Policies BB1: Built-up Area Boundary, H1: Housing requirement, H2: Dwelling size, H3: Dwellings appropriate for the needs of older people and E1: Protection of high value agricultural land and do not accord with ADLP Policies SD SP1 Sustainable development, SD SP1a Strategic Approach, SD SP2 Built-up Area Boundary, C SP1 Countryside, GI SP1 Green infrastructure and development and H SP1 The Housing Requirement and SO DM1 Soils.

Therefore given the requirements of Section 38 (6) and the total lack of any other material considerations that would warrant a decision otherwise than in accordance with the relevant development plan policies I am wondering why you deem it appropriate to continue to negotiate over matters of detail (which do not in any case form part of the application submitted) and a S106 agreement (which will not be CIL Compliant in any case) rather than refusing the application under delegated powers so perhaps you can help me and anyone else with an interest with this conundrum too?

To assist you with your response and given the officer reports on the DC Agenda for 3/10/18 in respect of applications in Aldingbourne and Angmering which show a similar disregard for the law and the primacy of the development plan and for that matter its efficacy, I should point out that the wording of ADLP Policies, SD SP2 Built-up Area Boundary, C SP1 Countryside and SO DM1 Soils is definitive and does not allow for any discretion regarding their meaning and application or assessment as to the degree of conflict or impact. The policies make it clear that proposals either comply with same or they do not and the proposals under Y/44/17 do not.

In this regard you may like to consider Paragraphs 17 – 23 of the attached Tesco Stores Limited (Appellants) v Dundee City Council (Respondents) (Scotland) Judgement which seem applicable.

In the words of Lord Reed:

"The need for a proper understanding follows, in the first place, from the fact that the planning authority is required by statute to have regard to the provisions of the development plan and it cannot have regard to the provisions of the plan if it fails to understand them".:

"The development plan is a carefully drafted and considered statement of policy, published in order to inform the public of the approach which will be followed by planning authorities in decision-making unless there is good reason to depart from it. It is intended to guide the behaviour of developers and planning authorities. As in other areas of administrative law, the policies which it sets out are designed to secure consistency and direction in the exercise of discretionary powers, while allowing a measure of flexibility to be retained. Those considerations point away from the view that the meaning of the plan is in principle a matter which each planning authority is entitled to determine from time to time as it pleases, within the limits of rationality. On the contrary, these considerations suggest that in principle, in this area of public administration as in others (as discussed, for example, in R (Raissi) v Secretary of State for the Home Department [2008] QB 836), policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context".....

"...planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean".

Therefore if Officers are confused about how these ADLP Policies should be interpreted and applied (as the reports to the DCC on 3/10/18 suggest) the right and proper course of action would be for the LPA to undertake a review of the ADLP and adopt policies whereby such confusion will not arise rather than attempting to pick and choose how they should be interpreted and applied on a case by case basis as the latter will (sooner or later) lead to successful legal challenges by anyone aggrieved by such injudicious decision making.

Now that I know that this application will be going to the 14 November meeting I will comment again when and if the Officers Report is published but in the meantime please place this e mail and the attachment on your file and do feel free to respond or not to the comments I make as you see fit.

Thanks

Paul Collins BA (Hons) DipTP

From: Simon Davis [redacted]
Sent: Tuesday, September 25, 2018 5:11 PM
To: 'paul.collins@pcc.gov.uk'; [redacted]
Subject: RE: Planning application Y/44/17 OUT

Dear Mr Collins,

I am unable to confirm that this will be going to the 3rd October Committee as it going to Ctte is dependent on the S.106 being agreed with all parties. We have not yet had notification of agreement.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
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Save the environment - think before you print.

From: paul collins [REDACTED]
Sent: 22 September 2018 12:58
To: [REDACTED]

Subject: Planning application Y/44/17 OUT

Dear Mr Davis

I note that on 24/8/18 you were aiming to determine this application at the DC Meeting on 3 October 2018 but it is not on the agenda now published. Please can you advise which DC meeting you are now aiming at.

Thanks

Paul Collins BA (Hons) DipTP
[REDACTED]

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