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Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF
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From: Amber Willard <Amber.Willard@arun.gov.uk>
Sent: 14 October 2026 13:51
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: URGENT — WA/98/26/DOC: revised CEMP, site works and site inspection request

Please upload below as rep letter for WA/98/26/DOC

Thanks

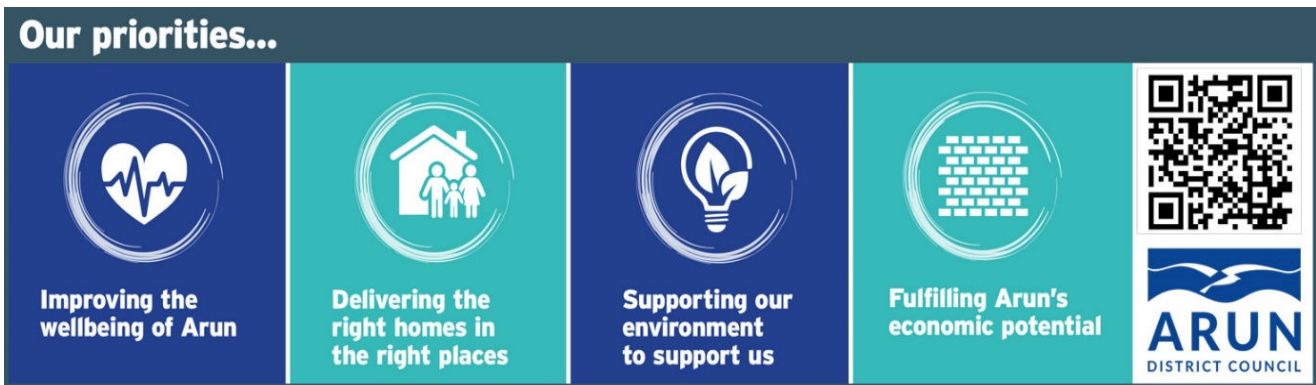
Amber Willard MRTPI
Principal Planning Officer, Planning Department

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From: Residents of Walberton - RoW [REDACTED]

Sent: 14 October 2026 02:59

To: Amber Willard <Amber.Willard@arun.gov.uk>; Planning Compliance <Planning.Compliance@arun.gov.uk>; Cllr. Mel Penycate <Cllr.Mel.Penycate@arun.gov.uk>; Cllr. Sue Wallsgrove <Cllr.Sue.Wallsgrove@arun.gov.uk>; [REDACTED] Jonathan Best <Jonathan.Best@arun.gov.uk>; Mark Warwick <Mark.Warwick@arun.gov.uk>

Subject: URGENT — WA/98/26/DOC: revised CEMP, site works and site inspection request

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Dear Officer Willard,

Thank you for your email of 13th October confirming that the DOCs and NMA for the Land West of Yapton Lane remained undetermined, that you had not been notified of the site works or received further ecological information such as licences, and that you had referred my concerns to Enforcement.

I request an urgent joint site inspection by Planning Enforcement and the Council's ecological officer/adviser as soon as practically possible. Please establish the nature, extent and basis of the works already undertaken, and assess whether further clearance or excavation should cease pending verification of the applicable requirements.

I attach photographs taken on 13th October, with some reference pictures of September 2026. My observations include clearance of a roughly 10m perimeter strip and a strip across the field, with approximately 60% of the field appearing to have been cut; this percentage is my estimate. A digger has excavated a trench with stakes beside retained bushes and the bank around DM Chainsaws. The trench then continues around the other field/site boundaries.

Please register this email as a further representation on WA/98/26/DOC, cross-reference WA/97/26/DOC, WA/85/26/DOC and WA/89/26/NMA where relevant, and add it to the enforcement investigation. Please read it alongside my representations of 6 and 13 October and my earlier NMA and drainage comments.

My request is for the works and outstanding submissions to be assessed against the applicable conditions, using consistent plans and an evidenced, coordinated programme.

1. Evidence supporting the changed GCN conclusion

The replacement CEMP Part 1 published on 13th October materially changes the GCN assessment and method from the submission published on 2nd October. It replaces the separate licensed capture/trapping method with a precautionary approach under the combined reptile/GCN section.

The October 2022 EcIA incorporated by appeal Condition 14 returned AMBER, whereas the replacement returns GREEN. In particular, the earlier assessment identified affected land within 100m of breeding ponds and disturbance to individual newts; the new table records “No effect” for those components.

Please identify the evidence and measured calculations supporting those changed inputs, including pond locations, distance bands and all affected habitats and working areas. Both CEMPs refer to the May 2026 walkover and 2021/2022 species surveys; I cannot identify new fieldwork between the two publication dates. Please explain whether the changed conclusion rests on new evidence or a reinterpretation of existing information, and provide the supporting assessment. The document’s printed page 9 also retains “[retain only if this is correct]” after stating that affected woodland was included. Please confirm what was actually assessed.

2. Unresolved inconsistencies, layout and programme

The revised conclusion that a GCN mitigation licence is unnecessary remains alongside instructions referring to a licence, trapping and the deleted section 5.6. Figure E4a remains the original capture and exclusion map, including GCN trapping and temporary amphibian fencing, while responsible ecological roles remain “TBC”.

The layout discrepancy raised in my 6th October representation also remains. Figure 2 still uses C9_23_38_PL_101_P2, and Appendix 1 retains the southwestern pumping-station location, whereas drainage drawing 000-BPC-WD-ZZ-D-C-010 P01 shows it beside the surgery. P2 remains the approved baseline while the NMA is pending; the issue is the unexplained inconsistency between the layouts submitted for assessment. Please identify the governing layout and demonstrate that the GCN calculations, affected habitats, protection zones, fencing and drainage working areas correspond to it. The general plans also retain a combined LEAP/LAP depiction requiring reconciliation with the approved separate play areas. The replacement’s contents still list a tree-protection appendix, but the drawing is not supplied. Please identify the operative ECO9 plan and demonstrate compatibility with the fencing and working areas.

Other carried-forward inconsistencies include the cover’s reference to Condition 18 rather than 17; monthly ecologist inspections alongside quarterly fence inspections and “bi-annual” ecologist inspections in the summary; conflicting 10km/h and 10mph speed limits; and references to “NFDC” and undefined “Phase 2”. The noise-control table also specifies weekday working hours of 07:00–18:30, whereas appeal Condition 11 specifies 08:00–18:00. Please correct these provisions and identify any written approval relied upon for activities outside the conditioned hours.

Please reconcile the clearance timings: the revised strimming method extends into October, potentially November, while the destructive-search method still specifies April to early October. Dormouse clearance timings also remain inconsistent between the method and summary table. Please provide a coordinated programme for seasonal surveys and ecological operations, necessary licences, condition approvals, drainage investigations and construction, and confirm the applicable lawful commencement deadline.

Please also provide the dated sequence of ecological advice, instructions to the site team, commencement of clearance/trenching and submission of the replacement report. This should establish which assessment and method governed the operations when they occurred.

3. Basis for undertaking works before Condition 17 is discharged

Please confirm whether Condition 17 remained undischarged when the works occurred and whether any other approval or agreed method governed them. Submission of a replacement CEMP does not itself satisfy a requirement for written approval before commencement.

If these operations constitute advance ecological mitigation, please identify the governing method and compliance with Condition 14's incorporation of the October 2022 EcIA. If a different method is relied upon, please explain how it satisfies Condition 14 and identify any formal approval said to authorise the departure.

Where Condition 15's trigger for impacts on GCN or dormouse breeding/resting places applies, please provide the specified Natural England licence or written statement from Natural England; a consultant's opinion is not itself that statement.

Please also verify RES Conditions 4 and 5, including the arboricultural requirements and the report with photographs required before any machinery is introduced. Please assess the works against the requirements in force on 13th October, separately from any later CEMP approval.

4. Actual trench route, habitats and existing drainage

Around DM Chainsaws, the trench appears to follow the field-facing edge of the scrub-covered bank rather than the route illustrated in Figure E4a. The northern semicircular route also appears not to have been followed.

Please obtain a surveyed overlay of the actual trench, clearance and machinery working areas against Figure E4a, biodiversity protection zones, root protection areas and existing drainage. Topographical drawing 000-BPC-WD-ZZ-D-C002 P01 distinguishes the bank from the red site boundary and marks inspection/manhole covers nearby.

Please establish the trench's purpose and explain any route changes, their ecological/arboricultural assessment and their coordination with WA/97/26/DOC. The assessment should establish whether bank-side scrub and woody vegetation require different precautions from the ruderal-field method, and address drainage protection and maintenance access. Please also clarify how any later fencing or other operations through the woodland and around P23 will comply with the applicable ecological and tree-protection requirements.

5. Records, outstanding conditions and consultation

Please obtain the appointed ecologist's details and contemporaneous work logs, including the dates, heights and direction of any first and second cuts, searches, weather, supervision, arisings removal, checks before machinery tracked or excavated, and trench/fence completion. The 2022 EcIA requires

amphibian checks before fence-trench excavation and same-day backfilling. My photographs show the trench open when photographed; please obtain dated completion records to establish whether those requirements were met, including whether any trench was left open overnight and what safeguards were used.

Please provide the status of all requirements applicable to the operations undertaken, distinguish the general Condition 5 CEMP from the Condition 17 biodiversity CEMP, and identify the lawful layout underpinning the ecology and drainage assessments and their relationship to the pending NMA.

The replacement biodiversity report does not itself answer the wider Condition 5 matters raised on 6th October: construction-vehicle numbers, frequency and types; a dimensioned 32-space parking arrangement and coordinated compound/stockpile/loading layout; wheel-washing, access and routing from the first operation; drainage investigation and service-changeover methods, including the proposed welfare connection; and coordinated lighting, noise, pedestrian-safety and advance-notice arrangements. Please identify the current documents and revisions answering those points, confirm coverage of the whole development including the surgery, and confirm that officers and ecological consultees have the complete report. Please publish a consistent public version showing the non-sensitive safeguards. Where another submission is relied upon, please identify the detail supplied and the decision that will assess and secure it.

Please also identify the information supplied in response to Jonathan Best's consultation of 11th September 2026 on WA/85/26/DOC, particularly his request to clarify the current habitat baseline, and explain how the revised CEMP is consistent with the baseline relied upon under Condition 16. Please confirm whether he has assessed the replacement CEMP, its revised GCN licensing conclusion and the clearance/trenching undertaken on 13th October, identifying the documents, revisions and dates of any subsequent ecological advice.

The EH response of 11th October expressly requires ecological input before discharge. Please answer my 13th October request identifying the documents and revisions EH assessed, and confirm the ecological advice on the replacement report and actual works.

Arun's decisions on P/130/24/DOC dated 17th February 2025 provide a relevant local comparison. The Council refused the pre-commencement Construction Management Plan because required details were missing or inconsistent, including site-setup information and tree-protection arrangements. It separately refused phasing details because the construction/drainage programme could leave completed buildings and roads without a surface-water disposal location. These are comparisons under their respective condition wording. Please explain how the comparable coordination gaps identified in my representations have been resolved before approving the present submission.

I request that Condition 17 is not discharged until these material discrepancies and evidence gaps have been resolved. Please confirm the enforcement reference, responsible officer and inspection arrangements as soon as possible.

Kind regards,

Martin Downes