

Ref: 1120
By Portal
15th July 2026

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Dear sirs

**Approval of details reserved by condition imposed under ref WA/75/20/PL and WA/20/22/PL relating to
Conditions 3 – surface water drainage, 7 – surface water drainage
Fleurie Lake Lane (former Star Plants Nursery) Barnham, PO22 0AL**

Further to your council's notice of refusal to discharge conditions 3, 4 and 7 for the above (ref WA/50/25/DOC) Please find attached our client's application to discharge conditions 3 and 7 outlined as follows:-

Condition 3

*"Development shall not be **brought into use until** full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity"*

Condition 7

*"Development shall not be **brought into use until** a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed."*

Drainage Scheme Development and negotiations

An application to discharge conditions 9 and 11 was submitted on 2nd March 2021 and approved (WA/16/21/DOC) on the 18th May 2021. Construction of Phase 1 was commenced shortly thereafter.

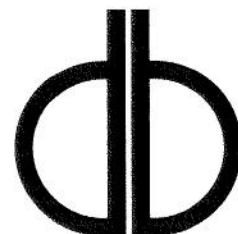
An application to vary condition 3 (WA/20/22/PL) affecting Phase 2 only was granted on 3rd May 2022

An application to discharge conditions 3, 4, 5 and 7 (WA/75/22/DOC) was on 5th July 2022 with condition 5 approved on 8th August 2022.

Conditions 3, 4 and 7 were refused on the 27th October 2022 with the comments from the council's drainage engineer withheld until 23rd November 2022 denying the applicant any opportunity to respond to the queries raised by the council's drainage engineer.

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Royal Institute of
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Between November 2022 and June 2025, the applicant's drainage engineer consulted with the council's drainage engineer to address each of the points raised in the council's consultation response that led to the refusal of conditions 3.4 and 7.

After initially advising that the planning conditions could not be discharged until Ordinary Water Course Consent (OWC) had been granted, the council's drainage engineer advised that the OWC application could not be accepted until the planning conditions had been discharged, a 'catch 22' situation.

The issue was resolved when Ordinary Water Course Consent to Discharge was approved (subject to planning) 31st October 2024 ref: LDC/ARUN/2024/015.

A second application to discharge conditions 3, 4 and 5 was submitted on 19th June 2025 (WA/50/25/DOC).

Comments from the council's drainage engineer ignored previous discussions and agreements reached between November 2022 and June 2025 and made reference to items on the National Standards for SuDS published on the 3rd June 2025 and updated on the 30th July 2025 that superseded standards set out in 2015.

Application WA/50/25/DOC was refused on the 5th January 2026.

Relevant Standards

It is important to note that the overall principals of the drainage design was approved in January 2021 under WA/75/20/PL and amended in May 2022 under WA/20/22/PL when the 2015 standards applied and in the absence of any pre-commencement conditions, Phase 1 was constructed in good faith in May 2021.

When the new 2025 standards were introduced in June 2025 the introduction stated that:

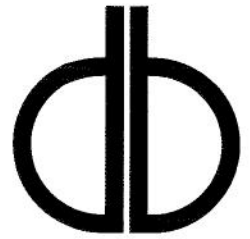
*"These standards are intended for application in the design of surface of surface water drainage systems for new infrastructure and development, whether on greenfield or brownfield sites. **They are not designed to apply to retrofit SuDS designs**"*

As the existing Phase 1 Polytunnels were approved in January 2021 and constructed in May 2021, we respectfully contend that it is not appropriate to apply the 2025 standards to the extant consent and the council drainage engineer's comments given in response to WA/50/25/DOC that relate to the 2025 standards are inappropriate and should form no basis for a refusal to discharge the conditions for the scheme.

To change the principles of how the drainage scheme is designed at this stage would be in effect to remove the benefit of consent, retroactively applying different standards to those that applied at the time the scheme was approved and constructed and thereby wholly inappropriate.

Furthermore, the 32 months of negotiations on both the Ordinary Water Course Consent and in responding to the council's drainage engineer's comments on and agreements reached in previous applications (WA/75/22/DOC and prior to the last application (WA/50/25/DOC) cannot simply be ignored.

We therefore enclose a summary of the proposed drainage scheme with reference to annexes including correspondence during both previous applications and trust that the correct 2015 standards will be applied and documentary evidence of prior agreements respected when considering this application to discharge conditions 3 and 7 of WA/75/20/PL and WA/20/22/PL



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Application Documents

The following documents are enclosed.

- 1120-002-Rev M – Approved Site Plan
- Hennock – Drainage System Outline
- Hennock – Drawings (21 drawings in total)
- Annexes 1-12 referred to in the Drainage System Outline

If the council's drainage engineer / consultants have any further comments to make or requires further information, the applicant requests time to respond to these prior to determination.

Should it seem likely that a consultation response or other information provided on the application may lead to the application attracting an adverse officer recommendation then the applicant requests to be informed in good time before the application is determined.

This request is made in the spirit of cooperation to proactively resolve any queries and satisfactorily resolve any items to enable conditions to be discharged.

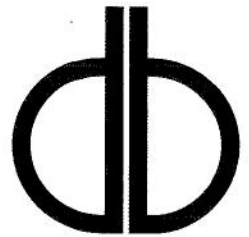
Please let us know by e-mail or telephone if you consider that any additional information or drawings are required to enable this application to be validated.

With kind regards

Yours sincerely

Paul Hughes

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