

Nicola Spencer

From: Nicola Spencer
Sent: 12 December 2013 15:44
To: [REDACTED]
Subject: RE: ARTICLE 10A NOTICE FOR THE ATTENTION OF MRS J GRIEVES RE: Further Information Required letter Council Ref: Y/99/13.
Attachments: Mr collins letter.pdf

Dear Mr Collins

Please see the response from Mr Antoniou attached.

Yours sincerely

Nicola Spencer

Nicola Spencer | Technical Support Manager, Planning Department, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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Save the environment - think before you print.

From: Paul Collins [REDACTED]
Sent: 11 December 2013 12:18
To: Nikolas Antoniou
Cc: Julie Grieves; Nicola Spencer
Subject: RE: ARTICLE 10A NOTICE FOR THE ATTENTION OF MRS J GRIEVES RE: Further Information Required letter Council Ref: Y/99/13.

Dear Mr Antoniou

Thank you for your e mail.

The Council notified the applicant that their application had not been validated some 3 weeks after it had been submitted. The applicant has responded by serving an Article 10A Notice for the reasons given in my e mail and the relevant regulations are specific as to how the Council should respond (Article 10A(2)) to such a notice and your e mail does not provide the required response.

Article 10A (7) is also clear in stating that irrespective of whether the Council responds to the notice with a "Validation Notice" or a "non- validation notice" as required, the statutory 13 week determination period in this case will run from 19 November 2013 and end on 18 February 2014. Therefore, if the application remains undetermined at the end date of 18 February 2014 the applicant may exercise his right of appeal against non-determination.

This would not be the case if the applicant provided the requested (but unnecessary) information as we understand that the Councils procedures would mean that the application would be given a validation date which matched the date that such information was provided so that the statutory 13 week determination period would run from that date. This is not acceptable to the applicant.

Moreover, we also consider that it is important that the statutory validation procedures are followed so as to ensure that whatever decision is eventually made by whatever authority can be seen to be lawful and free of any risk of legal challenge by others with an interest.

Please can you let me know when we might receive the Councils statutory response to the notice served.

Thank you

Paul Collins

Paul Collins BA (Hons) DipTP MRTPI

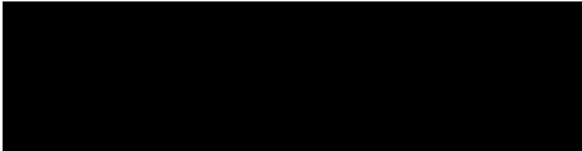
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From: Nikolas Antoniou [<mailto:Nikolas.Antoniou@arun.gov.uk>]

Sent: 11 December 2013 11:23

To: Paul Collins

Cc: Julie Grieves; Nicola Spencer

Subject: FW: ARTICLE 10A NOTICE FOR THE ATTENTION OF MRS J GRIEVES RE: Further Information Required letter Council Ref: Y/99/13.

Dear Mr Collins

I am between meetings and offer this brief response now if it is of assistance. If you cant agree then I will need to look into the matter in more detail tomorrow.

The biodiversity checklist has been adopted as part of the validation process. It is required on all planning applications where it is a requirement and in essence is an audit trail for the LPA that the issue has been considered. I acknowledge you have provided a survey however, to tick the yes/no boxes is a simple process and if you could provide the completed checklist it would help get the application validated.

From what you have said below because you feel it is of little benefit why complete it. From the councils point of view as highlighted above it is considered a key validation document and provides consistency across all planning files when auditing.

Many thanks
Nik Antoniou

Nikolas Antoniou | Head of Development Control, Planning & Housing Strategy, Arun District Council |
Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
Internal: 37799 | External: +44 (0) 1903 737799 | E-mail: nikolas.antoniou@arun.gov.uk Visit Arun's
web site at www.arun.gov.uk ♻️ Save the environment - think before you print.

From: Julie Grieves

Sent: 09 December 2013 14:33

To: Nikolas Antoniou

Subject: FW: ARTICLE 10A NOTICE FOR THE ATTENTION OF MRS J GRIEVES RE: Further Information Required letter Council Ref: Y/99/13.

Please can you respond

Ta

From: Julie Grieves

Sent: 09 December 2013 14:33

To: [REDACTED]

Subject: RE: ARTICLE 10A NOTICE FOR THE ATTENTION OF MRS J GRIEVES RE: Further Information Required letter Council Ref: Y/99/13.

Dear Mr Collins,

Thank you for confirming the position with regard to the proposed access points. I have now cross referenced the 2 site plans with that of the Transport Assessment.

With regard to the Local Validation Checklist & Biodiversity Checklist, I have forwarded your email onto Nikolas Antoniou for him to respond directly to you.

Regards

Julie Grieves

From: Paul Collins [mailto: [REDACTED]]
Sent: 09 December 2013 11:38
To: Planning.Responses
Subject: ARTICLE 10A NOTICE FOR THE ATTENTION OF MRS J GRIEVES RE: Further Information Required letter
Council Ref: Y/99/13.

Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended by the
The Town and Country Planning (Development Management
Procedure) (England) (Amendment) Order 2013)

Proposed Development: Outline application for 10.5 hectares of residential development (comprising up to 250 dwellings (30% to be affordable) together with ancillary open space and landscaping), 14.9 hectares of public open space development to be laid out as public parkland and landscaped green corridors, vehicular access from Ford Lane (The means of access)

Dear Mrs Grieves

I refer to your letter dated 6 December 2013 advising that your authority require specified particulars and evidence before the application will be validated.

Please take this e mail as an Article 10A Notice under the above Regulations.

In accordance with Article 10A (1) (b) (i), the Applicant notifies the Authority that none of the particulars or evidence specified in your letter are considered to meet the requirements set out in article 29(4)(bb) under the above Regulations:

For clarity the Council's letter sets out the following Authority requirements:

"Block Plan Please submit 1 electronic or 3 paper copies of an amended block/site plan at a scale of 1:500 or 1:200 to show full access details. Arrows are not acceptable"

"Local Validation Checklist: Please provide the Local Validation Requirements Checklist in order to comply with the local validation requirements. No further validation will take place until this is received."

"Biodiversity Checklist: Please provide the Biodiversity Checklist so that so that the ecological impacts of proposals can be assessed. Both the checklist and the guidance notes are available on the Council's website and further information can be found in the Local Validation Requirements."

"No further validation will take place until this is received"

In accordance with Article 10A (1) (b) (ii) the Applicant notifies the Authority that they hold this view for the following reasons:

Block Plan

The submitted Block Plan meets the National Validation Requirements for an application of this type and is, therefore, reasonable having regard to the outline nature and scale of the proposed development. Moreover "Full Access Details" are already shown on the Motion Drgs numbers 130431-02a (Proposed Western Site Access) and Drg 130431-03a (Proposed Eastern Site Access) within the submitted TA at

Appendix H as stated at paragraph 56 of the submitted Planning Summary, Planning Statement and Design and Access Statement.

Local Validation Checklist

The Information submitted with this application was agreed in pre submission correspondence relating to the Environmental Impact Screening Opinion and Application Fee payable and what has been provided in accordance with those agreements is reasonable having regard, in particular, to the nature and scale of the proposed development and

The Council's "Local Validation Checklist" does not relate to any matter which it is reasonable to think will be a material consideration in the determination of the application submitted.

Biodiversity Checklist

The Applicant has completed Section 13 "Biodiversity and Geological Conservation" on the submitted application forms and provided an "Extended Phase 1 Habitat Study " which supports the answers given. Therefore, it is not considered reasonable having regard to the outline nature and scale of the proposed development for any further information to be requested or provided at this early stage of the process particularly as the proposals for public open space and landscaped green corridors will serve to substantially increase the biodiversity interest of the site. Therefore it is not reasonable to think that completion of the Councils biodiversity checklist will add any further information which is material to the consideration or determination of the application.

Therefore, in accordance with Article 10A (1) (b) (iii) the Applicant requests that the Authority waives the requirements and validates the application.

Further, in accordance with Article 10A (2), the applicant requests that the Council notifies the applicant either that

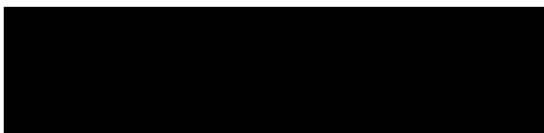
- (i) the authority no longer require the applicant to provide the particulars or evidence ("a validation notice"); or
- (ii) the authority continues to require the applicant to provide the particulars or evidence ("non-validation notice").

In either case and in accordance with Article 10A (7) please note for you file that the applicant considers that the start date for the 13 week determination period for this application is 19 November 2013 and not the date of this e mail or the Council's validation or non-validation notice once received.

Thanks

Paul Collins BA (Hons) DipTP MRTPI

Associate Planner
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From: planning.responses@arun.gov.uk [mailto:planning.responses@arun.gov.uk]

Sent: 06 December 2013 09:34

To: Paul Collins

Subject: Further Information Required on Your Ref: PP-03020550 Our Ref: Y/99/13/

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