

Sean Foley

Subject: FW: Ditch Infilling - Toddington Ditch IDB

From: Jackson, Adrian

Sent: 01 February 2019 17:08

To: 'Sean Foley' <[REDACTED]>

Subject: Ditch Infilling - Toddington Ditch IDB

Dear Sirs

Further to our site meeting and inspection on 01 February 2019 (Mssrs Jackson and Moffatt [EA], Persimmon Homes and Meyer Brown Consultants), it has been acknowledged that works have been undertaken without the prior approval and consent of the River Arun Internal Drainage Board (whom the Environment Agency act as agents) It should therefore be noted that the ditch infilling and associated works are deemed to be 'unconsented'. Furthermore we do not issue or approve retrospective works.

However we recognise that the existing situation is of a temporary nature, and will be replaced by a longer term solution, and we are therefore satisfied that there will be no increased flood risk which will impact third parties. Please note on removal of the temporary works, the proposals for the drainage modifications which form the development layout will require Land Drainage consent (forms attached) from either the Environment Agency acting as the Internal Drainage Board (IDB), or if the IDB has been disbanded, the Lead Local Flood Authority (LLFA)

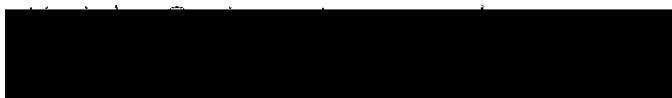
From an ecological perspective whilst a section of watercourse has been lost, the longer term benefit of the proposed wetland areas will compensate for the ditch loss.

With regards to the structure referred to as 'Headwall B' we are satisfied with the initial installation, but would reserve judgement, until the final landscaping works have been complete.

I trust this email correspondence is an accurate portrayal of the site meeting discussion.

Adrian Jackson

PSO West Sussex and PDU2 Teams Senior User | Partnership & Strategic Overview | West Sussex Environment Agency | Guildbourne House, Chatsworth Road, Worthing, West Sussex, BN11 1LD



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Sean Foley

From: Sean Foley
Sent: 25 January 2019 12:42
To: 'Jackson, Adrian'
Cc: 'PSO West Sussex'; 'Neil Oliver'; 'Edgley, Martin'; Adrian Barnley
([REDACTED])
Subject: RE: Planning Consultation on LU/345/18/DOC - Infilled Ditch & Headwall, EA Meeting
Attachments: Pre-demolition Drawings Headwall & Upstream Pipes.pdf; IMG_20180308_150029600.jpg
Importance: High

Adrian,

Thanks for your time this morning. As discussed, we've been informed the ditch has already been filled in and, as such, you believe there is no point in submitting the FDC application to obtain a retrospective consent. (On the basis the EA do not issue retrospective consents)

We understand that in this instance the EA's primary concern is potential flooding that could occur as a result of filling in the ditch and removing the headwall.

Prior to the headwall being removed there was a 450mm diameter diversion pipe installed at the old headwall location (attached is a rather basic sketch from the Contractor). This diversion pipe is to ensure any residual drainage / connections are picked up and diverted to the black ditch. This was a precautionary measure because the upstream sewers serving the old buildings and hardstanding areas have been demolished. The pre-demolition drawings are attached.

We have also learnt that an Environmental Management plan was compiled and implemented by Persimmon Homes prior to the ditch being filled in.

There was also a significant amount of offset works that will be undertaken in the adjacent central wetland areas that will compensate for the alterations / removal of existing ditches across the 80 hectare outline development areas as a whole

Way Forward

As agreed to there is no point in submitting a FDC application, but we still require formal confirmation that the EA are satisfied the works undertaken to the ditch and headwall are acceptable.

This formal confirmation should in theory provide sufficient evidence to Arun DC that the EA are satisfied and will work in lieu of a FDC consent. This should then facilitate the discharge of outline planning condition 12.

Site Meeting

With the above in mind we are very grateful that you will meet us on site next Friday morning at 11am (1st February 2019) to discuss / view the works that have been undertaken.

At the end of this meeting you will hopefully be in a position to issue a formal letter confirming the EA are satisfied with the works and sufficient measures were undertaken so the risk of flooding will not increase.

Many thanks for agreeing to meet at such short notice, which is most appreciated.

Regards,

Sean Foley
Principal Engineer
Mayer Brown Ltd
[REDACTED]

From: Sean Foley
Sent: 23 January 2019 11:47

To: [REDACTED]
Cc: P [REDACTED]
Mart [REDACTED]
<aba [REDACTED]>
<rob [REDACTED]>

Subject: RE: Planning Consultation on LU/345/18/DOC (Application for Ordinary Watercourse) [Filed 23 Jan 2019 11:46]

Dear Adrian,

Many thanks. This all seems pretty self-explanatory.

We will fill this in and submit the information asap

I will contact you if I have any questions

Regards,

Sean Foley
01483 750 508

From: Jackson, Adrian [mailto:a [REDACTED]]
Sent: 23 January 2019 10:21
To: Sean Foley <[REDACTED]>
Cc: PSO West Sussex <[REDACTED]>
Subject: RE: Planning Consultation on LU/345/18/DOC (Application for Ordinary Watercourse)

Dear Sean

Please find attached the necessary forms and notices you will be required to submit for Internal Drainage Board approval. The cost of the permit will be £50.00

We will want to see, details of existing ditch profile with dimensions and length of watercourse to be infilled.

I assume that the proposed ditch infill will be piped and tied in with remainder of the previously piped systems.

Generally speaking the EA have a presumption against ditch infilling/culverting apart from that required for access, and/or offsetting can be provided elsewhere.

We would also wish to ensure that no significant flood storage will be lost.

It is possible that we may request a site inspection to view the proposal

I hope that the forms are self-explanatory, but please do not hesitate in contacting me further, should anything be unclear.

best regards -- Adrian

PSO West Sussex and PDU2 Teams
Adrian and Senior User
[REDACTED]

From: Sean Foley [REDACTED]
Sent: 17 January 2019 17:38
To: Jackson, Adrian <[REDACTED]@gov.uk>
Cc: Clark, Robert <ro [REDACTED]>; Michael Eastham <Michael.Eastham@arun.gov.uk>;

Subject: FW: Planning Consultation on LU/345/18/DOC (Application for Ordinary Watercourse)

Dear Adrian,

Introduction & Site Location

I'm contacting you in relation telephone conversation you had my colleague Ivan earlier today about the type of application to fill in an existing lagoon and associated overflow ditch. (below is the telephone record he sent to me).

The waterbodies are located north of Littlehampton, under the administration of Arun District Council. The site location is attached.

Planning History

Outline planning permission (LU/47/11) was obtained in January 2013 for a large development on the site for up to 1,260 new homes, plus employment, community and infrastructure improvements.

This is a very large scheme with the application boundary covering over 80 hectares with numerous ditches and watercourse. The outline approved scheme area been subdivided into parcels, with each parcel going forward under its own Reserved Matters (RM) Application. Each RM application needs to satisfy the relevant conditions contained in the outline permission.

Outline planning Condition 12 relates to works effecting watercourse and is as follows:

- 12 The development shall not commence until formal consent has been approved in writing from the Local Planning Authority for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Reason: To ensure that the proposed development is satisfactorily drained to prevent the increased risk of flooding, and improve and protect water quality, habitat and amenity, and ensure future maintenance of these in accordance with national guidance and policies GEN7, GEN9 of the Arun District Local Plan.

Proposed Works – Phase 2

With the above in mind we are contacting you about the **Phase 2** RM application only and the watercourses effected by this application.

They are summarised quite well in the attached extract from the Ecological Management Plan. The Ecological Constraints plan, Map 2, shows the reservoir and ditch. These are to be filled in to facilitate the Phase 2 works as shown in Appendix 1 of the same extract

The old lagoon and adjacent overflow ditch are on the attached google map link:

<https://www.google.com/maps/place/Littlehampton/@50.8279782,-0.5324869,247m/data=!3m1!1e3!4m5!3m4!1s0x4875a37e0ee7c661:0x2799d679689139c18m2!3d50.811057!4d-0.5396609>

Type of Application

Both of these waterbodies should be classed / viewed as an ordinary watercourse and under normal conditions we'd submit Arun DC's Ordinary Watercourse Consent (attached) for works effecting ordinary watercourses. However, this is an abnormal condition because the River Arun Internal Drainage District (IDD) is the only remaining IDD in Sussex that has not been abolished – see link below.

<https://www.gov.uk/government/publications/internal-drainage-districts-in-southern-england/internal-drainage-districts-in-southern-england>

The conclusion is that The Environment Agency will continue the enforcement and consenting powers for the IDD in relation to the OWCs.

I'd be grateful if you could confirm what application we need to submit to the EA in order to gain the correct consent for filing in these waterbodies

Apologies for the rather long e-mail but we wish to ensure the correct application is submitted to the correct stakeholder.

From: Laura Gibbons [mailto:Laura.Gibbons@arun.gov.uk]

Sent: 17 January 2019 09:47

To: Sean Foley <[REDACTED]>

Subject: RE: Planning Consultation on LU/345/18/DOC

Sean,

Just a quick reply regarding ordinary watercourse consent- the watercourse which is intended to be filled in is within the IDB region which the Environment Agency still have authority over. This IDB area has not been dissolved. Please speak to the Environment Agency.

I will reply about the other points in due course.

Kind Regards,

Laura Gibbons, MEng, GMICE
Engineer (Drainage & Coastal)

Laura Gibbons | Engineer (Drainage & Coastal), Engineering Services, Arun District Council | Location: First Floor, Arun Civic Centre,
Maltravers Road, Littlehampton, BN17 5LF

Internal: 37818 | External: +44 (0) 1903 737818 | Fax: +44 (0) 1903 716018 | E-mail: laura.gibbons@arun.gov.uk

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From: Sean Foley [REDACTED]

Sent: 16 January 2019 17:50

To: Laura Gibbons

Cc: Clark, Robert; Michael Eastham; Edgley, Martin; Steven Lecocq; Fatima Evernden; Tracey Headley-Smith; Alex Wray; Adam Winstone

Subject: RE: Planning Consultation on LU/345/18/DOC

Importance: High

Laura,

Condition 10

Thanks. This is very good news that is gratefully received. We will formally submit the information on condition 10 asap.

Condition 12

Regarding the consents, for avoidance of doubt I'd be most grateful if you could confirm exactly what type of consents we require for condition 12. We believe we only need to submit an **ordinary watercourse consent** for filling in the lagoon and overflow ditch. See bullet points below.

Our understanding is as follows

- Outfall B: A nominal length of existing ditch is to be filled in to facilitate the construction of the new 525mm diameter outfall pipe and the new headwall. The 525mm diameter outfall pipe and associated headwall are described / included in the existing Flood Defence Consent for Outfall B. Therefore, we believe existing flood defence consent for Outfall B should be sufficient for works affecting this particular ditch. If not please advise.
- Lagoon and Overflow ditch: Regarding the irrigation lagoon and overflow ditch, as shown on the image 01 below, an application has not been submitted to fill these in. Neither of these are a main watercourse and, as