

Mrs Gardner,

CM/25/20/PL

Please lodge this as an OBJECTION.

I have received a Notice under Article 13 relating to a planning application at The Mill, Climping.

I understand I have been served this notice because; “the red edge includes land owned by another person”; it is not clear from the notice which part of these works this refers to but bearing in mind that the applicant has created parts of bunds and erected fencing on my land without permission, I shall assume those are the parts and I take this notice as an acceptance by the applicant that he is indeed trespassing and has been undertaking works on my land.

The application is apparently in part retrospective; to regularise an excavated pond and earth bunds and in part an application for new works to construct a high concrete flood defence wall.

I expect you will know that the applicant has been recently commencing the clearance of land where the concrete walls are proposed, trenching has been excavated.

As you will know Arun District Council has a long established policy of subjecting any planning application within this Strategic Gap to the most rigorous scrutiny and permission shall only be granted in situations where there is strong justification for the development.

APPLICATION FORM

The form states the site area to be 0.4ha whereas in fact it measures to around 1.5ha; which brings this application into the MAJOR category for development.

In addition the planning fee ought to be based upon the correct site size which would make the fee £2,028 and not the £936 paid. It’s not clear why this application has been validated?

The applicant has answered **NO** to; “neighbouring trees being present and important on the landscape”; whereas there are many present and they are important in my opinion.

The applicant has answered **YES** for the assessment of flood risk question; “Is the site within an area at risk of flooding?” even the applicants own FRA supports that the site is not in a high flood risk area; this is further supported by the Environment Agency’s consultation response.

“Will the proposal increase the risk of flood elsewhere?” the applicant has answered **NO**; but this has not been modelled as the FRA relates to an entirely different proposal. This is a very serious oversight and a decision cannot be taken as it is impossible to consider mitigation at this time; the applicant simply does not know.

The answers relating to Biodiversity are not correct; there as a known Badger sett within close proximity of the site and part of the application site is a SSSI.

It is not clear if any account has been taken of archaeology.

The new foul sewage system decision remains pending with the County Council.

LVIA

Bearing in mind that this is an application for 2m high concrete walls in the setting of Listed Buildings within an open landscape and surrounded by public vantage points, I would have expected a landscape and visual impact assessment to have been carried out.

HABITAT

It is noted that according to Arun's Local Plan the Climping Mill site sits within a Biodiversity Opportunity Area (BOA) and is immediately adjacent to a SSSI.

Development proposals that do not reasonably address opportunities for enhancing these through their design, layout and landscaping or access/management shall not be permitted. Where a development scheme would result in a habitat loss (as has already happened here without permission), mitigation measures will be proposed as part of the proposed scheme and such measures agreed with the Local Planning Authority prior to the determination of any planning application. Within BOAs identified on the Policies Maps or where likely to have an impact on species or habitats within the BOAs, any application for planning permission shall include a properly conducted survey of the presence of that species and habitat and impact(s) that development may have on the BOA.

Turning to the Extended Phase 1 Habitat Survey, this has been carried out by a marine biologist. I note that the Environmental Officer has already spotted that the survey relates to a different application for the floating house etc, presumably an alternative survey will now be published for consultation?

I think it is important to address some deficiencies in the presented Habitat Survey in order that these can hopefully be addressed in the version2;

- The surveyor found no evidence of Badgers within the site or within 100m of the site boundary. Normally sites remain confidential to deter interference. I confirm there is an active Badger sett within 100m of the site, so it is unclear why the ecologist didn't observe this? Presumably he found no evidence within the site due to the high fence that the applicant has erected without installing the conditional large mammal gates that were required when your Council granted permission under CM/20/18/PL. I note this fence is due to be removed before 30th September this year by way of an enforceable condition.
- Figure 1; the extent of the survey area does not include the area of land within the SSSI near where the high concrete walls are proposed.
- At 3.3.6 the survey talks of the Hazel deciduous woodland to the north of the site; this was recently cut down by the applicant during bird nesting season and was an important food source for the Badger colony.
- Photograph #9 on page 28 shows the pond with a level of water that is far higher than has been observed in recent months; anecdotally this pond is not capable of holding water, likely due to it being in a porous chalk seam.
- Photograph #14 shows some wild oats (*Avena fatua*) and not false oat grass (*Arrhenatherum elatius*) which is not found locally; this matters because it is a clear example that brings into

question the suitability of instructing a marine biologist to carry out a land based survey for such an important habitat.

Generally there has been a disregard by this applicant regarding habitat clearance and the result is a degraded value that this application is now hoping to be judged against.

***ADDENDUM**

Since writing this letter I note the applicant has submitted a substitute Habitat Survey that has a new date and now describes the development but with no other changes. I cannot see how this can be considered a *"properly conducted survey"*. As stated the habitat has changed considerably in the intervening period not least that the applicant has apparently commenced digging footings in recent days for the concrete walls, these works being on the SSSI.

FRA

The FRA is apparently a repurposed version that was prepared to accompany the floating house proposal that was withdrawn and doesn't necessarily relate to this application but it does go to some lengths to support the position that the site is not at risk of flooding.

At 2.12 the FRA confirms that; *"there is no history of flooding at the site according to the EA or the SFRA"*; which begs the question what is the justification for these proposed works?

Just this last week the coast has been battered by Storm Ellen (addendum- and now Storm Francis), with minor breaching of the defences occurring around 550m to the west of the application site. That sea water flowed directly inland to the Ryebank Rife and in no way can be considered to be the source of flood risk to justify the proposed stark 2m high concrete walls. At the height of the storm (addendum- and the second storm) I walked to the beach in front of Mill House in front of the SSSI Sand Dunes, the waves were pounding on the shore as the storm coincided with a 6.2m tide and whilst I could see the defences were being actively breached to the west, the section in front of the Mill only had minor spray blowing about 10 metres in land; there was absolutely no risk of breach whatsoever due to the high shingle ridge that has an accreting habit there; no erosion occurs at this location only magnetic accretion the shingle ridge gains height each year.

Notwithstanding that the FRA is from an entirely different application and there is no evidence presented of sea water flooding having taken place, there has been no assessment made of the effects of installing the bunds and concrete walls should a sea breach occur, however unlikely that may be.

COVERING LETTER

The application includes a covering letter that claims that the Mill and the associated buildings were completely submerged by sea water during February of this year, other than this scant reference no other evidence is presented that this sea water flooding occurred and I should have thought with an application for such dominant walls in such a sensitive location, then this application ought to present evidence that can stand up to intense scrutiny.

I have no doubt that there may well have been some localised flooding in February of this year as a result of the excessive rainfall that had persisted since September; we certainly have been severely

impacted by the wettest winter in my farming career, but a bund and walls will not help with water from the sky.

It seems peculiar that on a site with no prior history of flooding in hundreds of years; NEVER FLOODED; the applicant would have the foresight to predict a future storm event that was to happen in 2 years' time. The chronology of digging the hole in 2018 to create the earth banks in readiness for the first flood event in the sites hundreds of years of history is quite incredible to believe.

The author justifies the benefits of the created bunds for their flood prevention properties; notwithstanding that this application is blatantly attempting to retrofit unconsented works to suit an unproven situation; the earth bunds are constructed from the spoil from the pond which is a random mixture of porous sand, flint, brick earth and chalk and is a totally unsuitable material; justified bunds are generally constructed from engineering clay and keyed into the soil profile.

The habitat gain of the pond creation is held in high regard by the author, except the pond was observed as being virtually empty this summer, despite the wet winter. I would suggest that the benefit of this pond's creation should be scrutinised before attaching material weight to the point, especially as it is well known the applicant has desires to fill the void with a floating house.

CORRESPONDENCE WITH AGENT

The agent states that; *"the bunds have been largely made immediately after the disastrous flooding in February 2020"* The bunds were constructed well before February 2020, which no doubt Mrs Hedley-Smith can confirm. Perhaps the author is referring to them being reformed post February 2020, in an arena where a court order prohibiting works might be in play this would be a daring admission.

PLANNING HISTORY -- THE FENCING CM/20/18/PL

I note the fencing is due to be dismantled and removed from the site before 30th September this year; the large mammal gates were not installed as per the conditions and we look forwards now to the removal of this unjustified structure.

SHIPPING CONTAINERS CM/38/18/PL

I note the shipping containers remain on site despite the application for their retention being refused in March 2019; why enforcement proceedings haven't been carried out is unclear? The site is readily visible from the surrounding network of public footpaths.

CERTIFICATE OF LAWFULNESS CM/60/19/CLE

The present application appears to be in part a resubmission of the refused attempt to regularise the unconsented earthworks; it is noted that the CLE was refused.

OTHER DETRITUS

The site has detritus that needs to be cleared out.