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From: Southern Water Planning [REDACTED]
Sent: 04 November 2021 16:32
To: Simon Davis <Simon.Davis@arun.gov.uk>
Cc: Paul Cann <Paul.Cann@arun.gov.uk>
Subject: RE: 97 Barnham Road Barnham PO22 0BQ // BN/120/21/DOC

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Good afternoon both,

Thank you for providing the background to this case.

I have taken the opportunity to fully review this matter and have concluded that we are not in a position to revoke our recent response to discharge condition 3.

The outline planning application was permitted in March 2016 and an S106 application approved in 2017. There is no record of this being approved on a temporary basis, so we can only conclude that this was a permanent solution that was accepted. Due to the fact the S106 had previously been agreed, we could no longer object to the connection to our foul sewer and had considered the approval was given by the LLFA for the proposed attenuated flows.

When we were approached by Stigma Homes regarding our objection to discharge the condition we took into consideration the information held on our files and concluded that we were not in a position to object, hence our revised response.

Kind regards,

Vanessa Blackwell
Senior Future Growth Planner



from
Southern Water

From: Simon Davis [<mailto:Simon.Davis@arun.gov.uk>]

Sent: 26 October 2021 10:48

To: Blackwell, Vanessa

Cc: Paul Cann <Paul.Cann@arun.gov.uk>; Southern Water Planning

Subject: RE: 97 Barnham Road Barnham PO22 0BQ // BN/120/21/DOC

Dear Vanessa,

I have tried to set out the history/background as best I can but this has been ongoing for 4 or 5 years and I was not involved in the 2020 application plus both enforcement officers who were dealing with the case have left the Authority. However, I believe this is a fair history and I have agreed the following with Paul Cann.

Planning permission was granted on appeal in March 2016 (ref **EG/38/15/PL**) for 3 new dwellings. Condition 3 required approval of the surface water drainage system. We approved the drainage scheme under **EG/96/16/DOC** in February 2017. This was on the basis that the drainage would discharge into the existing public surface water sewer on Elm Grove South to the south west of the site. However, a local resident claimed that this sewer was his own property and refused access to it.

Therefore, a subsequent application was received (**EG/107/17/DOC**) to discharge into the foul sewer on Barnham Road. I believe that Southern Water had already agreed to the applicant discharging to the foul sewer. The application covering letter stated that *"An agreement has been reached with Southern Water for the alternative design in discussion with Stuart Ward and Samantha Jenkins"*. In addition, the SW response dated 18/01/18 (ref PLAN-021408) stated that the connection point was different to that shown in the Section 106 connection approval. We refused this application due to the applicant not agreeing to provide an additional manhole and length of gravity pipe at the downstream extent of the rising main in order to slow down the flow from the surface water system into the foul sewer.

Separately, discussions were taking place between Paul Cann/Laura Gibbons (Engineers) at ADC and Southern Water as to the status (ownership) of the pipe to the south west of the site. This process took some time and you deemed the sewer not be public and therefore removed it from the public sewer records. Eventually it was revealed that there is no legal owner and as such ownership transferred to the crown estate (who did not want to take responsibility due to the potential liability). However, it does cross

third party land. We previously advised the applicant to seek legal advice about connecting to it or to discuss with Southern Water whether you will adopt the pipe and/or requisition improvements/connection to it, to ensure that it is fit for purpose and meets an adoption standard (up to the point where it discharges to the ditch). This option would mean that the pipeline will become a public sewer. This would also need to consider crossing third party land (via sewer requisition) in order to make a connection to the sewer.

We received **BN/114/20/DOC** to agree discharge to the foul sewer (further to the refusal of EG/107/17/DOC). This was refused in November 2020 for the following reason:

“The Drainage Officers recommend the discharge condition 3 is refused. The connection of surface water flows to the foul drainage system, as per the previous DOC (EG/107/17/DOC) was only considered a temporary arrangement whilst alternative disposal methods were to be investigated. This included the outcome of the ongoing legal status issue of the existing surface water drainage system in Elm Grove South. The passing of time has meant that the current arrangements have exceeded what we determine to be temporary, and therefore a permanent solution now needs to be sought.

The discharge of surface water into the foul drainage system (particularly in the Lidsey treatment works sewerage catchment area) on a permanent basis will be resisted, when there are alternative methods to consider. Those alternative disposal methods include a connection to the former public surface water sewer in Elm Grove South, whereby the ownership was confirmed by Southern Water not to be theirs but further investigations on the part of the applicant were required to determine the true owner of the asset. Investigations were undertaken and legal advice sought in this respect but there is no evidence in this application of the findings. If a connection to this pipeline is determined to be an option, then it is clear that remedial works will be required to bring it back into full working order.

Another option, (although less desirable) is to lay a new pipeline from the site to the ditch into which the above mentioned pipe discharges. This would need to be laid with any relevant landowners permission where passing through private land. If landownership is an issue, then this could be achieved by requisitioning a surface water sewer from a water company i.e. ICOSA/Southern Water, whereby they will use their statutory powers under Section 98 of the Water Industry Act 1991.

In summary, the applicant needs to fully consider the appropriate options discussed above and agree a way forward to achieve a permanent solution to this long standing issue. I would therefore consider the proposed amendments to the existing connection to the foul drainage system, to be currently irrelevant. As such, the condition cannot be discharged and a revised submission following the above requirements and advice.”

Separately, we have an enforcement file on the matter and I note that the most recent response from the applicant (04/21) stated that *“Southern Water have granted us a S106 for a connection. The drain behind the site, following repeated surveys by Southern Water has been confirmed to be private.”*

Please note that the planning authority has never formally agreed the discharge into the Southern Water sewer and so has never formally stated that this was a temporary measure (aside from in the refusal of BN/114/20/DOC as above) but it clearly was our intention that it be temporary as background investigations were taking place as to whether it was possible to connect to the sewer to the south west and we have our own concerns about flooding in the Barnham area from water entering the foul sewer. I am unsure whether Southern Water granted the s106 on a temporary basis or a permanent one. Please also note that the houses are all occupied and have been for some time.

I hope this helps but if you have further questions then please ask.

Kind Regards

Simon J Davis MRTPI
Principal Planning Officer
Directorate of Place



T: 01903 737874
E: simon.davis@arun.gov.uk

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From: Blackwell, Vanessa [REDACTED]
Sent: 22 October 2021 14:29
To: Simon Davis <Simon.Davis@arun.gov.uk>; Southern Water Planning [REDACTED]
Cc: Paul Cann <Paul.Cann@arun.gov.uk>
Subject: RE: 97 Barnham Road Barnham PO22 0BQ // BN/120/21/DOC

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Good afternoon Simon,

Kayleigh is due to go on leave from today so I will be looking into this further.

In view of your comments, I would firstly advise that at Planning Consultation stage we refer to the interests of other Parties with regards to Surface Water disposal principles including the Environment Agency and Lead Local Flood Authority. At all stages we support the Hierarchy of H3 of Building Regulations with the preference for the use of soakaways. If a connection to a surface water sewer, combined sewer or foul sewer proves to be the only viable means of disposal and should we have no option but to accept such discharge then it should be at a discharge rate set by the LLFA in consultation with Southern Water.

In this connection, David Akhurst who dealt with this application historically no longer works for Southern Water and we have been unable to ascertain exactly why a temporary connection was agreed to by us in the first place. Would you be able to provide me with the historic background on this please?
I have located the S106 approval letter dated 21st December 2017 which states the following;

Further to your recent application to connect to the public sewerage system at the above location, I am pleased to inform you that your proposal to connect to the public foul sewers via a new manhole and surface water sewers via an existing manhole has been approved subject to the following provisions:

Construction of new manhole and arrangement of pipe junctions within the manhole should be in accordance with Sewers for Adoption 7th edition and Southern Water guidance documentation.

As part of the approval, the conditions below needs to be noted:

- If the sewer in the land located to the rear is found to be a public apparatus from the ongoing investigation, the connection will have to be redirected to this surface water system. This may require a full Section 98 application to be submitted as this involves third party land and the landowner will be liable for all costs.

- The pumped discharge rate is not to exceed the agreed 2.3 l/s.

This letter is for the purpose of approval to permit communication to be made to the public sewer, under S106 of the Water Industry Act 1991.

This approval is to the means and mode of construction.

I am unable to provide you with a further comment for the planning application at present but will look into this further once the background information I have requested has been received.

Kind regards,

Vanessa Blackwell
Senior Future Growth Planner



from
Southern Water

From: Simon Davis [mailto:Simon.Davis@arun.gov.uk]

Sent: 22 October 2021 13:20

To: Southern Water Planning [redacted]

Cc: Paul Cann <Paul.Cann@arun.gov.uk>; Blackwell, Vanessa [redacted]

Subject: RE: 97 Barnham Road Barnham PO22 0BQ // BN/120/21/DOC

Dear Kayleigh,

Paul has passed me your response below. I just want to check therefore that you will be providing us with a further comment for the planning application.

Simon.

Simon J Davis MRTPI
Principal Planning Officer
Directorate of Place



T: 01903 737874

E: simon.davis@arun.gov.uk

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From: Southern Water Planning [REDACTED]

Sent: 22 October 2021 13:13

To: Paul Cann <Paul.Cann@arun.gov.uk>

Cc: Blackwell, Vanessa [REDACTED]

Subject: FW: 97 Barnham Road Barnham PO22 0BQ // BN/120/21/DOC

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Hi Paul,

Thank you for bringing this to our attention and sincere apologies for the inconvenience caused.

It would appear that we had gaps in our records and the temporary connect historically was overlooked and deemed as a historical approval to connect.

We take your comments on board and will strive to be vigilant in future and reach out to you for clarification when needed.

Apologies again for the inconvenience caused.

Kind regards

Kayleigh Sharman

Future Growth Planner, Sussex
Developer Services



from
Southern Water

From: Paul Cann [<mailto:Paul.Cann@arun.gov.uk>]

Sent: 19 October 2021 12:58

To: Southern Water Planning [REDACTED]

Cc: Mayall, Charlotte [REDACTED]

Subject: RE: 97 Barnham Road Barnham PO22 0BQ // BN/120/21/DOC

Hi Rachael – see enclosed from our planning portal. This is a complicated one in that surface water was allowed to be connected to the foul on a temporary basis whilst a sustainable solution was to be established. I have advised the

planning officer accordingly – see enclosed. The problem all started when a public surface water sewer was removed from the public sewer records.

We have had meetings with yourselves in the past about this site but clearly this history has been lost. Obviously, your colleagues' response would have benefited from a discussion before it was submitted.

Regards

Paul Cann
Principal Drainage Engineer
Engineering Services



T: 01903 737819
E: paul.cann@arun.gov.uk

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From: Southern Water Planning [REDACTED]
Sent: 19 October 2021 12:42
To: Paul Cann <Paul.Cann@arun.gov.uk>
Cc: Mayall, Charlotte [REDACTED]
Subject: 97 Barnham Road Barnham PO22 0BQ // BN/120/21/DOC

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Good Afternoon Paul,

Following on from the DWMP this morning, I have gone through the history with Charlotte Mayall on this example that you gave us.

Unfortunately I am unable to locate the response sent on 7th October to yourselves relating to discharge of condition 3. I have located a response sent on 23rd September 2021 advising we could not discharge the condition (please see the attached) are you in receipt of this?

Kind Regards

Rachael Powys-Keck
Future Growth Planner, Sussex



from
Southern Water



<http://www.arun.gov.uk>

DX 57406 Littlehampton

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