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St Johns House
St Johns Street
Chichester
West Sussex
PO191UU

Date: 31st July 2026

Please ask for: Harry Chalk
Tel: 01903 737577

Your Ref:

Our Ref: AL/38/26/DOC

Dear Mr Rees,

Town & Country Planning Act 1990 (as amended)

Town and Country Planning (Development Management Procedure) (England) Order 2015

Approval of details reserved by condition under AL/31/22/PL relating to conditions 5- Surface Water Drainage, 6- Drainage System to Adjacent Land and 7- Maintenance and Management of Surface Water Drainage System.

Land West Of Ryefield Farmhouse Oak Tree Lane Woodgate PO20 3GU

Notification regarding the above application:

Condition Number 5

Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Where the design of the surface water drainage scheme relies on an adjacent development, a Deed of Easement detailing agreement of taking such drainage shall also be provided as part of the required details. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

Decision:

Arun District Council have decided to **REFUSE details reserved by condition for the following reasons:**

This condition cannot be discharged at this stage for the following reasons:

The proposed surface water drainage design relies on a temporary discharge to the public foul sewer, contrary to national and local drainage policy and guidance, including the National Standards for Sustainable Drainage Systems (NSfS). It proposes to connect to surface water infrastructure associated with the adjacent Woodgate Centre development (AL/107/21/PL) once that infrastructure has been delivered.

The site lies within the Lidsey Wastewater Treatment Catchment Area, where a Surface Water Management Plan is in place due to historic foul sewer flooding partly caused by surface water inundation. Any discharge of surface water to the foul sewer, even temporarily, is unacceptable as it risks increasing flood risk, pollution, and contamination from sewer flooding.

Southern Water, the statutory sewerage undertaker, recently objected to foul drainage proposals for the adjacent Woodgate Centre site (AL/105/25/DOC), citing insufficient capacity within the local foul sewer network. This reinforces that any surface water discharge to the foul sewer, even temporarily, would place the network at significant risk.

There is no guarantee the foul sewer connection would be temporary, as the proposed switch to the Woodgate Centre surface water network depends on infrastructure outside the applicant's control. Furthermore, there is no mechanism within this permission or its conditions that establishes a formal process to secure or enable enforcement of the proposed switch to the surface water infrastructure upon its completion.

The submitted evidence of a deed of easement is limited to an email stating that a deed exists. The email (Dated: October 2024) does not appear to be an original since the email was not sent direct from its author 'Moore Barlow LLP'. No copy of the deed has been provided, nor any details of the authorised discharge route, connection point, or the specific parties between which the agreement was established. Ownership of the Woodgate Centre site is understood to have changed in recent years, so it is unclear whether the deed remains applicable.

The proposed drainage design does not demonstrate compliance with the surface water drainage hierarchy set out in Approved Document H of the Building Regulations, the CIRIA SuDS Manual, and the National Standards for Sustainable Drainage Systems (NSfS).

This conclusion is reached because a watercourse is located approximately 350 metres east of the site, yet the submission states that no watercourse outfall is available and provides no detailed assessment of this option before proposing discharge to the foul sewer.

In correspondence, the agent has argued that a connection to the watercourse is not "reasonably practicable", stating that practicability should encompass not only engineering feasibility but also deliverability. The agent notes that such a connection would require agreements with three separate landowners, would cross land allocated for strategic development, and may be difficult to secure within the remaining lifespan of the planning permission.

While it is agreed these constraints would likely affect the viability of a connection, determining whether a discharge option is "reasonably practicable" requires gathering data, working through a structured series of decisions, and includes determining whether and to what extent solutions are reasonable and appropriate, as set out in the NSfS. No such assessment has been provided in this case. Instead, discharge to the eastern watercourse appears to have been discounted on high-level constraints alone. The NSfS also requires evidence that all higher-priority discharge options have been maximised before lower-priority options are considered, and higher cost alone does not justify a lower-priority discharge destination.

Please do not hesitate to contact the above officer if you require any further assistance.

Yours sincerely

A handwritten signature in black ink, consisting of stylized, cursive letters that appear to be 'NC' followed by a flourish and a period.

Neil Crowther
Group Head of Planning