

From: Simon Davis
Sent: 22 July 2019 11:51
To: [REDACTED]
Subject: FW: West Street Bognor Regis RE: BR/73/19/PL

Dear Suz,

We have accepted a revised FRA on this application which outlines measures (extra ground raising) to take the site out of the future Flood Zone 3a (our SFRA indicates that the site will be in 3a by 2061). This includes a FFL revised from 5.72m to 5.85m (0.13m increase) and a corresponding 0.13m increase in site levels to a mean of 5.7m. Can you just advise whether this alters your previous comments at all. I need your response before the 14th August 2019 and if I do not hear from you, I will proceed with a recommendation to approve (for our September 4th Development Control Meeting) and will amend the FFL condition to refer to the new FFL.

The following email correspondence is included as background to this change.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
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From: Adrian Hoy [REDACTED]
Sent: 18 July 2019 16:00
To: Simon Davis <Simon.Davis@arun.gov.uk>
Subject: RE: West Street Bognor Regis RE: BR/73/19/PL

Dear Simon

I agree with team leader and addressed the sequential test in respect of 2061 Zone 3a. In addition I have revised the Flood Assessment and Mitigation statement. I have calculated the future zone 3a to a level of 5.6m and raised the ground level overall to 5.7 representing 300mm in the south east corner to 60mm for most of the site.

Many thanks for everything you are doing to assist.

Kind regards
Adrian

From: Simon Davis <Simon.Davis@arun.gov.uk>
Sent: 18 July 2019 10:12
To: Adrian Hoy [REDACTED]
Subject: RE: West Street Bognor Regis RE: BR/73/19/PL

Dear Adrian,

I am working from home today and do not have the ability to make outgoing calls (but can listen to messages through the computer).

Its funny you say that because yesterday I asked my team leader the hypothetical question as to whether the raising of levels could alter the flood map and if so whether that would change the policy situation. His view was that the site remains in the flood zone on the SFRA so it makes no difference. However, if you can provide me with solid data that proves/illustrates your hypothesis then I can speak to Legal again and see what they think. We may though have to verify this with the EA.

Kind Regards

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From: Adrian Hoy [REDACTED]
Sent: 18 July 2019 08:48
To: Simon Davis <Simon.Davis@arun.gov.uk>
Subject: RE: West Street Bognor Regis RE: BR/73/19/PL

Dear Simon

Many thanks for trying this approach. Nothing else we can do in this respect – just have to wait.
I am working on the sequential test which should be with you in the next few days.
Kind regards
Adrian

From: Simon Davis <Simon.Davis@arun.gov.uk>
Sent: 17 July 2019 16:39
To: Adrian Hoy [REDACTED]
Cc: [REDACTED]
Subject: RE: West Street Bognor Regis RE: BR/73/19/PL

Dear Adrian,

Thank you for your email. I have spoken to our solicitor and she did say that perhaps there is scope to take this to Committee seeking delegated authority to determine the Sequential Assessment afterwards. However, having chatted this approach through with my team leader, we feel that this could potentially result in members not feeling as though they have all the information to determine the application plus confusion on the part of the public. This may then result in a deferral or even contribute to a refusal. It would be far better if all of the information is to hand and finalised before the report is agreed. Typically, we only use the delegated authority power in cases where a Section 106 Agreement is not yet signed - and in such cases members have certainty of what the agreement will contain.

Kind Regards

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From: Adrian Hoy [REDACTED]
Sent: 17 July 2019 11:18
To: Simon Davis <Simon.Davis@arun.gov.uk>
Cc: [REDACTED]
Subject: West Street Bognor Regis RE: BR/73/19/PL

Dear Simon,

Thank you for your apology, if I sounded a little frustrated over the telephone it is because, from my point of view, I believe you have acted correctly in taking the appropriate advice from the Environment Agency (EA) and the Council's drainage engineer. Despite inefficiencies and delays beyond your control, you have kept me informed and worked proactively to find solutions to any problems arising in respect of a sensitive site.

As you are aware, the first application (BR/214/18/PL) was submitted 26/07/2018 with a determination date on 26/11/2018 and withdrawn on 21/01/2019 and resubmitted (BR/63/19/PL) on 04/03/2019 with a determination date on 06/06/2019. The applicants agreed to an extension of time until 12/07/2019 followed by another until 09/08/2019 while waiting for the conservation officer, who finally responded on 10/07/2019, thus missing two planning committee meetings and the statutory determination date, through no fault of your own.

The submitted documents included a flood risk assessment and a flood mitigation plan. PPG states that:

It is for LPA's, taking advice from the EA as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The developer should justify with evidence to the LPA what area of search has been used when making the application. Ultimately the LPA needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere.

In this case ADC's drainage engineer was consulted, who raised no objection in their response on 26th April 2019, followed on 7th May 2019 by the EA who also raised no objection, specifically citing section 9 of the PPG and the NPPF for Flood Risk and Coastal Change to reduce the risk of flooding. In consideration of the SFRA and suggested flood zone 3a, it has been demonstrated that the Council has taken the appropriate advice from the EA who have already considered the extent to which Sequential Test considerations have been satisfied and the Council's drainage engineer who is also satisfied that the proposed development would be safe and not lead to increase flooding elsewhere, therefore, the Council has acted in accordance with the requirement and could not be subject to challenge.

The applicants are understandably wondering why it has taken since the first application was submitted a year ago to discover that a SA is now required. I am also concerned that further costs and delays will be encountered preparing a SA and waiting for a response from the EA and the Council's drainage engineer to repeat what they have already advised. Please do not misunderstand me, the applicants are willing to oblige with a SA, but only if it is necessary.

There is no guidance as to the extent of any test, therefore in accordance with your advice, I will research to establish what if any other sites are available in the Bognor Parish and their comparisons, if any, with this site. In the mean time , the SA is the only obstacle standing in the way of a determination, may I therefore suggest, in view of the unnecessary delays, that the application be presented before the committee on 7th August, inviting the committee members to determine the application, subject to a satisfactory SA, if necessary. As such the procedure would avoid any further delays and could not be subject to challenge.

From: Simon Davis <Simon.Davis@arun.gov.uk>

Sent: 16 July 2019 14:46

To: Adrian Hoy [REDACTED]

Subject: BR/73/19/PL

Dear Adrian,

I have been working on the Committee report and have identified an issue with the submission which will prevent me from taking this to the August Committee.

Your site lies predominantly in Flood Zone 1 with some elements in Zones 2 and 3. As according to the NPPF and the NPPG, it is necessary to carry out a sequential assessment of new development in Flood Zones 2 and 3 to ensure that the development cannot be elsewhere on a lower risk (FZ1) site. I was proposing to take the view that a sequential is not required as the majority of the site is Flood Zone 1. However, I note paragraph 033 (Reference ID: 7-033-20140306) of the NPPG which states that:

“Nor should it normally be necessary to apply the Sequential Test to development proposals in Flood Zone 1 (land with a low probability of flooding from rivers or the sea), unless the Strategic Flood Risk Assessment for the area, or other more recent information, indicates there may be flooding issues now or in the future (for example, through the impact of climate change).”

Our Strategic Flood Risk Assessment suggests that the site will be Flood Zone 3a in 2061. You can view the map here: <https://www.arun.gov.uk/download.cfm?doc=docm93ijm4n9407.pdf&ver=9263> (page 6). Therefore, I must request that you prepare and submit a sequential assessment to prove that your site is the only one capable of accommodating this development. Until we are in receipt of this, I am unable to put your application on the Committee agenda. I am sorry to report this at this late stage but we cannot proceed without this as we could open ourselves up to challenge.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |

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