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From: Elaine Walby on behalf of Planning.Responses
Sent: 07 May 2026 16:00
To: Planning Scanning
Subject: FW: Public comment on application A/44/26/PL
Attachments: Neutral review of Application 7.pdf

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-----Original Message-----

From: Tybie House [Redacted]
Sent: 06 May 2026 09:01
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Cc: Planning <Planning@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>
Subject: Public comment on application A/44/26/PL

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Dear Planning Officer,

Having accessed ADC’s planning portal with the intention of making a public comment on application A/44/26/PL, I found that I was unable to upload my document.

Please therefore find attached my document and arrange for it to be uploaded to the planning portal alongside the other representation letters relating to this application.

For the avoidance of doubt, this submission is neither made in support of nor in opposition to the application in principle, nor is it any attempt to frustrate the application.

Yours sincerely,

Dr Tym Huckin BSc(Hons) FIAP MBCS

Technical and Procedural Review of Application A/44/26/PL

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1. Executive Summary

This document is a neutral review of Application A/44/26/PL. It is neither in support of, nor in opposition to, the application. Its purpose is to review the procedural, technical and evidential aspects of the application. It does not draw any reference to the previous procedural and administrative errors by Arun District Council which have been referred to the Local Government & Social Care Ombudsman.

The approach taken is intended to mirror the structured and evidence-based scrutiny that would ordinarily be expected of the Local Planning Authority and the Lead Local Flood Authority when assessing an application of this kind. It is therefore not an exercise in advocacy, but an examination of whether the application documents, evidence base and supporting material are sufficiently complete, coherent and robust to support lawful and informed decision-making.

In summary, it was found that:

- The ownership certification / Article 13 position was sufficiently problematic that the Council has since required corrective steps to be taken.
- The application documents do not appear to be presented as a wholly fresh and self-contained retrospective submission, but continue to rely in part on legacy material from earlier application cycles. This is not, in itself, an issue, but the LPA and LLFA must ensure that historic references therein are still applicable.
- The drainage information before the LPA/LLFA does not appear to be sufficient to be treated as a complete and reliable as-built basis for technical assessment.
- The revised SA1-led drainage strategy remains highly dependent on a narrow evidential base and a sequence of favourable assumptions.
- The application does not appear to provide a complete and clearly auditable basis for the revised system-wide drainage performance now claimed.
- The application record appears incomplete in material respects, including missing documents and drawings, which significantly undermines the ability of the LPA/LLFA to assess the application on a fully informed basis.
- Certain features as built on site do not appear to correspond with the submitted drawings or specifications. Similarly, features shown on the drawings do not appear on site.
- Appendices A to D set out the detailed technical and factual basis for these concerns.

2. Completeness of the submission

2.1. The drainage strategy appears the principal substantive issue

The current submission appears to rest on a relatively narrow evidential base. The applicant's own material says the revised strategy depends on April 2025 infiltration testing, groundwater monitoring undertaken later, and a rebuilt SA1 as the critical infiltration feature. As set out in detail in Appendix A, the design remains highly dependent on a chain of favourable assumptions, including the representativeness of the April 2025 testing, exact minimum groundwater separation with no construction tolerance, FoS 1.5, and the assumed contribution of retained features.

2.2. Legacy documents from earlier applications

The present application bundle includes a number of legacy documents from earlier application cycles, including reports prepared in 2021, which have been re-submitted as part of this retrospective 2026 application. That is not, of itself, necessarily an area of concern, but it does demonstrate that the submission is not a wholly fresh and self-contained document set.

Due to the site's history, the continued reliance on earlier documents reinforces the need for the Council to be satisfied that the material before it is complete, current, and properly reflective of the development as built, rather than simply rolled forward from previous application rounds.

That is particularly so where other parts of the present submission already raise questions as to completeness, accuracy and evidential reliability. The inclusion of legacy material is therefore relevant, not because age alone proves inaccuracy, but because it underscores the need for careful scrutiny of whether the documents now before the LPA genuinely correspond to the current retrospective proposal and the site as it actually exists.

2.3. Reliability and completeness of the drainage information

Features shown as present on the drainage drawings, including a rodding eye and inspection chamber with stated invert levels beside Plot 4, were not constructed on site. In addition, not all drainage construction drawings previously before the LPA appear to have been submitted with the present application.

Whilst it is noted in 2.7 that the surface water drainage management plan has been omitted from this submission, one assumes that any such plan would include the use of rodding eyes and inspection chambers such as these. This then raises the question as to how the plan can be coherent and executable if essential elements of the drainage system have not been constructed. The omission of these two particular features had already been brought to ADC's attention on 13 February 2026, almost a month before the date of this latest application.

Appendix B sets out the detail and evidence.

More fundamentally, the issue is not simply that certain drawings are missing. The current submission does not appear to place the following documents before the LPA/LLFA:

- a complete and reliable as-built drainage drawing set;
- a clearly auditable hydraulic calculation package for the revised system-wide design now claimed to operate satisfactorily; and
- a fully traceable evidential chain linking the April 2025 soakage testing, groundwater monitoring and FEH22 rainfall inputs to the final configuration now proposed.

In those circumstances, the drainage information presently before the LPA appears not to be a complete and accurate as-built basis for technical assessment and we therefore question how the LPA and LLFA can review this application systematically.

2.4. Reliability of on-site works

A further matter arises from the quality of works physically carried out on site. In February 2026, West Sussex County Council identified multiple defects in the Section 278 works at the site entrance which had just been completed. These include errors in kerb/chamber interface, omission of agreed granite setts, incorrect installation of gully pots, unauthorised drainage installation, and poor / incomplete topsoiling. We understand that the extent of correction would require re-excavation and reconstruction. Appendix C sets out the detail. While these works are separate from the drainage strategy within the site itself, they are relevant because they provide a further example of divergence between agreed drawings / required specifications and the works actually carried out on the ground.

2.5. The hoggin path on the drawings does not match specification

The submitted drawings indicate a hoggin path. Hoggin is a recognised construction and landscape term, commonly understood as a compacted, fines-bound gravel surface rather than a loose aggregate finish. Designing Buildings describes hoggin as derived from dug or pit-run gravel with significant clay content, typically used to create a stable, low-maintenance, semi-permeable, bound surface.

That matters in practical use. GOV.UK's Inclusive Mobility guidance states that accessible path surfaces should be compact, firm and stable, and that sand, loose gravel, woodchips and cobbles should not be used. A loose aggregate path is therefore materially different in character and performance from a properly compacted hoggin or self-binding gravel surface of the type ordinarily expected to be safe and usable for prams, wheelchairs and other mobility aids.

On visual inspection, the path as constructed appears to comprise loose, relatively coarse and angular gravel rather than a compacted self-binding or fines-bound surface one would expect of a hoggin path. As a result, the installed path does not appear to reflect the specification shown on the drawings. This is relevant not merely as a landscape detail, but because it raises a further question as to whether the development

as built corresponds with the material and surface treatment presented to the LPA in the drawings and specifications submitted for this application.

If the path is intended to regularise as hoggin, the Council may wish to satisfy itself that the installed surface in fact corresponds to that specification, including its grading, fines/binder content, compaction and finished condition.

2.6. The contamination issue

The present application includes contamination and remediation material, including a Remediation Method Statement and Final Garden Verification Report, which appears intended to address the issues raised in the original Condition 20.

However, the Council had earlier explained, in correspondence dated 4 February 2026, that previous submissions had not provided sufficient information to discharge the remaining parts of Condition 20, and had identified further investigation and verification as still required in specific areas of the site. Appendix D sets out that earlier position.

The point is not that no contamination material has now been submitted. It is that, from the face of the present application bundle, it would not appear immediately obvious to a reader how the newly submitted material maps onto each of the specific outstanding matters and evidential requirements previously identified by the Council. In a retrospective application of this kind, that lack of transparent cross-reference is itself a matter the LPA may wish to scrutinise carefully.

2.7. Surface water maintenance manual

The original Condition 29 required that development should not commence until “full details of the maintenance and management of the surface water drainage system” had been set out in a site-specific maintenance manual and approved by the Local Planning Authority. The condition expressly required that manual to include financial management and arrangements for the replacement of major components at the end of the manufacturer’s recommended design life.

The FRA / Drainage Strategy submitted with this application states that a dedicated “Drainage Maintenance and Management Plan” has been prepared and is presented at Appendix G. However, on inspection of the FRA document itself, the body of Appendix G is not present. In other words, the document refers to a drainage maintenance and management plan, but the plan itself is not included in the file. As a point of clarification, none of the appendices to the FRA document have content to them. This is also consistent with West Sussex LLFA policy, which expects drainage systems to make proper provision for operation, maintenance, inspection, access and long-term management.

That is material because the current drainage case depends not only on the geometry and infiltration performance of SA1, but also on the continuing operation and maintenance of the wider drainage system over time. In those circumstances, the absence from the file of the Appendix G document expressly relied upon means that it is

not apparent from the public application material that the site-specific surface water maintenance manual required by the original Condition 29 is actually before the LPA in a reviewable form.

3. Lighting and completeness of description of the development

3.1. No dedicated external lighting submission

From the portal document list, there is no obvious standalone external lighting layout, lighting strategy, bollard specification, lux contour plan, light spill assessment, or ecological lighting plan. However, illuminated bollard lights are already installed on site and are therefore deemed part of the applicant's proposal to regularise the site. Arun's own policy framework treats outdoor lighting as a matter requiring assessment. Committee reports applying Arun Local Plan policy QE DM2 state that planning permission for proposals involving outdoor lighting must be accompanied by a lighting scheme and supporting details. (democracy.arun.gov.uk)

In those circumstances, it is unclear how the LPA is to assess the siting, design, light output, spread, amenity impact and ecological effect of the installed lighting if there is no dedicated lighting submission.

3.2. The physical installation appears inconsistent

Photographs of the installed bollards, previously supplied in relation to the last rejected retrospective application, appear to show inconsistent and in some cases, poor installation quality, including gaps or voids around certain bases, crude or inconsistent making-good, and at least one apparently damaged or displaced unit with internal components visible. In one instance, the bollard appears not to have been installed on the concrete base ordinarily required, but instead fixed directly to the footpath with silicone sealant applied around the base after screwing it down to the tarmac itself. That does not of itself prove a planning policy breach, but it reinforces the need for the Council to understand precisely what has been installed, where, and by reference to what specification.

4. Biodiversity Net Gain inconsistency

It is fair to record that GOV.UK guidance confirms that retrospective planning permissions under section 73A are outside statutory biodiversity net gain. The fact that the development is retrospective does likely mean the statutory BNG condition does not apply.

However, the way the application form presents this point remains questionable because it refers to section 73 rather than section 73A. The section 73 route is only applicable if the original application was lawfully implemented, which the HM Inspector deemed not to be the case. The observation here is one of internal inconsistency and reliability, not necessarily the ultimate substantive BNG position.

5. Matters in relation to validity

5.1. Ownership certification / Article 13

The legal and procedural issue is straightforward. The published Certificate B schedule for this application appears to state that notice was served on 25 July 2025. On its face, that is not the notice date for an April 2026 application. That is not a minor discrepancy. It raises an immediate question as to whether the Certificate B relied upon for validation was completed truthfully and specifically for the application now before the Council.

That concern is reinforced by correspondence from the applicant's agent confirming that the application was submitted on 8 April 2026, payment was made on 10 April 2026, and notices were hand-delivered on site on 17 April 2026, over a week after the application was submitted.

The applicant is required, on making the application, to certify that the relevant notification requirements have been satisfied. Likewise, the procedural guidance makes clear that, when making an application, the applicant is required to sign a certificate confirming ownership and that the relevant notices have been served.

That is why later service cannot safely be treated as an immaterial sequencing issue. If the operative notices for this application were served only after submission, the certificate was not true when made.

5.2. Arun's own published validation guidance confirms

Arun states on its website that, for a planning application to be valid, it must include the completed application form, the relevant supporting documentation, plans, the correct fee, an ownership certificate, and the CIL additional information form. It also states that if the relevant information is not properly provided, the application will not be processed. That published position sits uneasily with any suggestion that a facially problematic ownership certificate can simply be treated as immaterial.

5.3. The Council has since advised that corrective steps were taken

Following the concerns raised as to the ownership certification and notice process, the Council has indicated that amended forms were provided and that the application process / publicity arrangements was reset accordingly. That development is noted. However, it does not remove the need for clarity as to the status of the application, the operative application date, the legal and procedural effect of the original erroneous forms, and the basis on which the application is now said to proceed. Nor does it alter

the fact that the concerns raised in this document were real and required the Council's intervention before the process could continue on a corrected footing.

6. Why all of this matters

None of the points above are raised as objections to the application being submitted. The point is narrower: if a retrospective application is to regularise a fully built development after an expired permission it ought at the very least to be lawfully and technically complete, internally consistent, and accurately reflective of what is actually on the ground.

7. Conclusion

For all the reasons above, the application appears questionable at both procedural and substantive levels.

Procedurally, the ownership certification / Article 13 position was sufficiently problematic that the Council has been obliged to take corrective steps, and the application form has also been internally inconsistent as to its legal route.

Substantively, the drainage strategy appears to be highly assumption-dependent, and the supporting material continues to raise questions as to completeness, accuracy and evidential reliability.

The absence of any obvious lighting submission for installed bollard lights is a further area of concern.

This document is therefore lodged so that anyone reviewing the planning file can see that questions remain as to whether the application has been lawfully made, fully described, and properly evidenced.

8. Authorities, guidance and principal documents referred to

1. Town and Country Planning (Development Management Procedure) (England) Order 2015
In particular, Articles 13 and 14 concerning owner notification and certification.
2. GOV.UK – Making an application
Guidance on ownership certificates, notification of owners and agricultural tenants, and application validity.
3. Arun District Council – Making a planning application / validation requirements
Council guidance as to the documents and information required for a valid application.
4. Town and Country Planning Act 1990
In particular, sections 73 and 73A, relevant to the distinction between a conditions-only application and a retrospective application for development already carried out.
5. GOV.UK – Biodiversity net gain
Guidance on applications outside the scope of statutory biodiversity net gain, including retrospective permissions under section 73A.
6. Applicant's agent correspondence
Email / correspondence confirming that the application was submitted on 8 April 2026, payment was made on 10 April 2026, and notices were hand-delivered on site only on 17 April 2026.
7. Monitoring Officer's letter dated 30 April 2026
Confirming that amended forms are to be provided and that the application / publicity process is to be reset.
8. West Sussex County Council – Lead Local Flood Authority, Policy for the Management of Surface Water
Policy guidance relevant to infiltration testing, groundwater monitoring, storage design review, and the operation, maintenance and long-term management of surface water drainage systems.
9. Planning Inspector's decision dated 31 March 2025
Appeal refs APP/C3810/C/24/3349317 and APP/C3810/W/24/3349316.
10. Application A/44/26/PL documents
Including the published application form, Certificate B schedule, planning statement, FRA / Drainage Strategy, plans and supporting material.
11. Application A/115/25/PL refusal material
Including the refusal notice / officer report and consultation responses relevant to the planning and evidential history of the site.
12. West Sussex County Council correspondence on Section 278 works
Relevant to the quality and execution of the entrance works described in Appendix C.
13. Council correspondence dated 4 February 2026 from Mr Crowther
Setting out the earlier contamination matters said by the Council to remain outstanding at that time, as referred to in Appendix D.

Appendix A: Drainage Design Analysis – Application 7

1. Scope and basis of review

This review considers the April 2026 drainage redesign presented in Application 7, in which soakaway SA1 is to be rebuilt with a base level of 7.07 m AOD and is presented as the controlling infiltration feature for the development.

The appraisal takes account of the applicant's flood risk assessment and drainage strategy, the stated highest monitored groundwater level of 6.07 m AOD, the April 2025 BRE365 infiltration testing relied upon for SA1, the applicant's continued use of a factor of safety (FoS) of 1.5, the retained storage within the pipe network, permeable paving and SA2–SA4, and site-specific FEH22 rainfall data obtained for the site point.

The purpose of the analysis is not to design an alternative scheme. It is to test whether the submitted design is demonstrated to be reliable. Where the applicant's case depends on assumptions rather than demonstrated performance, that is identified.

1.1 Context from the Planning Inspector's decision

A material consideration arises from the Planning Inspector's decision dated 31 March 2025 (Appeal refs APP/C3810/C/24/3349317 and APP/C3810/W/24/3349316). The Inspector held that conditions 28 and 29 of the original planning permission were essential to the acceptable completion, operation and maintenance of the development throughout its lifetime, and that it was “extremely important” for those drainage details to have been formally agreed prior to commencement. The decision also recorded that, once development had proceeded, it became far more difficult to demonstrate that the installed drainage system, or any alternative scheme, was acceptable, and expressly referred to the difficulties experienced in undertaking reliable infiltration testing after development had begun.

The Inspector's concern was not framed as a minor technical matter. He found that essential details of the drainage system remained outstanding when development commenced, that an inappropriate drainage system could increase flood risk on and off the site, and that there remained significant doubt as to whether the drainage scheme had been appropriately designed to ensure the development would be satisfactorily drained throughout its lifetime. He further stated that, on the evidence then presented, he could not be confident that the drainage scheme was fit for purpose.

In that context, the present application must be approached with particular caution. The underlying issue identified by the Inspector — namely the absence of a robust, site-wide, evidence-based demonstration of satisfactory long-term drainage performance — does not appear to have been definitively resolved. Rather, the current submission still depends on a relatively narrow evidential base, including April 2025 infiltration testing, exact minimum groundwater separation, and assumptions as to the continued contribution of retained features under variable real-world conditions.

The applicant's own FRA/Drainage Strategy further records that ADC did not approve the installed infiltration features either prior to installation or following completion. It also states that attempts to demonstrate the in-situ performance of SA3 and SA4 were not successful, and that in-situ testing of SA1, SA2 and permeable paving was said to be impractical because of the water volumes required. Those are material admissions. They mean the retained features cannot be treated as a concrete evidential basis for resilience in the revised design; at best they are residual components whose continuing practical contribution is asserted rather than robustly demonstrated.

This history also matters more broadly. The submission is not starting from a clean evidential position, but from a sequence of retrospective attempts to regularise a drainage system that was installed before the critical details were agreed and which has never been fully approved in its built form. That poor evidential history is directly relevant when assessing the latest application, because it means the present design should not be approached as a routine technical refinement but as a further attempt to justify, after the event, a system whose performance has remained uncertain throughout the planning history.

That concern is reinforced by West Sussex LLFA policy, which expects infiltration design to be supported by percolation testing undertaken in the winter period at the location and depth of the proposed structures, together with adequate groundwater monitoring in areas of known groundwater issues and sufficient design information to allow proper technical review.

2. Summary of the applicant's revised drainage strategy

The revised strategy is materially different from the earlier versions of the scheme. The applicant now proposes to rebuild SA1 and states that this feature could, in principle, accommodate the whole site catchment. At the same time, SA2, SA3, SA4, the permeable paving and the pipe network are retained and described as providing additional resilience, with high-level overflows cascading eventually to SA1.

Applicant's stated design basis	Comment
SA1 rebuilt at 7.07 m AOD	Ties the rebuilt base to the April 2025 test depth, but also leaves only exactly 1.0 m separation to the highest recorded groundwater level of 6.07 m AOD.
Design infiltration rate 8.13×10^{-6} m/s	This is the lowest April 2025 test value. Conservative within that dataset, but still derived from a non-winter testing period.
FoS 1.5	Chosen by the applicant, not expressly shown as having been endorsed by the reviewing authority.
SA2-SA4 / paving / pipes retained as resilience	These assets provide nominal storage and possible residual infiltration, but their in-situ operational performance has not been convincingly demonstrated and they

	are excluded from the hydraulic sizing of SA1 while being used rhetorically to support it.
1 in 100 + 45% CC said to be managed without flooding	This is a modelled claim dependent on the assumed infiltration rate, exact groundwater separation, and the continued operational benefit of retained features.

3. Site-specific FEH22 rainfall

Site-specific FEH22 point rainfall data has been obtained for the development. This is important because it removes any suggestion that the appraisal relies on generic rainfall assumptions. The table below sets out the FEH22 annual maximum rainfall depths for the site, together with the same figures uplifted by +45% climate change in line with the applicant's chosen design basis.

Duration	30yr FEH22	100yr FEH22	30yr +45%	100yr +45%
1 hour	35.72 mm	45.79 mm	51.79 mm	66.40 mm
3 hours	48.08 mm	60.00 mm	69.72 mm	87.00 mm
6 hours	55.84 mm	69.66 mm	80.97 mm	101.01 mm
12 hours	63.50 mm	79.60 mm	92.08 mm	115.42 mm
24 hours	71.61 mm	89.78 mm	103.83 mm	130.18 mm

Implication. The FEH22 data confirms that the relevant long-duration design storms remain substantial. For an effective site catchment of about 9,000 m², the gross rainfall volume generated by the 100-year +45% event is of the order of 909 m³ over 6 hours, 1,039 m³ over 12 hours and 1,172 m³ over 24 hours. Those values are of the same general order as the site's overall available storage, which is why the design remains highly sensitive to infiltration assumptions and recovery rate.

4. Indicative hydraulic calculations using Application 7 inputs

The following worked checks are included so that the conclusions in this note are transparent and reproducible. They do not replace the applicant's drainage model; rather, they test whether the submitted design appears robust when the applicant's own adopted infiltration rate is combined with site-specific FEH22 rainfall and reasonable allowance for nominal storage in SA1, the retained soakaways, the permeable paving and the pipe network.

4.1 Calculation basis and assumptions

The checks below use:

- the FEH22 point rainfall data for the site;
- the applicant's adopted SA1 infiltration rate of 8.13×10^{-6} m/s;
- the stated SA1 infiltration interface area of approximately 846.5 m²;
- an effective site catchment of about 9,000 m²; and

- a nominal overall temporary storage range of about 650–800 m³ once storage in the retained soakaways, permeable paving and pipework is taken into account.

The storage range appears deliberately favourable to the application because it gives full nominal credit to those retained elements, notwithstanding the applicant's own acknowledgement that their in-situ performance has not been fully demonstrated.

For the purposes of these indicative calculations, runoff volume is taken as rainfall depth multiplied by effective catchment area. This is a simplification, but for a substantially developed site it is sufficient to test whether the design is comfortably within, or instead close to, its claimed performance envelope.

Parameter	Value used in worked check
Effective catchment area	~9,000 m ²
SA1 infiltration rate	8.13×10^{-6} m/s
SA1 infiltration area	~846.5 m ²
Indicative SA1 discharge capacity	~24.8 m ³ /hr
Nominal temporary storage credited to whole system	~650–800 m ³
Climate change uplift applied to FEH22 depths	+45%

4.2 FEH22 storm loading calculations

Table 1 converts the site-specific FEH22 design rainfall depths into approximate gross rainfall volumes over a 9,000 m² effective catchment. These are not abstract meteorological figures: they are the order of storm loading that the redesigned drainage system must accommodate.

Duration	30yr +45% depth	30yr +45% gross volume	100yr +45% depth	100yr +45% gross volume
1 hour	51.79 mm	466 m ³	66.40 mm	598 m ³
3 hours	69.72 mm	627 m ³	87.00 mm	783 m ³
6 hours	80.97 mm	729 m ³	101.01 mm	909 m ³
12 hours	92.08 mm	829 m ³	115.42 mm	1,039 m ³
24 hours	103.83 mm	934 m ³	130.18 mm	1,172 m ³

These figures show that the longer-duration events are substantial. In particular, the 6-hour and 12-hour 100-year +45% storms generate gross volumes of approximately 909 m³ and 1,039 m³ respectively, i.e. of the same order as, or in excess of, the temporary storage the application appears to rely upon across the whole system.

4.3 Indicative SA1 discharge and during-event infiltration

Using the applicant's own adopted infiltration rate and stated SA1 area, the indicative SA1 infiltration capacity is:

$$Q = k \times A = 8.13 \times 10^{-6} \times 846.5 \approx 0.00688 \text{ m}^3/\text{s} \approx 24.8 \text{ m}^3/\text{hr}$$

That is the theoretical discharge capacity before allowing for lower effective performance caused by wetter ground, clogging, head-loss effects, groundwater interaction, siltation or construction variability. Table 2 therefore deliberately gives the applicant the benefit of an optimistic assumption: that SA1 performs at that full rate continuously throughout each storm event.

Duration	Applicant-rate infiltration during event	100yr +45% net volume after optimistic during-event infiltration	Indicative drain-down time at 24.8 m ³ /hr
6 hours	149 m ³	760 m ³	~30.7 hours
12 hours	297 m ³	742 m ³	~29.9 hours
24 hours	595 m ³	577 m ³	~23.3 hours

Even on that favourable basis, the 100-year +45% 6-hour and 12-hour events still leave residual volumes of about 760 m³ and 742 m³ to be held and then drained. Those figures are not comfortably below the system-wide nominal storage band that the application appears to depend upon.

4.4 Storage, retained soakaways and reliability of the resilience claim

The applicant seeks to strengthen SA1 by pointing to retained storage in SA2–SA4, permeable paving and the pipe network. For the purposes of this note, that temporary storage is credited in full. However, two distinctions remain critical.

First, temporary storage is not the same thing as proven infiltration performance. If the retained soakaways are relied upon merely as void space, they delay surcharge but do not change the fact that the whole system must ultimately discharge via SA1. Secondly, if those retained soakaways are said to provide more than delay, then the application is still relying on the practical infiltration performance of features whose in-situ performance has not been fully demonstrated. In either case, the resilience argument is not a concrete basis on which to prove that SA1 is reliable; it is an assumption layered on top of an already narrow design margin.

Table 3 shows the relationship between the residual 100-year +45% storm volumes and the nominal overall storage band if full credit is given to the retained pipes, paving and soakaways.

Storm case	Residual volume after optimistic SA1 infiltration	As % of 650 m ³ storage	As % of 800 m ³ storage
100yr +45%, 6 hours	760 m ³	117%	95%
100yr +45%, 12 hours	742 m ³	114%	93%
100yr +45%, 24 hours	577 m ³	89%	72%

These percentages are important. They show that, even after giving the application optimistic credit for during-event infiltration at SA1 and full nominal credit for all residual storage elements, the critical longer-duration 100-year +45% storms still push the design to, or beyond, the apparent storage envelope. That is why the design remains borderline on paper.

4.5 Why these calculations matter

The worked checks above are intentionally favourable to the applicant. They do not discount the retained storage elements; they do not reduce the SA1 discharge rate below the applicant's adopted April 2025 value; and they do not impose any additional penalty for FoS 2.0, groundwater variability, clogging, partial blockage, or less-than-perfect reconstruction. Yet even on that favourable basis the system only appears to sit close to the line. Once ordinary real-world uncertainties are allowed for, the claimed resilience becomes markedly less convincing.

5. Antecedent rainfall and groundwater representativeness

The applicant's rebuilt SA1 design still depends on BRE365 infiltration tests undertaken in April 2025. That timing matters. The comparison below shows that the April 2025 test period followed a materially drier antecedent winter than the later monitored winter groundwater response.

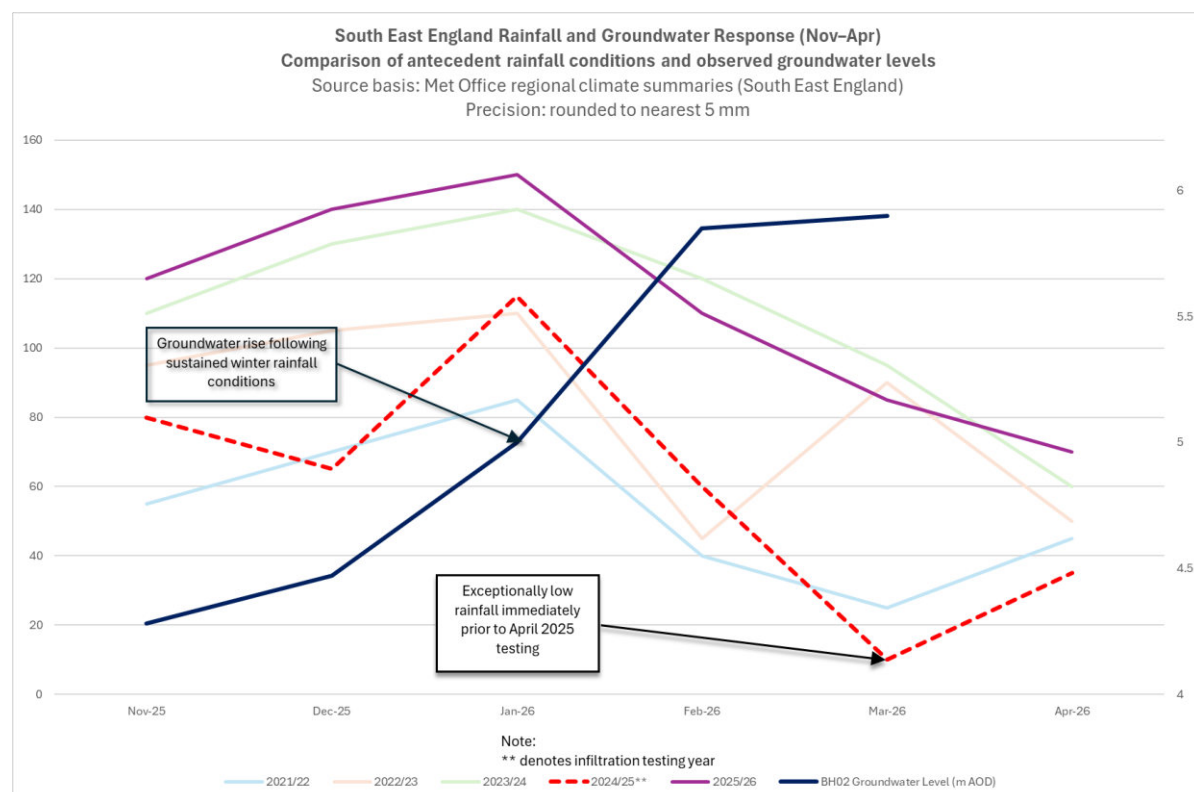


Figure 1 Comparison of antecedent rainfall conditions and observed groundwater response (South East England, Nov–Apr).

- The design value of 8.13×10^{-6} m/s may be conservative within the April 2025 dataset, but that does not make the dataset itself representative of peak winter operating conditions.

- This point remains central to the application because the rebuilt SA1 is specifically tied to the April 2025 tests. If those tests were undertaken under materially drier antecedent conditions than those prevailing when groundwater peaks, the design is vulnerable to overestimating effective infiltration performance when it is needed most.

6. Principal technical questions in the revised design

6.1 The design still rests on a narrow evidential base

The revised strategy is more coherent than earlier iterations, but it is not broader in evidence. It is narrower. The whole design now stands or falls largely on one rebuilt soakaway, one adopted infiltration rate, one season of groundwater monitoring and one exact separation distance. That is not the same as demonstrating robust performance.

This is difficult to reconcile with West Sussex LLFA policy, which expects infiltration proposals to be supported by location and depth-specific testing, groundwater evidence, and sufficiently clear design information to permit proper review of storage and performance assumptions.

6.2 Exact 1.0 m groundwater separation is not a margin

The applicant presents the rebuilt SA1 base level of 7.07 m AOD against a highest recorded groundwater level of 6.07 m AOD and describes the resulting 1.0 m as adequate. However, that is exactly 1.0 m, not a margin above 1.0 m. The design as presented contains no visible allowance for construction tolerance, monitoring uncertainty, inter-annual groundwater variability or a wetter future season.

6.3 FoS 1.5 remains an exposed assumption

The critical rebuilt SA1 is still based on a factor of safety of 1.5. CIRIA C753 explains that one of the largest uncertainties in infiltration design is the infiltration coefficient itself, and that a factor of safety should be used to reduce the observed value according to engineering judgment and the consequences of failure. The guidance does not treat 1.5 as universally appropriate; it presents a range of suggested factors, including values above 1.5 where the consequences of failure are greater. Against that background, the continued reliance on FoS 1.5 for the critical rebuilt SA1 is not self-justifying. Earlier application material shows that lower factors were previously contested, that the appropriate FoS remained a live issue, and that higher factors, including 2.0, were used elsewhere within the project calculations. The present application nevertheless continues to use 1.5 without clearly explaining why a less conservative basis is now appropriate for the one feature on which the revised strategy ultimately depends. That is a weak position where the design already depends on the April 2025 infiltration tests, exact 1.0 m separation from the highest monitored groundwater level, and the assumed continuing contribution of retained features whose in-situ performance has not been robustly demonstrated.

6.3.1 Sensitivity check: FoS 2.0

A further sensitivity check using FoS 2.0 is reasonable in this case. This is not because FoS 2.0 is asserted to be expressly mandated in every circumstance, but because the revised design is already highly assumption-sensitive: the rebuilt SA1 is tied to April 2025 testing, the stated groundwater separation is exactly 1.0 m rather than a visible margin above it, and the application relies rhetorically on retained features whose practical contribution has not been robustly demonstrated in situ.

If the applicant's adopted design rate of 8.13×10^{-6} m/s reflects a FoS of 1.5, then the equivalent design rate at FoS 2.0 would reduce to approximately 6.10×10^{-6} m/s. That is a reduction of about 25% in effective infiltration capacity. The indicative SA1 discharge capacity would fall correspondingly from about 24.8 m³/hr to about 18.6 m³/hr.

On that basis, the indicative during-event infiltration over a 6-hour storm would fall from roughly 149 m³ to about 112 m³, and over a 12-hour storm from roughly 298 m³ to about 223 m³. Using the same 9,000 m² effective catchment and the FEH22 100-year +45% design rainfall, the residual volumes requiring storage would increase to about 797 m³ for the 6-hour event and about 816 m³ for the 12-hour event. Those figures move the scheme materially closer to, and potentially beyond, the nominal overall storage range claimed for the system once real-world inefficiencies, reduced infiltration performance and residual storage occupancy are considered.

The significance of this sensitivity check is not that it proves failure under every scenario, but that it demonstrates how narrow the present margin really is. If a moderate increase in conservatism on factor of safety materially worsens the design position, then the proposal is not evidencing robust performance; it is evidencing dependence on a relatively favourable design assumption.

6.4 Retained soakaways, paving and pipes are not proving SA1 reliability

The application uses SA2–SA4, permeable paving and the pipe network in two inconsistent ways. First, they are said to provide resilience and a greater overall factor of safety. Second, their detailed operational performance has not been convincingly demonstrated in situ, and the applicant itself says partial-fill testing was not accepted and full in-situ demonstration was not practically achievable. Those features may provide storage and some residual infiltration, but they cannot rationally be treated as a dependable substitute for proving that the rebuilt SA1 is robust on its own terms.

6.5 Temporary storage does not solve ultimate discharge

Storage in pipes, retained soakaways and the permeable paving can delay surcharge, but it does not remove the controlling constraint. All stored water must ultimately leave the system, and under the submitted strategy the ultimate controlling outfall mechanism remains infiltration, centred on SA1. The real engineering question is therefore not simply whether the site can temporarily hold water, but whether it can reliably recover after doing so.

6.6 The applicant's resilience argument appears analytically weak

If the retained features truly matter to resilience, then the overall scheme is still reliant on assets whose practical performance has not been fully demonstrated. If they do not matter, then they should not be used to justify FoS 1.5 for SA1. Either way, the resilience argument does not provide a concrete basis for confidence; it reveals continued uncertainty.

7. Foreseeable conditions in which performance may be compromised

Even if the application is assumed to 'pass' in a single modelled run, there are several foreseeable and entirely ordinary conditions in which performance may become unreliable.

- If effective infiltration at SA1 is lower in practice than the April 2025 value because the surrounding ground is wetter, partially saturated, or influenced by a higher winter groundwater level than the single observed peak, the available margin reduces immediately.
- If the rebuilt SA1 is constructed even modestly above or below the intended level, the design either loses effective separation to groundwater or loses storage depth. The design has little visible tolerance for either outcome.
- If the retained soakaways, pipe runs or permeable paving do not contribute as generously as assumed, they remain temporary attenuation only. Their inability to demonstrate in-situ performance means their contribution should be treated cautiously rather than as a dependable safety reserve.
- If rainfall events occur in sequence before the system has materially recovered, residual stored water remains in the network and the next event begins from a partially loaded state. This is a realistic UK operating condition, not an extreme hypothetical.
- If silting, clogging or construction variability reduces infiltration or void space over time, the design margin again narrows because the scheme is already close to the line on paper.

8. Why the design remains borderline at best

The FEH22 rainfall data confirms that the governing design storms are substantial. The revised application then relies on a single rebuilt infiltration feature, an April-derived infiltration rate, exact 1.0 m groundwater separation and FoS 1.5 to show acceptability. That is an inherently narrow basis for demonstrating resilience.

Even allowing full credit for nominal storage within the retained pipework, SA2–SA4 and the permeable paving, those components chiefly provide delay. They do not remove the need for reliable ultimate infiltration. The application therefore remains discharge-limited: water can be stored across the system, but must still leave it via infiltration under groundwater-constrained conditions.

The applicant's own wording is revealing. Rather than show rapid full recovery, the submission says SA1 would half-empty the 1 in 30 year runoff volume within 24 hours. That is not a strong statement of resilience. It implies that drain-down is sufficiently material that a softer metric has been chosen.

Accordingly, the issue is not whether a model can be made to avoid an instantaneous flooding flag in one design event. The issue is whether this is a dependable drainage solution. On the information provided, the answer remains doubtful. The design appears borderline even on paper and materially more vulnerable once realistic variations in groundwater, infiltration performance and sequential rainfall are taken into account.

9. Conclusion

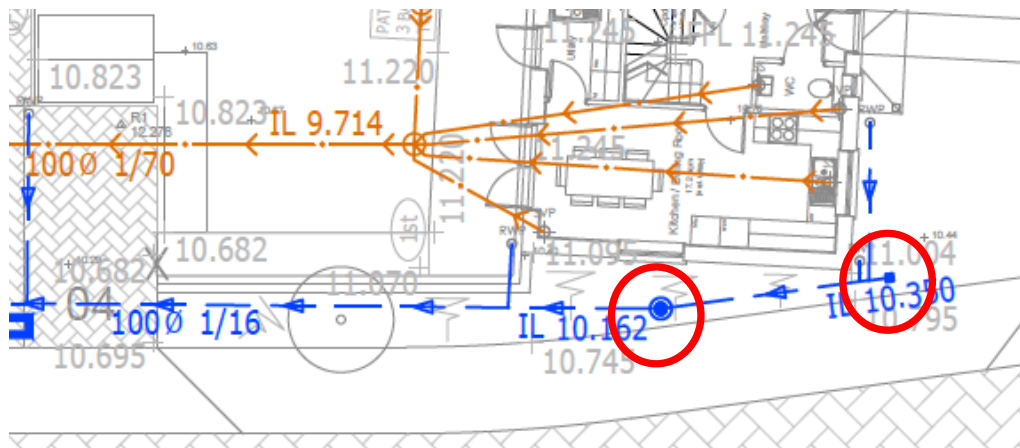
Application 7 is more coherent than some earlier drainage iterations, but coherence is not the same as robustness. The revised strategy appears to still depend on a narrow and exposed evidential chain: April 2025 infiltration testing, exact 1.0 m groundwater separation with no margin for construction tolerances or future higher ground water, FoS 1.5, and a residual resilience argument built partly on retained features whose performance has not been convincingly demonstrated in situ. The site-specific FEH22 data does not soften those concerns. On the contrary, it confirms that the relevant design storms remain substantial and that the system continues to operate with no comfortable margin for error.

In technical terms, the design does not appear to have been clearly demonstrated to be reliable. At best it appears borderline; under a number of foreseeable real-world conditions it may materially underperform.

Appendix B: Limited specific examples of application not being “as-built”

1. Details and evidence

Drawing number 21-254-702 clearly shows the drainage layout at the side of Plot 4 thus:



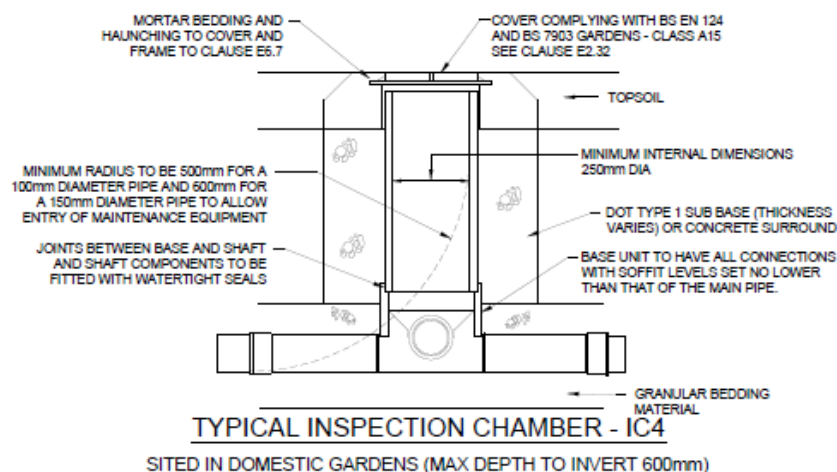
This shows a rodding eye with invert level 10.350 and an inspection chamber with invert level 10.162 in the demise of plot 4.

Referring to the key on the same drawing, the IC is specifically SW-IC4:

- SW-IC4 - PRIVATE SURFACE WATER
INSPECTION CHAMBER - MIN 0.25m DIA

This application only contains drainage construction sheets 2 and 4 within the submitted drawings. Drawing 1 and 3 are omitted from this application, though they were submitted with the application dated 31 July 2025.

Drainage construction details sheet 1 clearly shows the form of SW-IC4 thus:



The first observation is that the complete set of drawings has not been submitted for this application, and the logical conclusion to this is that the retrospective application cannot safely be assessed as a complete and accurate as-built submission as the LPA is not in possession of all the details.

The second observation is that being the owner of plot 4 at the time of writing this report, and having cultivated our garden, we can confirm that neither the RE nor IC are present. The absence of the IC can also be confirmed by Southern Testing Limited as they conducted a soil sample on 3 April 2025 at exactly the location at which the IC should be installed.

2. Conclusion

The applicant has omitted drainage construction drawings that previously formed part of the drainage package, and the drawings submitted do not appear to reflect the true arrangement on site. On that basis, the drainage information presently before the LPA would appear unable to be treated as a complete and accurate as-built record.

Appendix C: Sub-standard Section 278 works

1. Details and evidence

In February 2026, the applicant completed works at the entrance to the site in connection with the Section 278 highway works required to tie the development into the public highway.

Those works included:

- installation of a new kerb line;
- installation of drainage;
- accommodation and relocation of an Openreach chamber; and
- surfacing works, including a hot rolled asphalt wearing course.

In an email dated 11 February 2026, West Sussex County Council identified a number of defects in those works, including:

- the kerb line having been installed while the BT chamber remained in situ, with the chamber then lying within the carriageway and not fitted with a carriageway-specification lid;
- omission of the agreed double row of granite setts, with tarmac instead butted directly up to the block paving, creating a potential future maintenance concern if the blocks fail or become displaced;
- plastic gully pots having been installed without prior agreement and incorrectly installed without the minimum two courses of brickwork / raising sections required by standard details; and
- excessive aggregate in the “topsoil”, creating a potential hazard for grass-cutting operations, together with areas left unfinished.

We understand from this correspondence that the works completed in February 2026 would require re-excavation and reconstruction in their entirety.

2. Conclusion

The Section 278 works at the site entrance were not constructed to the expected standard. This is relevant because it provides a further example of divergence between agreed drawings / required specifications and the works actually carried out on site.

Appendix D: Earlier contamination matters identified by the Council

1. Details and evidence

In his email of 4 February 2026, Mr Crowther explained that previous submissions had not provided sufficient information to discharge the remaining parts of Condition 20.

He stated that:

- Application A/135/22/DOC resulted only in a partial discharge of Condition 20;
- further shallow testing was required in areas where buildings had remained in situ during the original investigations, and also along the western boundary where a stockpile of hardcore / mud was present;
- because those areas could not then be accessed for proper sampling, additional work would be necessary once demolition and clearance had taken place.

He further stated that Application A/249/23/DOC was refused because, although the report referred to the required further testing having been undertaken, “this information was never submitted to the Local Planning Authority for review.” He continued:

“Without the results, we were not in a position to assess whether the required further investigations had been completed or whether adequate remediation and verification measures were proposed.”

Mr Crowther then identified the areas where further investigation would be expected, stating:

“With regard to the specific areas requiring additional testing, we would expect this to include the general location of plots 29–40, which corresponds to the area where the spoil heap was located, and also the approximate areas of plots 17–18, 26–28, and potentially 24–25 where buildings stood at the time of the initial investigation.”

He also made clear that:

“the final scope must be confirmed by Environmental Health, who will determine whether further testing is required elsewhere.”

Application 7 now includes contamination and remediation material. The point of this appendix is not to suggest that no such material has been submitted. It is that the Council had previously identified specific outstanding matters, and from the face of the present public bundle it is not immediately obvious how the newly submitted material maps onto those earlier identified requirements.

This appendix is included so that the Council’s earlier stated requirements can be read alongside the present submission.