

Recommendation Report for Planning Permission

REF NO: F/3/26/PL

LOCATION: Environment Agency Ford Depot
Station Road
Ford
BN18 0BH

PROPOSAL: Replacement of existing Portacabin with new single storey modular cabin for use as an ancillary building to the existing site, excavate grounds of mixed material to create trench for new power, water and drainage, install drainage pipework and associated items, including connection to existing, new or planned network, install electrical meters, transformers and associated items as required, excavations to be finished in concrete to match existing hardstand, new planters, wildlife houses and greenspace. This application is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Replacement portacabin including provision of new drainage and electrical connections.
SITE AREA	3100sqm
TOPOGRAPHY	The site slopes gently from west to east toward the river Arun and its embankment at the eastern border.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	The site is bordered with a 2m palisade fence with sporadic hedging and trees outside to a height of up to 4m. The northern boundary is abutted by boundary trees and mounding 6-8m high created by the railway siding.
SITE CHARACTERISTICS	The site is an Environment Agency (EA) depot site adjacent to the River Arun on the opposite side of the road to Ford Railway Station abutting the southern side of the railway line.
CHARACTER OF LOCALITY	Existing railway and EA infrastructure sites adjacent to Ford Railway Station in the open countryside.

RELEVANT SITE HISTORY

F/4/19/PL	Erection of a mild steel vehicle store on a concrete foundation & concrete slab.	ApproveConditionally 06-09-19
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Noted.

REPRESENTATIONS

None.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environment Agency 4/02/26 - Objection.

- Please re-consult when the FRA has been updated.

Environment Agency 12/03/26 - No objection.

- The development will only meet the NPPF's requirements in relation to flood risk subject to securing condition.

ADC Engineers - (30/03/26) Objection

- The site is in Flood Zone 3a and while there is some nearby surface water flood risk, the raised Portacabin should not be affected.

- Although drainage infrastructure is introduced, the small scale of development means runoff will not increase and direct discharge to the tidal River Arun can be acceptable without attenuation or additional sustainable drainage measures.

- Infiltration is not feasible, as such discharge to the is acceptable, but the use of mechanical pumping lacks sufficient justification and assessment of alternatives. Further information required.

- While attenuation is not required for peak flow control, the current design does not show that the site can drain effectively to the River Arun, particularly during high tide conditions. Additional information, calculations, and assessment of gravity drainage with potential temporary storage are needed; without this, the drainage strategy is unacceptable and the application is objected to.

- Water quality treatment should be provided for any drained runoff of external paved areas. Clarification of drainage of external areas should be provided.

- Interception, amenity and biodiversity are not a consideration given the scale of the development.

ADC Engineers - (27/4/26) Objection

- The use of mechanical pumping is specifically noted as by exception only in the NSfS. The FRA and Civils Layout notes do not contain consideration of alternative solutions such as temporary storage awaiting recede of the tide. Further assessment of the method of disposal should be provided to support the proposed solution and justify mechanical pumping of surface water.

- While no attenuation is required as flows would not increase flood risk in the tidal river, the submitted information does not demonstrate that the site can drain effectively to the River Arun, particularly during high spring tide conditions.

- The lack of design storm calculations and assessment of gravity drainage with temporary storage means the drainage strategy is unsupported, leading to an objection to the application.

- No assessment of water treatment has been provided.

ADC Engineers - (17/6/26) Objection

- The proposal indicates direct discharge to the River Arun by gravity with below ground storage (due to being tide locked at high tide). We welcome the removal of mechanical pumping.

- The calculations provided do not appear to incorporate a downstream surcharge due to tide locking. Further information should be provided to investigate whether the system can drain to the river without flooding including during the Mean High Water Spring downstream conditions with the temporary storage

provided as a gravity system.

Ecology Officer - No objection subject to condition.

- The site is in the Arun Valley Special Protection Area risk zone, but due to the small scale of the proposal, no detailed assessment is needed.
- The ecological assessment checked for possible effects on protected species and found none.
- No extra wildlife surveys are required.
- The ecological report recommends improvements for wildlife, and these are included in the planning condition.

Network Rail - Advice

- As the development is close to the railway, the developer must contact Network Rail's Asset Protection and Optimisation team before starting any work. The developer may need to enter into an Asset Protection Agreement. The process should be started through the Asset Protection Customer Experience system on the Network Rail website.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Arun Valley IRZ

Flood Zone 3b

Outside Built-up Area Boundary

High surface water flood risk

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
INFSP1	INF SP1 Infrastructure provision and implementation
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

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, The South Inshore & South Offshore Marine Plan 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.

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 conflict with relevant Development Plan policies in that a discharge location has not been properly evidenced which may result in an increase risk of flooding on site during tide locking.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG) as it is de minimis.

CONCLUSIONS

PRINCIPLE

The site is in the countryside, outside the built-up area boundary, where Arun Local Plan (ALP) policy C SP1 recognises land for its beauty and intrinsic character and seeks to only permit development subject to certain criteria. The proposal does not relate to any of the specific criteria including (f) that it is in accordance with other policies in the plan for a specific use or type of development. ALP policy INF SP1 pertains to infrastructure provision and implementation, the conformity of which will be discussed below.

The site is in the Parish of Ford however no policies in the Neighbourhood Plan address infrastructure development and the development plan in the determination of this application will consist of the Arun Local Plan (ALP).

The development is for the operational needs of the Environment Agency (EA) and falls to be considered against policy INF SP1. This policy states that : The Local Planning Authority will support proposals by service providers for the delivery of utility infrastructure and the improvement or development of locally and regionally important infrastructure where needed to serve existing or new development required through this Plan, or to secure long term supply, subject to other relevant policies.

The proposed development of an EA storage building serves existing development and is considered to accord with policy INF SP1 and policy C SP1 as a result and is acceptable in principle subject to other policies discussed below.

DESIGN AND CHARACTER

It is proposed to remove and replace a Portacabin. The Portacabin will have an overall length of 14.8m, a width of 5m and a maximum height of 3.3m. The structure will have a utilitarian style and be used by EA operatives as a facilities base, working in the area. New hardstanding is to be provided allowing ramped access to the front and rear.

The buildings scale would be subservient given its limited scale and its appearance appropriate for the use of the site as a depot. It would be located against a backdrop of the landscaped mounded railway line and would have limited impact on the wider landscape.

The proposal is of an acceptable design in accordance with ALP policy D DM1 and the NPPF.

FLOODING

The site is in Flood Zone 3a and is located approximately 50m north of the River Arun, which is classified as a Main River. A Flood Risk Assessment (FRA) has been submitted which identifies a range of mitigation measures to make the development water resistant. These include the provision of non-return valves, additional sealing of openings and joints, and raised electrical outlets. It has also been confirmed separately that the building can be considered Essential Infrastructure, as it provides facilities for EA staff undertaking river management and flood response operations.

EA Product 4 flood modelling data has been provided. This demonstrates that, in an undefended scenario, Node 7 would experience a fluvial flood depth of up to 0.75m in the 1 in 100 year event plus climate change, and a tidal flood depth of up to 1.33m in the same event.

Given the identified flood risk, paragraph 173 of the NPPF requires the sequential test (ST) to be applied. The FRA states that the proposal is for a replacement building for operational needs of the EA in relation to flood response and river management. As such, relocating the building to an area of lower flood risk would be inappropriate, and the ST is therefore met.

Following application of the ST, paragraph 177 and Annex 3 of the NPPF require the exception test to be considered. The development falls within the category of Essential Infrastructure, and both parts of the exception test must be satisfied. Although the FRA does not explicitly set out the exception test, it is considered to be passed, as the development delivers wider benefits in terms of flood risk management for the local community and will be safe for its lifetime. The building is non-habitable, and users would not be expected to be present during flood events.

The EA raised no objection, subject to conditions securing the proposed flood risk mitigation measures and ensuring that flood water is not displaced. This is considered acceptable.

Overall, the development is in accordance with ALP policy W DM2 in relation to flood risk, meeting criteria a-f, and is acceptable in principle.

DRAINAGE

ALP policy W DM3 requires development to identify opportunities to incorporate a range of Sustainable Drainage Systems (SuDS), appropriate to the scale of development, in order to improve water quality, storage and capture, and to do so at an early stage in the design process. ALP policy W SP1 similarly encourages the integration of SuDS, particularly where they can contribute to flood risk mitigation. ALP policy W DM2 will only permit development in areas at risk of flooding where certain criteria have been met.

Paragraph 182 of the NPPF requires SuDS to be incorporated to control surface water flow rates and reduce runoff volumes, while also delivering multifunctional benefits such as improved water quality,

biodiversity and amenity value. The NPPG further advises that SuDS should utilise nature-based solutions to replicate natural drainage processes as closely as possible. It emphasises the need for early consideration of drainage design (Paragraph 055), sets out the SuDS hierarchy (Paragraph 056), and references the SuDS Manual and the Statutory Technical Standards for Sustainable Drainage (June 2025) as key guidance documents (Paragraph 057).

A Flood Risk Assessment has been provided. Following an initial objection from the EA, further information was submitted by the applicant. The EA has subsequently withdrawn its objection.

One of the requirements of ALP policy W DM2 is that new drainage systems should be designed to take account of events that exceed the normal design standard. In this instance, temporary storage of surface water is proposed; however, for the reasons set out below, ADC's Engineers object to the level of storage provision proposed. As such, the proposal does not accord with ALP policy W DM2.

Given the site's proximity to the River Arun and its location in an area of high flood risk, infiltration, the highest priority discharge option, is not feasible. Surface water discharge directly to the Main River is proposed and is acceptable in principle. However, concerns have been raised regarding the potential for the outfall to become tide-locked during high spring tides, which could increase the risk of on-site flooding.

To address this issue, the applicant initially proposed mechanical pumping to discharge surface water. The use of pumps is strongly discouraged due to the inherent risk of failure at times when they are most critical. ADC's Engineers requested the applicant explore an alternative option of attenuating surface water on site until tidal levels recede, allowing discharge via a gravity-fed system. This approach was subsequently proposed, with surface water now attenuated on site before being discharged to the river via a gravity-led system. As a means of discharging surface water, this is acceptable in principle. However, the risk of tide-locking has still not been adequately addressed.

Following a third round of consultation responses, ADC's Engineers continue to object on flood risk grounds due to the risk of the drainage system flooding during periods of downstream surcharge, particularly during Mean High Water Spring (MHWS) tidal conditions. They maintained their objection. In addition, no surface water quality assessment has been submitted despite this being requested. The proposal fails to demonstrate compliance with NSfS Standards 1, 3 and 4.

The proposal does not accord with Paragraph 182 of the NPPF and fails to comply with Paragraph 170, which states that where development is necessary in areas of flood risk, such as this site, it should be made safe for its lifetime without increasing flood risk elsewhere. The proposal is also not compliant with the relevant sections of the NPPG or with ALP policies W DM2 and W DM3 as it has not effectively managed water, nor has it been demonstrated that excess flows will be managed within the site's boundary. The proposal does not gain the support of ALP policy W SP1, as it has not incorporated SuDS that provide water quality benefits, nor has it demonstrated that it would reduce the flood risk to this place of employment.

SUMMARY

The proposal has failed to accord with policies relating to drainage and is in conflict with the Plan as a whole. This application is recommended for refusal with the following conditions and informatives.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The applicant has failed to demonstrate that the proposed surface water drainage system would safely manage runoff during design storm events and periods of tidal locking, including under Mean High Water Spring tidal conditions, without increasing flood risk on or off-site. In addition, the submitted drainage information fails to adequately address climate change allowances and does not demonstrate appropriate surface water quality treatment. Accordingly, the proposal fails to demonstrate compliance with National Standards for Sustainable Drainage Systems, including Standards 1, 3 and 4, and is contrary to paragraphs 170 and 182 of the National Planning Policy Framework and Arun Local Plan policies W SP1, W DM2 and W DM3.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.