

[REDACTED]

From: Anita Gardner
Sent: 15 May 2018 19:25
To: Planning.Responses
Subject: FW: 2017-084 Angmering, Arundel Road - Planning Application

Please add to application

Anita Gardner | Principal Planner, Directorate of Place, 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: [REDACTED]
Sent: 08 May 2018 13:09
To: Anita Gardner
Cc: Karen Garner; John MacKenzie; Steve Barker
Subject: RE: 2017-084 Angmering, Arundel Road - Planning Application

Dear Anita,

Further to my colleague Steve's email below, please find attached to this email our consultant response to the comments made by Southern Water.

Please do not hesitate to get in touch if you have any queries.

Many thanks,

Kind regards,

Jack Murphy

Jack Murphy MRTPI
Planner
Gladman Developments
[REDACTED]

From: Steve Barker
Sent: 03 May 2018 08:17

To: Anita.Gardner@arun.gov.uk

Subject: RE: 2017-084 Angmering, Arundel Road - Planning Application

Hi Anita,

Re: A/36/18/OUT – Arundel Road, Angmering

By way of a more comprehensive update on where we see the application is at I'd like to summarise the responses seen by us to date and how we're acting (as appropriate):-

WSCC Highways

Our consultant has discussed and agreed the works required and are currently preparing a detailed response to the queries raised. This is likely to be in the next 2 weeks and our consultant is confident they can resolve all of the issues

Ecology

Our consultant has been in discussion with the ecologists and agreed the scope of additional works/information. They were already undertaking additional survey works now the survey seasons are upon us and will hopefully be able to provide the information required to remove this objection.

Highways England

This should be addressed as part of the WSCC Highways response

Archaeology

Trial trenching to be done prior to development, secured by condition. We welcome this approach

Housing Strategy

The housing mix proposed in our application is purely indicative and would be subject to a Reserved Matters application. We'd be happy to condition the housing mix being agreed with the LPA at the time of a reserved matters application. Would you be happy with this approach?

Southern Water

Response noted and our consultant is reviewing

Surface Water Engineer – ADC

Our consultant response is attached to this email. It's also worth me adding that the application is in outline and the requirement for a storm water pumping station may or may not be required once detailed design has been undertaken – in essence we've taken a worst-case scenario approach

WSCC Flood Risk Management

Our consultant response is attached to this email. It's also worth me adding that the application is in outline and the requirement for a storm water pumping station may or may not be required once detailed design has been undertaken – in essence we've taken a worst-case scenario approach

Police Commissioner

Response noted, and happy to discuss this with you in more detail as appropriate

Sport England

We're in discussion with the recommended consultant to undertake the additional works which we hope would remove this objection

Travel Plan – WSCC

This should be addressed as part of the WSCC Highways and Highways England response

To date we don't appear to have seen a landscape and policy response and I wonder if these are available yet? Are there any other responses you're expecting and/or could provide us that I've missed off the above list? Would a face-to-face meeting be beneficial to run through the scheme and discuss with you?

Thanks,
Steve

From: Steve Barker
Sent: 25 April 2018 11:13

[REDACTED]
Subject: RE: 2017-084 Angmering, Arundel Road - Planning Application

Hi Anita,

I've realised I didn't update you to say we'd resolved the issues at our end that was stopping emails coming through from yourselves.

I've seen a Highways, Highways England and ecology response and can confirm we're currently running through these with our consultants to hopefully be able to address concerns and provide a response that will enable them to remove their objections. As previously, if there's anything you'd like to discuss I'm happy to talk through either by phone, a face-to-face meeting or by email.

Kind regards,
Steve

From: Steve Barker
Sent: 03 April 2018 16:27

[REDACTED]
Subject: 2017-084 Angmering, Arundel Road - Planning Application

The logo for GLADMAN, featuring a stylized 'G' icon followed by the word 'GLADMAN' in a bold, sans-serif font.

Hi Anita,

Re: **A/36/18/OUT - Land off Arundel Road Angmering**

I thought I should make contact with you as it appears our principal contact email address ([REDACTED]) is not receiving emails from your email addresses at the present time. I've asked our IT team to look into this and hopefully resolve.

Once you've had chance to review our proposals I'd like to offer to come in for a meeting to discuss our scheme and any amendments you can suggest we consider in order to make it an attractive proposition to you and your members.

My direct contact details are shown below and my mobile number is [REDACTED]

Many thanks,

Steve

Steve Barker - Project Manager | [REDACTED]

Gladman Developments | Gladman House | Alexandria Way | Congleton | Cheshire | [REDACTED]

Gladman Developments Limited

UTILITY LAW SOLUTIONS

Development off Arundel Road, Angmering

**Analysis of Planning Conditions Suggested by
Southern Water**

May 2018

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Proposed Development of Land off Arundel Road, Angmering

Analysis of Planning Conditions Suggested by Southern Water

General

1. A Foul Drainage Analysis Report dated March 2017 (the Analysis) was prepared to support the proposed development of land off Arundel Road, Angmering. The Analysis was submitted to Arun District Council as part of an associated planning application.
2. Southern Water has been consulted by Arun District Council and has provided comments in relation to foul drainage for this development. The Southern Water consultation document is included at Appendix 1.
3. Southern Water has requested that two planning conditions relating to foul drainage should be included if planning consent is granted for this development.

Condition 1 – Occupation of the development to be phased to align with the delivery of sewerage infrastructure to prevent the increased risk of flooding.

Condition 2 - Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water

4. It is clear from the suggested conditions that Southern Water seeks to obtain an ability to control timing of the occupation and commencement of this development, despite having provided no evidence that it needs to do so.
5. Southern Water appears to have submitted standard comments without thoroughly reviewing the development proposals and then suggested conditions without providing substantive comment on associated foul drainage matters included in the application. The proposed means of foul disposal and an implementation timetable were included in the Utility Law Solutions Foul Drainage Analysis that Southern Water should have reviewed prior to making its representations to Arun District Council. Southern Water has already established the extent of network reinforcement it may need to carry out following the completion of a detailed hydraulic study funded by the applicant.
6. The conditions suggested by Southern Water are already addressed by primary legislation governing the water and sewerage industry and there is no requirement to impose these conditions.

Condition 1 - Occupation of the development to be phased to align with the delivery of sewerage infrastructure to prevent the increased risk of flooding.

7. Southern Water suggests that Condition 1 is required because the proposed development will increase the risk of flooding unless network reinforcement is undertaken. This was established by a detailed hydraulic study funded by the applicant that was included at Appendix 1 of the Analysis. This study also established the extent of network reinforcement that can be carried out to remove the identified risk.
8. In its representations, Southern Water correctly specifies that any network reinforcement undertaken will be funded by the New Infrastructure Charge. Details relating to the funding of network reinforcement were included at section D of the Analysis and relevant paragraphs are included below (updated as appropriate) for ease of reference.
9. Ofwat (the water and sewerage industry regulator) issued statutory rules effective from 1st April 2018 that specify how sewerage undertakers must charge for activities associated with the connection of new developments to public sewerage networks. Each sewerage undertaker has published charging arrangements that implement these rules and apply to all new development. The relevant document containing Southern Waters Charging Arrangements was included in the Analysis at Appendix 6. As well as detailing charges for site specific activities, the charging arrangements specify how network reinforcement required to accommodate new development is funded. Southern Water collects an infrastructure charge for every new dwelling connected to its sewerage network to fund network reinforcement in its operating area.
10. As sewerage undertakers now have a properly defined funding stream for improving public sewer networks to accommodate new development, it would be unreasonable to impose planning conditions relating to foul drainage where it can be demonstrated that development timescales allow any necessary action to be taken. Sewerage undertakers have a statutory duty to improve networks and must do so within a reasonable timeframe to ensure much needed new housing is not delayed.
11. This suggested condition requires the development occupation to be aligned with network reinforcement that will be undertaken by Southern Water. Development timescales have already been provided in the Analysis that Southern Water should have reviewed prior to submitting its comments to Arun District Council. Southern Water has made no comment in relation to the proposals outlined in the Analysis and has not provided any evidence that the

timescales contained therein are insufficient to allow it to ensure its systems can accommodate this development.

12. As set out in the Analysis, if this planning application is approved, occupations are likely to commence in mid-2021. Southern Water therefore has over 2 years to consider what action it may need to take to ensure it can make provision for accepting this developments foul water. The network reinforcement suggested by the Sewerage Undertakers hydraulic study involves laying 255 metres of new sewer, upsizing 32 metres of existing sewer and the construction of associated manholes. It is clear that works of this magnitude could easily be designed, planned and implemented by Southern Water in the two years between issuing an outline planning consent and the discharge of development flows to the public sewer network.
13. In the unlikely scenario where the timescales for improvement to Southern Waters systems do not wholly align with those for occupation of this development, the suggested condition remains unnecessary. Section 112 of the Water Industry Act confers statutory powers on Southern Water allowing it to control the level and location of discharges to its sewerage network. It can instruct the developer to construct onsite infrastructure in a manner that restricts the level or timing of discharges to its network (either permanently or on a temporary basis until it makes changes as necessary to its systems). Alternatively, it can use the same powers to instruct the developer to connect at a specified location on its network where sufficient capacity is available.
14. If the purpose of the condition is to delay this development until Southern Water completes further evaluation and subsequently determines what action it wishes to take, this would not be reasonable (test 6 in the NPPF). It is likely that an outline planning consent for this development will set timescales for the submission of reserved matters and its subsequent implementation. Unless Southern Water can evidence at this stage that its timescales do not align with these likely implementation dates, it cannot reasonably be suggested that delay of this development is required.
15. The suggested condition is not precise (test 5 in NPPF). It does not commit to a date by which it is reasonable to suggest that Southern Water will take action in line with its statutory duties to accommodate the needs of this development. To suggest that it simply does not know at this stage is unreasonable as it could have the effect of delaying this development unnecessarily. Given the duty under section 94 of the Water Industry Act 1991 and alternative actions possible under section 112 of the same legislation, Southern Water has all of the necessary protection of its systems it requires in the absence of the suggested condition.

Condition 2 - Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water

16. This suggested condition requires construction of the development not to commence until details of the proposed means of foul and surface water sewerage disposal have been approved. The strategies for foul and surface water disposal are entirely separate and must not be included in the same condition. As set out above and in the Analysis, a condition relating to foul drainage is unnecessary/unreasonable. Condition 2 (if necessary) should therefore only relate to surface water drainage.
17. Any planning condition requiring submission of a drainage strategy must comply with the 6 tests set out in the NPPF. It is clear based on the facts of this application that the planning condition suggested by Southern Water does not.
18. The technical design of the onsite drainage system will be vetted by Southern Water and ultimately be adopted through an agreement pursuant to section 104 of the Water Industry Act 1991. It is therefore unnecessary to supply duplicate details to Arun District Council for onward transmission to Southern Water. If the condition is intended to include submission of details relating to improvements to the offsite public sewerage network to ensure it is of adequate capacity to serve the whole development then it fails the test of enforceability (test 4 in the NPPF). The developer has no control over the planning, design or implementation of any works to achieve this aim and cannot therefore submit a scheme detailing such proposals.
19. It is not appropriate to require in a condition that a development/requirement should be carried out to the satisfaction of a third party as this decision rests with the local planning authority.

Summary

20. Whilst it has been established that Southern Water may need to improve its systems to accommodate this development, it can be demonstrated that it would be unreasonable to impose the suggested planning conditions relating to foul drainage for the following reasons:
 - ❖ Only Southern Water can design a scheme for the provision of offsite infrastructure to provide capacity to accommodate this developments foul water. Such a scheme cannot therefore be provided to the planning

- authority for approval by the sites developer. The suggested conditions where this is required are unenforceable.
- ⊗ Southern Water has provided no evidence that this development needs to be delayed to allow it sufficient time to improve its systems. Indeed, the anticipated development timescales provide plenty of time for Southern Water to take action as necessary. The suggested conditions are imprecise, unnecessary and unreasonable.
 - ⊗ Southern Water could use its statutory powers to compel the developer of this site to discharge foul water at a point on its network with available capacity without any requirement for network reinforcement. It could also require the developer to discharge flows at prescribed rates or times that can be accommodated in the public sewerage network.
 - ⊗ All matters relating to the design and construction of sewerage systems for new development as well as connection to existing networks are covered by the provisions of primary legislation (Water Industry Act 1991). Planning conditions requiring submission of same to the planning authority are an unnecessary duplication and therefore unreasonable.
21. In its guidance on the use of planning conditions, the government makes it clear that third parties such as statutory consultees can suggest conditions to mitigate potential impacts and make a development acceptable in planning terms. The decision as to whether it is appropriate to impose such conditions rests with the local planning authority. Where third parties suggest conditions, it is essential to first consider whether the 6 tests will be met on a case by case basis with reference to the facts of the proposal under consideration. Blanket standard conditions should not be used without proper consideration of whether they are necessary, and if so, how they would apply to the case in question. It is not appropriate to require in a condition that a development/requirement should be carried out to the satisfaction of a third party as this decision rests with the local planning authority.
22. The principles on which the above points are based are set out in more detail in the Analysis. Arun District Council has received this document as part of the planning application for this development.
23. It is imperative that planning conditions relate only to matters over which the developer implementing a consent has control. While a Grampian Condition can be imposed to control development while a third party takes necessary action, one is not required in this case. Southern Water has a statutory duty and is fully funded to improve its systems to accommodate this development and sufficient time to do so. In any case, the suggested condition 1 as worded is not considered to constitute a Grampian Condition as it does not refer to the action that Southern Water will (or may) need to take or any associated timescales.

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Appendix 1

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[REDACTED]

From: Rhodes, Kelly [REDACTED]
Sent: 26 April 2018 09:35
To: Planning.Responses
Subject: Site: Land off Arundel Road, Angmering, BN16 4ET.

Dear Sir/Madam,

Please see attached SW Response.

Regards
Developer Services



[REDACTED]
Southern House, Sparrowgrove, Ollerbourne, Winchester Hants SO21 2SW

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Planning and Development Services
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Developer Services
Southern Water
Sparrowgrove House
Sparrowgrove
Otterbourne
Hampshire
SO21 2SW

Your Ref
A/36/18/OUT
Our Ref
PLAN-022420
Date
25/04/2018

Dear Sirs,

Proposal: Outline planning application with some matters reserved for the erection of up to 200 dwellings with access, public open space, landscaping and sustainable drainage system (SuDS) with vehicular access point from Arundel Road, one full-sized adult football pitch and the demolition of industrial units and one residential dwelling. Departure from the Development Plan.

Site: Land off Arundel Road, Angmering, BN16 4ET.
A/36/18/OUT

Thank you for your letter of 28/03/2018

Southern Water has undertaken a desk study of the impact of the proposed development on the existing public sewer network.

This indicates that with connection at the "practical point of connection" as defined in the New Connections Services implemented from 1st April 2018 that there is an increased risk of flooding unless network reinforcement is undertaken.

This reinforcement will be provided through the New Infrastructure charge but Southern Water will need to work with and understand the development program and to review if the delivery of network reinforcement aligns with the occupation of the development.

Southern Water hence requests a condition:

"Occupation of the development to be phased to align with the delivery of sewerage infrastructure to prevent the increased risk of flooding"

Alternatively, the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system. You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul flow will be no greater than the existing contributing flows.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation

- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its

condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW [REDACTED]

Yours sincerely,

[REDACTED]

Developer Services

SOUTHERN WATER



The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.

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O.S. REF: TQ06055E

Scale: 1:2500

Screen Print

WARNING: B.S.C pipes are constructed of Branded Asbestos Cement

WARNING: Unknown (UNK) materials may include Branded Asbestos Cement

ARUN DISTRICT COUNCIL A/36/18/OUT



Printed By: ganesas

Date: 29-3-2018

Southern Water MapGuide Browser

Requested By:

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