

Recommendation Report for Planning Permission

REF NO: CM/8/21/PL

LOCATION: Climping College The Mill
The Mill Lodge
Climping Street
Climping

PROPOSAL: Construction of site perimeter bunding & associated planting to protect against flooding, associated excavation of a pond (retrospective) & construction of flood defence gates (resubmission following CM/25/20/PL). This site is in CIL Zone 5 (Zero Rated) as other development & may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal relates to the retention of bunds around the perimeter of the Climping Mill site. The planted bunds would be between 1.4m and 1.8m in height and approximately 3m wide with a length of approx 425m. They are constructed from spoil from the excavation of the pond. The height from ground to top of bunds varies according to site topography, but all bunds are to be minimum 5.06 AOD.

The application also includes retrospective approval for excavation of the pond which is indicated on the submitted planting plans. No further excavation is proposed.

The flood gate would be 2m high and 4m wide and located at the entrance to the site between the bund to the south east and that to the north west. The gate is tethered to the ground with a container and concrete plinths which are required to withstand the pressure and force of coastal flooding which hits the site at the entrance. The container would also be bunded and planted to reduce visual impact. The steel container measures 6m x 2.4m x 2.4m and would house the sliding corten flood gate and is to be buried so it only projects 2m above ground.

The application is supported by an Extended Phase One Habitat Survey.

The red edge of the application site extends beyond that established under CM/23/15/CLE which established use of 'The Mill', 'The Thatch' and 'Mill Cottage' as 3 No. dwellinghouses with associated curtilage falling within use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the pond and much of the defences are outside of the accepted curtilages.

TOPOGRAPHY	Predominantly flat.
TREES	Several on site boundaries affected by the proposed development. Many of the trunks of mature trees are covered in spoil. None of the trees affected are protected by a preservation order.
BOUNDARY TREATMENT	Fencing constructed of metal post and wire approx. 2m high around perimeter of site.
SITE CHARACTERISTICS	Detached listed dwelling and out buildings. Significant ground works have been undertaken within the curtilage including the creation of the pond and bunds.
CHARACTER OF LOCALITY	Predominantly rural. The site is located adjacent to Littlehampton Golf Course and is also bounded by agricultural fields.

RELEVANT SITE HISTORY

CM/25/20/PL	Excavation of pond & construction of flood defence gates & earth bunds. This application affects the setting of listed buildings and is also in CIL Zone 5 (Zero Rated) as 'other development'.	Refused 17-09-20
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CM/25/20/PL was refused for 4 reasons - lack of visual impact assessment and potential impact on settlement gaps, lack of evidence of coastal flooding, impact on ecology and existing habitats and lack of information regarding heritage impact.

This application seeks to address the reasons for refusal by providing additional information.

REPRESENTATIONS

Climping Parish Council - No Objection
Subject to Conservation Officer having no objection.

2 Objections

- This is all retrospective . So much work and damage has already occurred.
- The applicant has tried to divert the public footpath and fell trees and hedgerow not on his land. The entry to the Mill is on or next to a SSSI and before work commenced the boundary line should have been clarified.
- The erection of metal storage containers being used as a flood defence barrier is totally inappropriate and an eyesore. Even with the recent flooding, no sea breach occurred to warrant this sort of barrier.
- Works were undertaken without the relevant permissions. It is claimed theft and vandalism took place so a fence was erected to protect the property which destroyed mature trees and hedgerows. The bund placed against the fence and remedial planting, which has been unsuccessful, reduces the width of the previous footpaths.
- How can this be approved when the applicant has repeatedly shown disregard for the planning process?
- The issue of access since the recent floods is another concern.
- Applications within the Littlehampton to Middleton strategic gap will be subjected to utmost scrutiny and this site is an incredibly sensitive site.

3 matters are relevant;

1) The source of the water shown in the photographs

2) The need for the bunding and pond

3) The need of the corten steel and shipping container fencing

- The applicant has submitted photographs of water within the site and has suggested a source of that water. There is no evidence submitted that this site has flooded from the sea frequently in recent history or at all. It is stated that flooding from storm Ciara and storm Dennis pushed water further into the site through the site entrance and that this is a material factor weighing in support of the proposals. The sea lies around 100m to the south of the site at this location the beach has been accreting shingle for decades.

- The EA has not carried out any flood defence works in this location ever because there has never been any need to do so, flood risk improvements happen here under natural process alone. The fact that the EA are reducing their management input elsewhere is irrelevant.

- The applicant does not suggest this location is the source of floodwater, but that the overtopping event that occurred in February 2020 around 500m to the east was the source of the water shown in the photographs.

- The planning statement refers to the River Arun to Pagham Flood and Coastal Erosion Risk Management Strategy and it is claimed that the application site is included within the residential properties referred to and concludes that the floodplain between Climping and the River Arun is hydraulically linked with a common low point at Rope Walk. This means that from the breach point at Climping, tidal waters would flow across the floodplain towards Rope Walk. There's no mention of the Mill.

In the planning statement the applicant reveals the supposed source of flooding shown in the photographs; "The EA do not hold records of flooding events, but they acknowledge that a flood in 2020, which caused significant damage to the site, was caused by a breach in the coastal defences."

This can only mean that this planning application is being justified on the premise that the floodwaters ran up hill from an event that took place half a kilometre away. Lidar data that shows the black wrack line as surveyed by the Environment Agency in the afternoon of Monday 10th February 2020 with a photograph of the detritus strewn across the site. Aerial footage taken as the events occurred support this, the Mill can be seen in the footage high and dry with no water having gone that way.

- It is a matter of fact that no water from that event came anywhere close to the Mill, so the source of the flooding remains a mystery

- It is important to consider that an alternative source of the water might be groundwater, were that to be the case then the introduced bunding that now surrounds the site may have a damaging effect on the fabric of the listed buildings as the water can no longer escape.

- There is no need for these bunds.

- Recently the applicant has raised many of the banks including along the northern boundary and has completely smothered the newly planted trees, further damaging the existing trees, setting back the nature recovery once again and during bird nesting season. The bund is now of such a height that footpath users can no longer see into the site where so much unauthorised activity has taken place and much of it upon land that is not within their ownership.

- The corten fencing and shipping containers are apparently justified "to withstand the pressure and force of coastal flooding which hits the site at its entrance". Note the use of the present tense.

This justification begs the question, how is it that so much shrubbery and trees exist between the entrance gates and the coast that is completely unaffected by this imagined force and pressure?

- The tree consultant describes the trees as being of low quality due to the coastal effects. Any trees in this general coastal environment are of high value and will be impacted by the harsh environment. The fact that they exist is proof that the entrance of the Mill has at no time ever been subjected to the forces being suggested as justification.

- Whether they will be needed in future years (by 2115) is an entirely different proposition and does not justify them in the present.

- The containers are certainly out of keeping against the backdrop of the SSSI sand dunes, open countryside and historic traditional Mill buildings. It is noteworthy that shipping containers are chosen as

they were previously refused even on a temporary basis due to their harmful visual impact.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Conservation Officer has no objection.

Encroachment on adjacent land is a separate legal matter.

The retained container forming part of this proposal is to be dug into the site and planted with landscaping to reduce its visual impact so it is not directly comparable with the earlier refused application for its retention.

There is no evidence to support that flooding at the site resulted from ground water.

The other comments raised are addressed in the conclusion section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Ecology Officer - No Objection

Mitigation condition and informative requested.

Environment Agency - No Objection

Consideration should be given to the effects of climate change and sea level rise on the design of the proposed earth bunds and flood gates. The installation and maintenance of the flood gates and earth bunds around the existing property will be the responsibility of the landowner.

The access road is particularly vulnerable to flooding/erosion and would present a challenge to anyone needing to access the property in an emergency.

Conservation Officer - No Objection

It is positive to note that a heritage statement has been provided in accordance with the requirements of the NPPF. The application does not cause harm to the significance of the heritage assets or their setting.

Earth bunds

Vegetation on those bunds which have been completed has started to take hold. Tree planting is also proposed and has commenced, but that the trees have not yet become established. Their impact at the moment is reduced. However, given some time, as the plants and trees establish themselves, the result should be a 'green buffer' around the site. This element would appear to replicate earlier versions of the site where it would have been enclosed (to some degree (by trees and planting). Their location around the entire of the site is such that they are located some distance from the heritage assets, which is also positive. Once complete and fully established with planting and trees would form an acceptable backdrop to the listed building complex, and not cause harm.

Gateway and fencing

The gates are of a design, size and material which would mean that would have much more of a visual presence, when compared to the bunds.

The location is some distance away for the listed buildings and somewhat screened by existing vegetation. However this element of the proposal would impact upon the overall setting of the mill complex by segregating it from the landscape on an historically open approach. The design approach undertaken seeks to reflect the exposed nature of the site. The material is also seen further along the coast in Littlehampton.

The introduction of further planting, would help to soften the impact, especially from the elevation as you drive up to the site. Such a landscaping element should be designed so that the large areas of exposed metal would be quickly hidden from view. However, as identified in the heritage statement, this element of the proposal could be harmful on the setting of the heritage asset, even if it is to a limited degree.

Pond

The pond has already been excavated and it is not harmful. It would appear that a scheme of planting is proposed which would help to naturalise it into the site.

Drainage Engineer - No Objection

The application is for earth bunding, internally around the perimeter whole site with the exception of the gate area which is provided with a corten steel wall and gate arrangement, together with planting, and the existing pond. The comparatively modest, albeit 2m high, flood risk reduction measures rare at the entrance to the site.

Both Applications are supported by the same Flood Risk Assessment.

CM/8/21/PL uses the corten steel flat plate wall to join the western bund to the gate (and in doing so screens the container housing the gate). The corten steel wall continues east of the gate to provide an eastern flank wall approx. 26m long which seems to duplicate the purpose of the earth bunding, although the bunding is not shown on the cross-section provided. The vertical face of the corten steel wall is provided with Ivy planting. Would 3 litre pots would be sufficient for each plant to thrive and they do not seem to have any supporting mechanism to enable them to fully screen the corten steel?

The supports to the corten wall in both applications is shown as a concrete base with horizontal, vertical and raking steels. There is no sign of lateral support (ie horizontal bracing) and so the Applicant should show that the structural integrity under load is sufficient. It is not shown whether the concrete support is continuous or just at the support locations - if it is not continuous then it is unlikely that the flood risk purpose will be provided unless the steel is buried into the ground by a reasonable amount. The steel structure would be unlikely to resist direct wave action - however, given the predictions for the evolution of the coastline (below) this is unlikely to occur, at least in the medium term.

The degree to which the containers are landscaped varies between the two applications. In CM/8/21/PL there is nothing above the top level of the corten steel wall. Indeed, the bunding to the west is approximately 1.5m above surrounding ground whereas the top of the wall and the container for the gate is shown as 2m above ground.

The containers are not noted as being filled and would rely upon the embedment to resist lateral movement (sliding/overturning) - it is doubtful whether the flood depth at this location would be sufficient to cause movement of the embedded containers for the short to medium term.

The issue of flood risk to the site has been demonstrated by the submission of the 'Product 4' data. How this risk evolves over time is uncertain, as there is the possibility of the 2020 breach (to the west) re-opening and possibly expanding, as well as the overtopping risk from directly south of the site. The photographic evidence provided with the application would seem to show water that had come from directly south of the site rather than as a result of the breach and so will be an ongoing risk, irrespective of the future activities at the breach location. Climate change and sea level rise will only increase this risk

The risk of erosion will also be difficult to predict as whilst there will probably be evolution of the plan shape, the interaction between the breach and an evolving coastline, which transitions into a typically accretive beach (currently) in front of the dunes (to the east) is difficult to predict - especially in relation to climate change and sea level rise. The evolution of the coast will depend upon a number of factors

including but not limited to shingle supply and storm intensity

The Applicant is endeavouring to protect his assets from flood and erosion risk and there is no engineering objection to that - The Shoreline Management Plan policy for this frontage is one of Managed Realignment (to align to a more naturally functioning system) and the predicted coastline recession under a 'no active intervention' condition would result in a coastline approximately at the proposed gate location by 2105. The coastal defence strategy suggests an option of do minimum whilst economically viable. The proposal would therefore not conflict with the SMP or CDS although access/egress along the current route could well be an issue, with the site potentially marooned. If there were any conditions to apply, then I would suggest detailed construction arrangements and the specifying of precise extents of the proposals.

Landscape Officer - No Objection.

The proposals will provide ornamental and native improvements and potential biodiversity gain. Recommend that the actual quantities for the detailed species mixes be provided.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. Requested conditions have been imposed.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Within a Settlement Gap
Biodiversity Opportunity Area
Grade 2 Listed Building

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
CSP1	C SP1 Countryside
LANDM1	LAN DM1 Protection of landscape character
WDM2	W DM2 Flood Risk
WDM4	W DM4 Coastal Protection
SDSP3	SD SP3 Gaps Between Settlements
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ENVDM5	ENV DM5 Development and biodiversity

<u>Clymping Neighbourhood Plan 2015 Policy CPN11</u>	Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN7	Protection of open views
Clymping Neighbourhood Plan 2015 Policy CPN9	Protection of Natural Habitats
Clymping Neighbourhood Plan 2015 Policy CPN12	Reducing the risk of flooding

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Policies of CPN 7, CPN8, CPN9, CPN 11 and CPN12 of Clymping Neighbourhood Plan are considered relevant to determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would not have a materially adverse effect on the visual amenities of the locality and the established character of the surrounding area or the ecology of the area and there is sufficient justification for the works in terms of risk from coastal flooding.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant planning permission for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these criteria in that it has been satisfactorily demonstrated that there would be no harm resulting to the setting of the Grade II Listed Buildings and that flood protection works would ensure retention of the listed building in the long term.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**BACKGROUND**

The application is in part retrospective since it includes retention of the pond within the site and bunds around the perimeter of the site, but it also includes flood gates.

The site comprises a number of buildings and walls, including the windmill and Mill House. It is located within a remote coastal location close to the seafront. The pond was dug in 2018 and the spoil has been used to provide material for the creation of a protective flood defence bund around the perimeter of the property. The excavated soil was piled in spoil heaps across the site. Works to install the proposed flood wall and gates have been commenced.

The hole to create the pond was excavated in 2018 but has not been finished. It will need to be lined with a butyl liner to retain water. The pond contractor has advised that a depth of at least 2 metres is required for maximum wildlife and biodiversity benefit. The submitted section indicates how the profile will be detailed to ensure rainwater percolation into the ground on the property in the event of a storm.

PRINCIPLE

The site lies outside the built up area boundary of Climping as defined in the Local Plan and as such the development plan in the determination of this application will consist of the Arun Local Plan (ALP) and the Climping Neighbourhood Plan (CNP).

The key policy considerations in the determination of this application are considered to be SD SP2 and C SP1 of the Arun Local Plan (ALP). The application site is situated outside of the built up area boundary (BUAB) as specified by policy SD SP2 which seeks to focus development within the built up area and the proposal does not fall into any of the exceptions outlined in Policy C SP1 which allow development in areas outside of the built up area boundaries.

Not all of the site falls within an established residential curtilage. The red edge of the application site extends beyond that established under CM/23/15/CLE which established use of 'The Mill', 'The Thatch' and 'Mill Cottage' as 3 No. dwellinghouses with associated curtilages falling within use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). There is no evidence submitted with the application to explain why it is necessary to protect the area surrounding the pond from coastal flooding, but it is accepted that the boundary of the land within the applicant's ownership does provide a greater buffer to potential flooding and loss/ damage to the listed buildings on the site and has less impact on the setting of the buildings given its greater distance from them.

FLOOD RISK

The site is mainly located in Flood Zone 1 (Low Risk), with only a relatively small area in tidal Flood Zone 2 (Medium Risk). The site has flooded recently. Whilst the EA maps show the site located on the edge of flood zone 3 at the road entrance to the site. It is alleged that flooding from Storm Ciara and Storm Dennis pushed water further into the site through the site entrance and there was significant damage from the flood water. It is not clear whether this flooding resulted from groundwater or flood water, but sea level rises and storm occurrences are difficult to predict and it is recognised that there is a significant risk of future breaches of existing flood defences on this section of coast and a recognition that this is likely to increase in risk in the future.

The Flood Zones for Planning held by the EA are based on 2016 data. There is both evidence of flooding since that date and EA Product 4 Data which demonstrates that this flood zone mapping is out of date. The future flood risk for this site is greater following the decision by the EA to not improve strategic flood defences. In 2015. The EA and Arun DC produced the River Arun to Pagham Flood and Coastal Erosion Risk Management Strategy which concluded that the non-legal frontage of the beach, where the application site lies, was too expensive on a cost/benefit basis to continue to maintain or improve flood defences. With regard to Climping the report explains that the EA will do the minimum and will continue to patch up existing flood defences, but when this becomes impossible or too expensive the patching will stop. The report is clear that this will result in more flood occurrences.

Flooding will worsen if climate change is factored in and sea level will rise and current flood defences will fail. There is risk to life from flooding and serious risk of damage to buildings which are a heritage asset

and statutory listed. This is a material factor weighing in support of the proposals.

In support of the application photographs of recent flooding last year have been included and the agent has advised that the site has flooded five times over the last ten years. Although it is accepted that this may not be as a result of coastal flooding.

Arun Local Plan policy W DM2 seeks to limit development in areas at risk of flooding and W DM4 discusses proposals for development in coastal locations relating to coastal protection. Policy CPN 11 of the Neighbourhood Plan Quality of Design (e) refers to adopting the principles of sustainable urban drainage and policy CPN12 'Reducing the risk of flooding' requires that developments in flood sensitive areas are designed to reduce flood risk and all development proposals for flood prevention works, including sea flooding, will be supported provided they reflect the character of the area.

Where there is potential for harm to existing coastal and inland habitats as part of any flood defence, an assessment of the environmental impact and proposed mitigation measures must be submitted. The EA do not hold records of flooding events, but they acknowledge that a flood in 2020, which caused significant damage to the application site, was caused by a breach in the coastal defences.

The EA Product 4 data demonstrates that with both defended and undefended the site is at risk of flooding across the whole site. On this basis it is expected that when the EA flood zones for planning map is updated that the site will be in flood zone 2 or even 3. As such there is a clear need case for flood defences. The proposal therefore complies with this policy since supporting information has been submitted to demonstrate that the site needs future proofing from flooding in the future, regardless of the sites flooding history.

The height from ground to top of bunds varies according to site topography, but all bunds are to be minimum 5.06 AOD. The bunds were designed to comply with GTA Civils Flood Risk Assessment, December 2017, which states: "The flood risk profile of this site is High - with coastal flooding being the worst source. The highest predicted flood level is 4.76 AOD ." The existing topography of the site has levels Above Ordnance Datum of between 3.0 and 4.2m so the bunds are between 2.06 and 0.86m above existing ground level. The updated Product 4 data shows that the risk is actually slightly higher at 4.82m which demonstrates that the risk is actually increasing. It is considered that the planted bunds will therefore perform the function of flood defences.

The site lies within a low risk zone (Flood Zone 1) and given that the site area is less than a hectare, there was no statutory requirement for the submission of a FRA and therefore, no need for Environment Agency involvement in the application. However an FRA has been submitted and they have been consulted. The Environment Agency have raised no objection.

The Council's drainage engineer has acknowledged that the applicant is endeavouring to protect his assets from flood and erosion risk and has advised there is no engineering objection to that. The Shoreline Management Plan policy for this frontage is one of Managed Realignment and the predicted coastline recession under a 'no active intervention' condition would result in a coastline approximately at the proposed gate location by 2105. The coastal defence strategy suggests an option of do minimum whilst economically viable. The proposal would therefore not conflict with these plans and would assist in protection of the coastal hinterland in accordance with policy W DM4 of Arun Local Plan.

IMPACT ON SETTLEMENT GAP

The site lies within the Littlehampton to Middleton Gap between settlements and therefore falls to be considered against policy SD SP3 of Arun Local Plan. This states that the generally open and undeveloped nature of the gaps between settlements, will be protected to prevent coalescence and retain their separate identity and seeks to ensure the separation of settlements is not undermined, the integrity of the gap is not compromised and the character of the undeveloped coast is maintained.

The justification for the flood defence works has been sufficiently demonstrated and this needs to be balanced against visual impact. The site is close to public vantage points from the seafront and a number of public footpaths around the site across farmland to the north and the golf course. Two public footpaths run along the south east and north east boundaries of the site. The submitted Visual Impact Assessment finds that there is no impact on long distance views, particularly from public footpaths and vantage points. With regard to point (c) of the policy, the defences are needed to protect the applicant's home, they are related to the boundary of the site which is appropriate in the absence of strategic flood defences and they cannot be located elsewhere. Much of the bunding is existing and is not visible in long distance views across the flat open farmland to the north and much of the site is not readily visible from the coastline/beach. Some intermittent tree planting/hedging exists adjacent to site boundaries. The proposal is compliant with policy SD SP3 (a) in that the development would not undermine the physical and visual separation of settlements, given the landscaping included in the proposal and (b) it would not compromise the integrity of the gap given that it would be assimilated into the landscape and (d) that it maintains the character of the undeveloped coast. The development would not appear intrusive in the landscape. It can be viewed from nearby footpaths, but when viewed beyond these it is not visually apparent in wider views and once landscaping is established the impact will be reduced further. It reflects the rural character of the area and complies with policies LAN DM1, C SP1 and DDM1 (1) of Arun Local Plan and policy CPN11 of Climping Neighbourhood Plan. The open landscape character of the countryside and beach would not be harmed in compliance with policy CPN7 of the Neighbourhood Plan.

IMPACT ON VISUAL AMENITY

In this case the key other Arun Local Plan policy considerations are deemed to be D SP1 (Design), DDM1 (Aspects of Form and Design Quality) Local Plan and CPN11 (Quality of Design) and CPN7 (Protection of Open Views) of the Neighbourhood Plan.

Policies D SP1 and DDM1 seek to ensure that development:

- Reflects or improves the character of the site and the surrounding area.
- Minimises the impact on neighbouring land/residents.

The site is not bordered to the north, east or west by existing development. The proposed bunds would be visible from outside the site when viewed from the north, east and west by virtue of their height compared to neighbouring land. However this impact is not considered significant and needs to be balanced against the need to protect the listed buildings from harm/ damage from flooding and the risk of flooding to life of occupants at the site. The application is supported by a Landscape Design Statement which identifies the main visual impact on public view to be from the access track that runs parallel to Climping Beach. Here the bund has been positioned to the south of a line of Evergreen Oaks in order to minimize its visual intrusiveness and to merge with the year-round greenery of the trees. As the whips grow the bund will read as a hedge from a distance. The bund can only be seen from a few hundred metres away as there is no public right of way across the neighbouring field. Along the Public Footpath on the east and north boundaries the bunds will read as a native hedge once the plants have established. Therefore it is not considered that the proposed development would have a significant or unacceptable impact upon the character of the locality by virtue of its scale and height and the proposal complies with policies D SP1, D DM1 and SD SP3 of the Arun Local Plan.

In addition, as set out in the heritage statement, there is a history and an established character for the area of a densely planted boundary to the Mill site. This will be maintained and enhanced with the proposals which will replace dead and diseased trees across the site.

The thickly wooded northern boundary was impacted the most by loss of existing trees, but the existing land in this zone is at a higher elevation above ordnance datum, so the bunds do not need to be as high

in order to protect the property from flooding. In addition, the majority of the trees in the north-west woodland are elms, all of which are either dead or dying and will need to be felled in any case. It is proposed to replant the woodland with disease-resistant elm species. The bunds were planted with over 3000 indigenous hedgerow trees in spring 2020, most of which have established well and, in time will benefit the ecological biodiversity of the property greatly.

The soil for the bunding has been taken from site by building a pond. This reduces the environmental impacts of the proposal by sustainably sourcing local materials that have no impact of carbon footprint, traffic impact or geological effects due to importing different soils into the area. The development of the bunds, pond and gate respect the characteristics and natural features of the relevant landscape character areas in which it is located. The bunds are located on the boundary of the site and respect the historic character of the settlement and the boundaries of the Mill site and take into account distinct identity and setting. The proposed bunding is located in a similar location to the historic boundaries of the site which have in the past been marked out with trees, and once the hedgerow plants have established will read as a boundary hedge, a disappearing feature in much of the landscape of the UK, the planting of which are encouraged on a national and a local level for their biodiversity benefits and their potential to store carbon to help reduce the effects of climate change.

Further, given the landscaping/planting around the perimeter of the site and the position, size and height of the bunds they would not significantly erode the open landscape character of the countryside and would not conflict with policy CPN7 (Protection of Views) of Clymping Neighbourhood Plan or adversely impact on long distance views across the landscape. Policy CPN11 (Quality of Design) seeks to ensure that new development, including, rebuilding is of a high quality of design and protects and enhances local character as assessed by the Clymping Character Assessment. Development proposals of poor design that fail to take the opportunities available for improving local character and quality of an area and the way it functions will not be permitted.

Based on the information submitted with the application it has been satisfactorily evidenced that the proposal would be readily assimilated into the landscape and would not appear as a prominent form of development out of keeping with the flat open character of the area in conflict with Development Plan policy. This proposal would provide a large means of enclosure within the open area which would benefit from landscaping and screening acceptably assimilating into the rural character of the area.

As set out in the Heritage Report, it is evidenced that ponds were a common feature of the Parish in the mid 19th Century. The pond has been built on land which is not part of the historic layout of the Mill plot. This land has no meaningful historic relationship with the Mill, and it is considered that the creation of a pond has no effect on anything that is significant about the mill, or its associated buildings.

In 2006 the Council employed Hankinson Duckett Associates to carry out a Landscape Sensitivity Study covering the application site area. The study identified the site as within the Climping Lower Coastal Plain Landscape Character Areas defined by blocks of arable fields separated by roads with scattered and ribbon development and fields with hedgerows and tree belts providing enclosure. It acknowledged that the gap includes a substantial length of undeveloped coastline, large scale open arable landscape, largely within the floodplain, with mature shelterbelts and the lower Arun valley. The identified sensitivities of LCA 31 as a whole are clearly associated with the rurality of the arable plain landscape and undeveloped coastline which LCA 31 covers, along with the role of the character area as a buffer between settlements. Such characteristics are directly associated with the site itself. However it has been satisfactorily demonstrated that the development has no material impact on views from the coast and would be satisfactorily assimilated into views across the surrounding fields to the coast. The proposal therefore respects the particular characteristics and natural features of the relevant landscape character area and reinforces and repairs it in compliance with policy LAN DM1.

ECOLOGICAL CONSIDERATIONS

Policies ENV DM3 Biodiversity Opportunity Areas (which seeks to retain, incorporate and minimise disturbance to existing habitats), ENV DM4 Protection of Trees (which seeks to ensure development does not have an adverse impact on existing trees) and ENV DM5 Development and Biodiversity (which seeks to achieve a net gain in biodiversity) of the Arun Local Plan and policies CPN 8 (Protection of Trees and Hedgerows) and CPN9 (Protection of Natural Habitats) of the Neighbourhood Plan apply.

The proposal is considered to comply with policy CPN8 in that in the long term it does provide additional boundary planting hedgerows and habitats and enhances existing. There were no historic field hedges around and within the site. Much of the spoil deposited around the site following excavation has covered the base and trunks of existing trees and hedges, but this has been ameliorated by significant planting along the site boundaries. The benefits of the development outweigh this damage and the ecological enhancements proposed outweigh the loss. It is noted that the trees on site are not protected and permission was not required to remove the original trees/planting on site. Some trees were removed to facilitate the installation of a boundary fence and others were dead or diseased.

The proposed pond at Clymping Mill will create new wildlife habitats, which will help link corridors of habitat within the agricultural surroundings. The pond will give species the ability to colonize new areas and make them more resilient to threats including climate change. The pond will help protect, enhance and increase in size and number the best water habitats to safeguard and improve the wildlife populations of the parish and district. Priority Ponds were acknowledged in UK conservation policy in 2007, when priority ponds were added to the list of UK Biodiversity Action Plan Priority Habitats.

The planting scheme includes the planting of native trees and shrub species. It is hoped to replace the dead and dying Elms with the recently hybridized disease resistant Lutece Elm which will restore the characteristic Sussex skyline in time. In addition it is proposed to plant Native Black Poplars to contribute to the Sussex Black Poplar Partnership, run by the Sussex Wildlife Trust. The new tree planting will add value to the biodiversity of the property, providing nesting and foraging opportunities for birds, mammals and insects as well as wildlife corridors around and across the site, connecting to the existing woodland to the north, and is therefore in accordance with policy ENV DM5 and achieves a net gain in biodiversity.

The planting strategy employed ensures early planting of trees and hedges during construction to mitigate any visual impact and to encourage woodland management planning by encouraging the appropriate management of shelterbelts by expanding the range of tree and shrub species and removing overmature conifer species where necessary. The scheme includes the planting of a significant number of mixed indigenous hedgerow plants around the perimeter of the site to significantly enhance biodiversity and create wildlife corridors.

The submitted landscape design statement provides detail on the site and the net biodiversity gains in relation to habitats and planting proposed. In accordance with the Strategy for the West Sussex Landscape produced by West Sussex County Council in 2005 the scheme retains existing woodland which is carefully thinned with the removal of deadwood. In addition, over 3000 locally-sourced mixed indigenous trees have been planted along the earth bunds to establish a biodiverse hedge around the property. Policy CPN8 states 'Development proposals should be accompanied by a survey that establishes the health and longevity of any affected trees or hedgerows and a management plan to demonstrate how they will be so maintained.' The submitted information clearly sets out the reasoning for removal of some trees/hedging and details appropriate replacement planting.

Similarly policy ENV DM4 of Arun Local Plan requires proper provision to be made for the protection and management of trees when undertaking development this would be in the form of a tree survey, and an arboricultural impact assessment to ensure that development works do not have a negative impact on existing trees. These surveys have been submitted as part of this proposal and have confirmed that any

damage in the area of the bunds is acceptable . One tree G12 requires removal of spoil from its trunk and this work is conditioned. The proposal does not conflict with this policy given that the removal of trees has already taken place and new replacement planting is being provided.

The originally submitted Phase One Habitat Survey has been updated. As detailed within the Extended Phase 1 Habitat Survey (July 2019) there is the potential for Great Crested Newts to use the pond onsite. The Council's Ecologist has been consulted and has requested that conditions relating to mitigation are provided. It is also noted that a Great Crested Newt Environmental DNA sample was collected as part of this survey and the results have been submitted.

Policy ENV DM3 requires that within Biodiversity Opportunity Areas (BOAs) development retains and sympathetically incorporates locally valued and important habitats and minimises disturbance to habitats. This proposal is compliant with this requirement since whilst it involves loss of existing tree habitat, new planting is incorporated which improves the diversity of indigenous planting and wildlife habitats and provides a new pond habitat and retains existing vegetation in the area of the bunds. The proposal therefore complies with policy ENV DM3 of the Local Plan and CPN9 of Climping Neighbourhood Plan which states that in some circumstances development proposals may be acceptable if accompanied by an independent assessment of the overall net environmental impact, and acceptable proposals to mitigate harm, or for the provision of equivalent alternative habitats.

A small part of the site lies within a SSSI, but any damage to the area has already occurred. The creation of a pond has benefits in terms of biodiversity and habitat creation and it has been satisfactorily demonstrated that the creation and planting of the bunds will enhance the conditions on site for wildlife. It is considered that the planting of the bunding provides environmental and biodiversity improvement to the site. It can be seen as a potential positive effect that the new pond on site may be suitable for greater crested newts in the future, this is an ecological benefit which is a material consideration.

Policy ENV DM5 Development and biodiversity, similarly requires development schemes to seek to achieve a net gain in biodiversity and protect existing habitats on site and also incorporate elements of biodiversity including landscape features minimising adverse impacts on existing habitats. As outlined above the proposal accords with these requirements.

IMPACT ON LISTED BUILDINGS

Policy HER DM1 of Arun Local Plan states proposals affecting statutorily Listed Buildings will be required to protect and where possible enhance the setting of the buildings. Policy HER SP1 states that development likely to prejudice the setting of heritage assets will be refused.

The site contains designated Listed buildings, curtilage listed walls and other buildings. The bunds provided around the perimeter of the curtilage of the listed building would assist in protecting the listed buildings from damage from potential flooding in the future. Photos of the impact of flooding in February last year, illustrate the flood damage was extensive, and it is noted that some internal work that had been carried out was damaged beyond repair.

The proposal includes a proportionate heritage statement as required by para 189 of the National Planning Policy Framework (NPPF). There is sufficient justification in terms of protection of the buildings in accordance with policy the impact on the heritage assets can be fully considered .

The bunds have significant height and length (425m) and are located in close proximity to the Mill complex (12-15m at the closest point). They separate and detach the buildings from the surrounding landscape. However with appropriate planting they will assimilate into the surrounding landscape and would not dominate the setting of the listed buildings.

Para 192 of the NPPF sets out the criteria which Local Planning Authorities should take account of when determining applications. The proposal accords with para 192 of the NPPF in that the proposal would contribute to conservation of the heritage asset by protecting it from potential future flooding, and the risk of coastal flooding in the future has been sufficiently justified. Less than substantial harm to the significance of the heritage asset would result which is outweighed by protection of the heritage asset in the long term and the derived public benefit in accordance with the requirements of para. 196 of the NPPF.

Policy HER DM1 refers to proposals being required to protect and where possible enhance the setting of the listed building. It is clear that the proposed works would achieve this by reducing the risk of flooding and potential damage to the heritage asset.

The proposal is therefore considered to accord with guidance in the NPPF and policies HER DM1 and HER SPI of the Local Plan.

CONCLUSION

The application includes sufficient justification for the structures with regard to the risks of the site from future coastal flooding and has an acceptable impact on the character and appearance of the area and the settlement gap, habitats and the setting of the Listed building. It is therefore recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is not CIL Liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:
Location Plan
Site Plan
Corten Flood Wall and Gate
Bund Planting
Pond Planting

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 2 The development shall proceed in accordance with the Extended Phase 1 Habitat Survey updated on 11-08-2020 and the Preliminary Ecological Appraisal Survey dated 30-08-2017 and the ecological enhancements referred to shall be provided within 3 months of the completion of the flood defence works in accordance with details to be submitted to and approved by the Local Planning Authority .

Reason: In the interests of biodiversity in accordance with policy ENV DM5 of Arun Local Plan.

- 3 Landscaping shall be carried out in accordance with the details shown on plan CM Flood Wall, Gate and Containers dated 18-01-2021, Pond Planting CM PP01 and Bund Planting Plan. Further additional planting details shall also be submitted for approval and all planting and seeding comprised in the approved details shall be carried out in the first planting and seeding seasons following the completion of the development and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 and ENV DM5 of the Arun Local Plan.

- 4 The development shall proceed in accordance with the submitted Tree Assessment and Tree Table by GHA trees dated 22-03-2021. The works identified in the report shall be undertaken within 3 months of the date of approval of the application and replacement trees shall be provided in the first planting season following completion of the flood defence works hereby approved in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure protection and enhancement of trees important in the landscape in accordance with policy ENV DM4 of Arun Local Plan.

- 5 Within 3 months of the date of this permission precise details of the construction arrangement, specifying precise extents of the proposals and a timeline for provision shall be submitted to and approved by the Local Planning Authority and the development shall proceed in accordance with the details so approved. These details should include structural integrity to demonstrate under load is sufficient, extent and position of concrete support and demonstration as to how the corten wall would be able to resist the earth pressure at this location.

Reason: To ensure that the flood defences are structurally sound in accordance with policy W

DM4 of Arun Local Plan.

- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.