

Planning Department
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF



27th October 2021

MountfordPigott

Dear Sir or Madam,

Matter: Discharge of Condition no. 15 relating to BE/ 135/ 18/ PL
Site: Land at Saltbox, Shripney, Bogner Regis

In accordance with the above mentioned planning permission, an application is made to discharge condition No 15. This is a re-submission of the previously submitted discharge of condition application.

Arun District Council (the "Council") refused to discharge the condition on 22 September 2021. The reasons for the refusal can be categorised together as the as-built drainage scheme differs from the approved scheme and there was no justification or calculations proving there will be no harm or deviation from the Local Plan policy.

Condition 15 of the planning permission states:

"Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained 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 re-submission seeks to comply with Condition 15 and overcome the reasons for refusal.

Independent Report

An independent report has been commissioned which details the differences and seeks to provide the comfort the Council requires for the discharge, together with providing updated as-built plans which included all the information raised in the reasons for refusal such as the gully locations and manhole positions.

The independent report meets the requirements of the condition, not only is the engineer independent from the project team, but they are of a senior level of experience to be classed as an expert.

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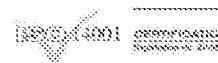
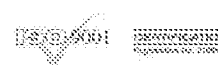
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When assessing the requirement for the condition in the Officer's Report and the Local Plan Policy these state:

1. The Officer's Report for the planning committee recommends approval of the scheme, but gives no further clarification on the drainage issue;
2. The Local Plan as the condition refers to it being *in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. The final paragraph of W SP1 of the Local Plan states as follows: -*

*Where surface water and foul water drainage systems are approved as part of the consideration of a planning application, conditions may be imposed upon the permission relating to dates for implementation or other detailed technical requirements. In order to discharge conditions, the developer will be required to submit a statement from a **suitably qualified and experienced engineer** that the measures have been adequately and satisfactorily implemented. (**our emphasis added**)*

Therefore, there appears to be no practical reason for the Council to further pursue the independence of the reviewing engineer, there is no stated requirement for the reviewing engineer be employed elsewhere. The qualification and experience are specified and important. This is due to maintain the integrity and high standards of the drainage in this local area, a suitably qualified and experienced engineer will oversee this and will maintain their professional integrity and duty of care to the Council in this respect.

As such, a reasonable reading of the word independent in this context, the requirements have been met by the additional report.

As-Built Plans

The as-built plans have been amended to include the details which the Council directed were missing.

Whilst there are slight differences between the approved drainage scheme and the as-built plans, as detailed in the Independent Report, these differences are well within the tolerances and in some cases previously approved.

Conclusion

This re-submission meets the Council's requirements of the information to be provided. The plans and the report read together give sufficient justification for the minor changes to the scheme and confirms the scheme is fit for purpose.

Accordingly we look forward to receiving confirmation the condition has been discharged.

Yours faithfully,

Michael Whitwell