

Jonathan Bell studio
11 Sinclair Gardens
London W14 0AU

14 September 2020

Dear Mrs Gardner

CM/25/20/PL

I received your email on Friday evening. It is a very disappointing response and I would like to make it clear that we have no intention of withdrawing the application and look forward to a speedy determination; if it is approved then construction of the flood defences can continue in order to protect the Listed Buildings from likely floods this winter, if it is refused we intend to go straight to appeal.

I would like to respond to each of your bullet points below in italics.

Dear Mr Bell,

I have now had an opportunity to study your application in detail and I am writing to offer you the opportunity of withdrawing the application prior to its refusal next week.

I am unclear why you suggest that the application will be refused. I understand that you are the Case Officer and, judging by your comments, will recommend refusal in your Report, but does that necessarily mean that the decision is a foregone conclusion? Please clarify the process and the Scheme of Delegation at Arun with respect to this application by return.

The application does not contain sufficient supporting information. Without prejudice to consideration of any future application I have identified the following items which should be included in any subsequent resubmission:

- Correlation on the size of the pond between pond planting and bund planting plan and deletion of reference to partially excavated pond (implying more excavation is to be done).

I will amend the two drawings and issue them today.

- Justification as to why the flood defences are required when the application is not located in an area at high risk of flooding. This should include evidenced details of previous flooding events and the reason for flooding (excessive rainfall/ sea breach) and details on any previous flood defences.

I have already sent you extensive photographic evidence of the significant flood event in February 2020 (sent on 27.08.2020) The photographs are on the Arun Planning Portal and Arun's own Engineer has noted them and commented: "I understand that the Applicant has made this application in response to what he experienced in recent storms... and the likely evolution of the coastline and change in flood risk in this area under the EA's Strategy direction; so whilst the site may not be shown as high risk today, it could well become so in the future. I also think, that a) there is anecdotal history of a flood board across the gate, which would have been put there for a reason and b) the applicant having photos of recent flooding showing that it was more than just a few puddles."

- A visual/landscape impact Study identifying how long distance views will be impacted, particularly from public footpaths and the beach.

The bunds have already been formed and planted, and can be seen from the public footpaths, so I do not understand the need for a retrospective drawing showing them since they already exist. The elevation drawing showing the Corten Flood Defence Wall and Gate is clear.

- A Tree survey identifying the impact of spoil dumping on existing trees and how they will impacted [sic] by the development and protected moving forward.

The property does not lie in a Conservation Area, nor are there any Tree Preservation Orders in place. While Gary Love has every intention of retaining as many trees as possible, and has indeed planted more than 3,000 new trees on site, he would be within his rights to fell every tree on his property if he wished, since he owns them and the property could not be considered Forestry. We consider this demand frivolous and unreasonable.

- Further information on Great Crested Newts and reference within the Habitat survey to the damage caused to existing vegetation from the dumping of spoil which is omitted

I will send you the Great Crested Newt DNA survey carried out in 2019 which showed a negative result. The pond has been dry all summer. As noted in the Ecology Report, the existing vegetation on site was of "low ecological" value.

- A Heritage Statement describing the significance of the heritage asset affected to allow an understanding of the potential impact of the proposal on its significance

This requirement is also unreasonable. The Listed Buildings have been extensively described in Heritage Reports for previous applications. The point of this application (CM/25/20/PL) is to protect these valuable buildings from flooding so the only "affect" will be to protect them for future generations.

- The benefit derived from the pond and the contribution it makes to amelioration of the development.

I will send you a statement explaining this today.

- How the extent of the flood works relate to the established residential curtilages and why it is necessary to protect such a large area.

It is clear from the photographs that the entire site flooded in February 2020 so the entire property needs to be protected.

- Details of the bunds in cross section to establish that planting of vegetation will be successful in the long term. The fact that the bunds in many places are constructed on top of existing trees is not satisfactorily addressed.

The cross section on the Bund Planting Plan shows a typical bund detail and the Plant List describes species, size and spacings very clearly. These have already been planted and have been irrigated daily throughout the summer and have established well. As noted above, none of the pre-existing trees are protected so it is unclear why you feel you can demand that their protection is "satisfactorily addressed".

- Any application will be considered in respect of the following Local Plan and Neighbourhood Plan policies and it my [sic] assist in consideration if a statement is provided outlining how the development accords with the following policies.

D DM1 Aspects of form and design quality

D SP1 Design

C SP1 Countryside

LAN DM1 Protection of landscape character

W DM2 Flood Risk

SD SP3 Gaps Between Settlements
HER DM1 Listed Buildings
HER SP1 The Historic Environment
ENV DM1 Designated Sites of Biodiversity or geographical importance
ENV DM3 Biodiversity Opportunity Areas
ENV DM5 Development and biodiversity
Clymping Neighbourhood Plan 2015 Policy CPN7 Protection of open views
Clymping Neighbourhood Plan 2015 Policy CPN8 Protection of Trees and Hedgerows
Clymping Neighbourhood Plan 2015 Policy CPN9 Protection of Natural Habitats
Clymping Neighbourhood Plan 2015 Policy CPN11 Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN12 Reducing the risk of flooding

We consider this requirement to be vexatious as the Application is solely to prevent future damage to the property and its Listed Buildings due to rising sea levels and the likelihood of future flood events as noted by Arun's own Coastal Engineer in his response dated 27.08.2020. The next Spring Tide is expected on Saturday 19 September 2020 when the High Tide is forecast to rise to 5.63m AOD; the lowest point on the property is 3.44m AOD and it is clear from the Environment Agency that the sea defences at Clymping have already been breached this year. It is evident that any further delay risks further damage to the Listed Buildings and the need for a determination is urgent and any further delay risks extensive damage to an important heritage asset that my client is doing all he can to protect.

Please confirm that this correspondence will be placed on the Arun Planning Portal immediately for public transparency, by return.

Please confirm withdrawal by midday Tuesday 15th September or the application will proceed to determination.

Regards
Anita Gardner

Yours sincerely

Jonathan Bell