

From: Simon Davis

Sent: 26 September 2022 11:21

To: 'Julian Evans'

Subject: RE: Sefter Road - P/129/22/DOC, P/70/22/DOC

Dear Julian,

Thanks for your email.

Re condition 13 (contamination), I acknowledge that the remaining aspect cannot be done until after the landscaping has been implemented so have no objections to this being provided prior to occupation. I have checked this opposition with our Environmental Health Officer, Craig Milligan. However, please note that this is an informal opinion and can only be confirmed in writing with the submission/approval of a s73 application to vary the wording of the condition.

Re the drainage conditions (nos. 9 & 11), Engineers have been reconsulted following your response on 11/08 and this request is now within their queue. I will alert engineers to your request but they are currently dealing with all outstanding consultations on the basis of the age of the consultation request and I am not authorised to request any changes to their priority list. I am sorry but I am not able to assist you in this matter.

Re Deemed Discharge Notices, our position is that these cannot be used for conditions related to drainage. The deemed consent provisions do not apply to all types of conditions and the exemptions are set out in article 30 and schedule 6 of the Development Management Procedure Order. Schedule 6 includes "A condition attached to the grant of planning permission, intended to manage the risk of flood".

Kind Regards

Simon J Davis MRTPI

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From: Julian Evans [REDACTED]
 Sent: 22 September 2022 11:41
 To: Simon Davis <Simon.Davis@arun.gov.uk>
 [REDACTED]
 Subject: Sefter Road - P/129/22/DOC, P/70/22/DOC

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Good morning Simon,

Our client is looking to start works on the above site imminently; before the winter to avoid further climatic delays, and in this regard we write regarding some of the remaining Pre Commencement conditions associated with the site, with a view to achieving certainty for the developers as they need to mobilise, etc

P/129/22/DOC – Condition 13 Contamination:

- We have received the part Condition Discharge dated 13th September which states with regard to the remaining Part 4: Verification Report, *"The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority"*.
- Naturally, the Verification Report cannot be done until the soft landscaping is installed on site so therefore, in accordance with the statement above, please could we confirm a suitable date and/or stage in development to issue this information.

P/70/22/DOC – Conditions 9 Surface Water, 10 Discharge to Watercourse and 11 Maintenance and Management of Surface Water

- Condition 10 was discharged on 2nd August. Thank you.
- The remaining Conditions were submitted with the above and registered on 29th April, with the anticipated determination date of 24th June, well exceeded.
- We received comments from your engineers, via your email dated 2nd August, which stated, *"If you are able to respond on these matters by the 12th of August then we will reconsult engineers otherwise we will have to refuse the current submission"*
- The project Civil Engineer, Adama Consulting have clearly responded to each and every point, via their Technical Note, along with updated information, dated 11th August and this was issued to yourself on the same day to avoid the submission being refused.
- Your email dated 5th September identified the issues currently being experienced by Arun District Council with regard to surface water and was forwarded to the applicant for their information. Our advice to them at that time was to remain patient, as we were still awaiting Condition 13 Contamination discharge (due on 29th September). However, now this has been received earlier than expected, there is now renewed pressure to achieve discharge of these pre commencement conditions, now they are over 12 weeks late.

- Given, the engineers comments were bulleted, identified and clearly responded to, we ask if this could be resolved by the end of this month to avoid the applicant taking legal advice and/or issuing a Deemed Discharge Notice

P/71/22/DOC – Condition 2 Levels

- A previous submission was refused on 7th April 2022 as *“It is not possible to discharge this condition until the drainage scheme has been fully agreed as levels and drainage are inter related”*
- The revised submission was registered on 3rd May, with anticipated determination date of 28th June, well exceeded.
- In recognition, that level of new homes are intrinsically linked to the drainage design could we please ensure this pre commencement condition is also resolved by the end of this month

We acknowledge that the local authority is under pressure and welcome your honest approach to correspondence but as we are sure you can appreciate, there has been significant delay since the approval of the (second) Reserved Matters application P/147/21/RES on 5th January 2022 and the applicant is keen to deliver new housing to the area.

Regards, Julian

Julian Evans (Director)

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