

[REDACTED]

From: Elaine Munns [REDACTED]
Sent: 12 March 2019 12:12
To: Simon Davis <Simon.Davis@arun.gov.uk>; Eloise Short [REDACTED]
Cc: Laura Floodgate [REDACTED] Neil Crowther <Neil.Crowther@arun.gov.uk>
Subject: RE: Y/49/18/PL Development of 10No. residential properties & associated infrastructure – Land east of North End Road, Yapton

Hi Simon

Thanks for your response. I've read the committee report and it doesn't refer to the same situation we experienced recently with the Fire Service whereby one appeal decision went against us but subsequent decisions accepted our contributions – effectively disagreeing with the decision in that specific appeal. It is likely that the same scenario would arise for equipment towards local schools and there was an opportunity here to facilitate that outcome. However, the committee report has not described the position in a way likely to encourage Members to support the contributions for Education.

Ultimately you make the decision but there is a missed opportunity here to secure equipment towards local schools, using a methodology which we continue to operate successfully elsewhere in the County. Mid Sussex in fact have recently gone so far as adopting the policy of 6+ units making payments towards equipment, they have been asking us to request money retrospectively towards their sites of 6-10 units, and the local schools will benefit from that approach. The schools in Arun will not have that opportunity unless we work together and ensure schools are mitigated for

Best Regards

[REDACTED]

Elaine Munns BSc, MSc AGI | Team Manager, Planning Services | Economy, Planning, and Place
Directorate, West Sussex County Council
Location: Ground Floor Northleigh, County Hall, Chichester PO19 1QT

[REDACTED]

From: Simon Davis [<mailto:Simon.Davis@arun.gov.uk>]
Sent: 01 March 2019 12:29
To: Elaine Munns; Eloise Short
Cc: Laura Floodgate; Neil Crowther
Subject: RE: Y/49/18/PL Development of 10No. residential properties & associated infrastructure – Land east of North End Road, Yapton

Dear Elaine,

Thanks for your email. I spoke with Neil about your further justification. In our view, for schemes of 10 or less, s106 contributions will only be secured with exceptional and specific justification and I'm afraid that we didn't consider the justification it to be sufficient. However, the report to Committee does include your arguments therefore members will have the opportunity to debate the matter if they wish.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
Location: Planning, First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
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From: Elaine Munns [REDACTED]

Sent: 28 February 2019 11:39

To: Simon Davis <Simon.Davis@arun.gov.uk>; Eloise Short [REDACTED]

Cc: Laura Floodgate [REDACTED]

Subject: RE: Y/49/18/PL Development of 10No. residential properties & associated infrastructure – Land east of North End Road, Yapton

Hi Simon

I've not heard back from you on this – can you tell me if you're happy with the additional explanation provided below?

Many thanks

[REDACTED]

Elaine Munns BSc, MSc AGI | Team Manager, Planning Services | Economy, Planning, and Place
Directorate, West Sussex County Council
Location: Ground Floor Northleigh, County Hall, Chichester PO19 1OT
[REDACTED]

From: Elaine Munns

Sent: 15 February 2019 15:29

To: Simon Davis; Eloise Short

Cc: Laura Floodgate

Subject: RE: Y/49/18/PL Development of 10No. residential properties & associated infrastructure – Land east of North End Road, Yapton

Actually no, sorry – the Y/80/16 application related to Fire and was an example of how contributions can be found to be non-compliant (Y/19/16) but in a later appeal they were declared compliant (Y/80/16).

The second reference to Y/80/16 should have quoted a different planning application altogether, I think it was probably a Mid Sussex one DM/17/04601 which was for 10 units, was towards additional equipment at St Lawrence C of E Primary School, and the Inspector found it to be CIL compliant – so directly in opposition to the Inspector for the Appeal for

LU/162/17, and a good reason why it's premature to assume that all future appeal results will be against us, on the basis of one.

Thanks



Elaine Munns BSc, MSc AGI | Team Manager, Planning Services | Economy, Planning, and Place
Directorate, West Sussex County Council
Location: Ground Floor Northleigh, County Hall, Chichester PO19 1QT



From: Simon Davis [<mailto:Simon.Davis@arun.gov.uk>]

Sent: 13 February 2019 10:30

To: Eloise Short; Elaine Munns

Cc: Laura Floodgate

Subject: RE: Y/49/18/PL Development of 10No. residential properties & associated infrastructure – Land east of North End Road, Yapton

Eloise/Elaine,

Thank you for this – I will discuss with Neil.

I think there is a slight error in Elaine's comments in that you say that Y/80/16 was for 10 dwellings whereas it was for 100.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
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From: Eloise Short

Sent: 13 February 2019 09:35

To: Simon Davis <Simon.Davis@arun.gov.uk>

Cc: Laura Floodgate; Elaine Munns

Subject: RE: Y/49/18/PL Development of 10No. residential properties & associated infrastructure – Land east of North End Road, Yapton

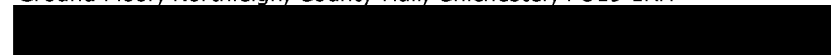
Hi Simon

Further to Elaine's email below, please find attached an updated consultation response with more specific wording for the schemes.

Kind regards,

Eloise Short

Assistant Planner | Planning Policy and Infrastructure | Economy, Planning, and Place
Ground Floor, Northleigh, County Hall, Chichester, PO19 1RH



From: Elaine Munns
Sent: 12 February 2019 21:58
To: 'Simon Davis'; Eloise Short
Cc: Laura Floodgate
Subject: RE: Y/49/18/PL Development of 10No. residential properties & associated infrastructure – Land east of North End Road, Yapton

Hi Simon

Our position still is that the Education contributions are CIL compliant, and having looked at other appeal decisions that we have had recently, our conclusion is that we disagree with the comments by the Inspector for the appeal at Land at Toddington Lane.

The comments by that inspector were that the calculation itself was sound but the money was being put into a general pot for spending. We had asked for the contribution to be used for equipment at a specific school and it is this that was described as being a general pot. We disagree with this assessment but recognise that it is likely to have been borne as a result of not addressing the matter more clearly in our appeal justification statement. So in future appeal situations we will need to address that point more carefully so that it is clear how the money is being used, and that it's not a general pot.

We have other appeal results across the county which have supported the use of S106 money towards equipment in the local school to the development and the Toddington Lane appeal is at odds with the findings of other inspectors. In fact the loss of this contribution has not been replicated by any other appeals throughout West Sussex: we do not have another appeal where we have lost equipment for schools, or supports the comments by Toddington Lane in any way. We monitor all appeal decisions, to ensure our contributions are supported and compliant, and this particular decision is not supported by decisions elsewhere. In Mid Sussex, who are also not yet a CIL authority, they have actively requested that we do include Education contributions for their developments of 6-10 houses, for equipment, facilities, and other small-scale improvements at the local schools.

The inconsistency in appeal decisions can best be demonstrated with reference to our Fire contributions. For Y/19/16 the scheme for Fire was found not to be compliant, but in Y/80/16, which followed, the inspector was happy that the scheme was compliant. Consequently we have continued to request Fire contributions, without further challenges in appeals.

We have an appeal in Arun for the application Y/80/16, for 10 dwellings, towards equipment for the local school, and the contributions were stated to be CIL compliant.

So it is premature to change our policy on the basis of a single appeal decision which is at odds with other appeal decisions; it is not unheard of for an unusual decision to come through which is then not repeated by other inspectors in their appeals. A better course of action right now is simply to ensure our justification for our contributions contains as much information as possible, to address the point raised by the inspector at Toddington Lane, and to continue to monitor our appeal decisions to establish whether this result is repeated, or if it's a one-off.

For the current application we can make the wording of the scheme slightly more specific, and Eloise will send this over to you, and which should be sufficient to address the concerns raised by that inspector.

The alternative is to simply give up these contributions towards equipment at schools when the schools themselves would benefit enormously by these contributions, and when the

overall evidence at this stage suggests that this appeal decision is unlikely to be repeated. It would be unfortunate to make this decision at this stage and I hope you can agree with the logic to continue to ask for these contributions

Best Regards

Elaine Munns BSc, MSc AGI | Team Manager, Planning Services | Economy, Planning, and Place
Directorate, West Sussex County Council
Location: Ground Floor Northleigh, County Hall, Chichester PO19 1QT

From: Simon Davis [<mailto:Simon.Davis@arun.gov.uk>]

Sent: 29 January 2019 10:29

To: Eloise Short

Cc: Elaine Munns

Subject: Y/49/18/PL Development of 10No. residential properties & associated infrastructure – Land east of North End Road, Yapton

Dear Eloise,

Further to my email yesterday, it has now been decided that we are cannot justify the S.106 for Y/49/18/PL given the recent appeal decision as referred to and we are taking it to Committee just with a recommendation to approve subject to conditions. If you disagree with our approach, can you provide me with justification (in particular with regard to the appeal decision) by the 12th February so I can prepare a report update.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
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From: Simon Davis

Sent: 28 January 2019 11:24

To: 'Eloise Short'

Cc: 'Elaine Munns'

Subject: RE: Appeal Decision LU/162/17/PL - Land at Toddington Lane, Littlehampton

Dear Eloise,

Further to my email below, I wanted to know if this would change the stance of the County on application Y/49/18/PL Development of 10No. residential properties & associated infrastructure – Land east of North End Road, Yapton? You will recall that at first their solicitor was arguing against the contributions and that Elaine responded a couple of times. In the end, they agree to the contributions due to not wanting a refusal. We are proceeding to Committee on 13th February on this basis (i.e. recommending approval subject to signing of the 106). You may wish to re-consider your position on the education contributions in light of the appeal decisions before the 13th?

Simon

From: Eloise Short [REDACTED]
Sent: 09 January 2019 09:44
To: Simon Davis <Simon.Davis@arun.gov.uk>
Subject: RE: Appeal Decision LU/162/17/PL - Land at Toddington Lane, Littlehampton

Hi Simon,

Many thanks for bringing this to our attention, we hadn't seen it our end.

Kind regards,

Eloise Short

Assistant Planner | Planning Policy and Infrastructure | Economy, Planning, and Place
Ground Floor, Northleigh, County Hall, Chichester, PO19 1RH

[REDACTED]

From: Simon Davis [<mailto:Simon.Davis@arun.gov.uk>]
Sent: 07 January 2019 12:37
To: Eloise Short
Subject: FW: Appeal Decision LU/162/17/PL - Land at Toddington Lane, Littlehampton

Dear Eloise,

I am not sure if you have received this email through another source but I thought I should send on given the Inspector's comments on the education contribution in paras 24-30.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
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From: Caroline Pattenden
Sent: 07 January 2019 12:19

[REDACTED]

[REDACTED]
Subject: Appeal Decision LU/162/17/PL Land at Toddington Lane, Littlehampton

Dear All,

Please see the attached Appeal Decision for: **Land at Toddington Lane**

Summary of Decision: **Appeal Allowed with Conditions**

Kind regards

Caroline

Caroline Pattenden, Appeals and Compliance Assistant Arun District Council , Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

[REDACTED]
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