

The Potting Barn
No.5 Hobbs Court
Bilsham Rd.
Yapton
West Sussex BN18 0JY

July 23rd 2026

**Planning Application Ref Y/80/25/S73 for Variation of
Conditions 2,14,15, 22 and 23 as imposed under Y/52/23/PL
etc., for Land West of Bilsham Rd. BN18 0LA.**

OBJECTION

Disclaimer:

I am unable to give legal advice as unqualified to do so, so the details provided are personal opinions and details also provided from sources of reference, the applicant and others. Aspects contained as 'Opinions' and 'Objections' are for further query, reference and investigation.

Objection: To Proposed Amendments to Item 22, Ecological Mitigation and Enhancement. Drains and Drainage Concerns in Association

Dear Planning,

1.Introduction.

a) The earlier submissions were rejected by the ADC Drainage Engineers in October 2025, and for the application Y/32/25/PL which is in conjunction with Y/80/25/S73 content. It is accepted that the former is a separate application.

b) Y/32/25/PL was **Refused** in February 2026, in part because the SuDS suggestion for water run-off containment for the same application site now, conflicted with factors required by the ADC

Drainage Engineers. In relation to sustainability in drainage and against flooding.

bi) My Objection to the application for Y/80/25/S73 is in relation to proposed Condition amendment 22, *on the grounds of inadequate surface water drainage (SuDS) design features and how they would allegedly be compromised by the highwater table and in association.*

2.Surface Water Drainage in General for the Site

a) The details submitted in this aspect, focus on *surface water drainage and attention to its removal/harvesting*. This is advised as involving tanks, crates, pipework, attenuated ponds, permeable pavements and roads, ‘green areas’ and ‘rain gardens’.

ai) It is in Objection that there are allegedly no significant details submitted as to how the effects of the *high- water table* are to be successfully addressed in association.

a ii) Also allegedly, as to how ‘water’ aspects from the proposed development are to be distributed, controlled and regulated into the ‘ditch’ to satisfaction in outcome.

b) The Ryebank Rife

The ‘ditch,’ is referred to by the applicant as ‘The Ryebank Rife’ in text but is labelled as the ‘Bilsham Ditch’ in the definitive Location Plan1000 for Y/80/25/S73 instead. Such aspects of confusion in details supplied, are in Objection, because although the Bilsham Ditch and the Ryebank Rife are in proximity, they are separate entities, in the location of the proposed development.

bi) The ‘Bilsham Ditch’ (Ordinary Watercourse) is considered the correct detailing and nomenclature as on the Location Plan1000. The Ryebank Rife, although shown as *unnamed* on the same plan,

is located a field further away to the West as a 'Main' water source, (Main River) alternatively.

bii) It is currently impossible through details submitted, for any water run-off from the proposed site, to reach the main Ryebank Rife directly. It would need to traverse the neighbouring field to the West. To do so would allegedly require: -

- *Pipework/a separate ditch across the neighbouring field with an access point shown on the plan. There is neither.

- * An easement/permit/s.

- *A further planning application in association.

c) The Bilsham Ditch

This is the 'Field Ditch' (Bilsham Ditch), immediately adjacent to the proposed site, allegedly to take surface water from the development of 170 houses, if the application is approved. Flood mapping is also shown to areas both the North-West and to the South-West in the 'ditch' region. Flood mapping outcomes only refer to above ground water conditions.

ci) **The Location Plan1000 to the North**, shows the Bilsham Ditch cut off by a black line. A Watercourse does not allegedly flow *into it* from above, or from the Main Ryebank Rife or any other major water source indicated.

cii) **The Red Boundary Line** is also shown in the Location Plan1000, as running through the centre of the Ditch. Indicating that there are 2 Riparian owners involved, with other considerations in association.

ciii) Those owning the application site are understood to be Barratt Redrow PLC, although Barratt Redrow Southern Counties (no Ltd. included), submitted the application. The field adjacent is

understood to be owned by another. The ramifications of this joint responsibility, does not appear to be fully explored in the application and is in Objection.

civ) Drainage from the Bilsham Ditch is further South, through a separate field and field ditch to join the Ryebank Rife in Bilsham Lane approx. 1/3 mile away. It then flows from West to East towards the A259, and on to Littlehampton, where it is tidal.

cv) It has been advised that the Bilsham Ditch is a 'Main Water-Course' or 'Main River' by the authorities. It is in Objection that a field ditch and 'Ordinary Watercourse' which only allegedly has water flowing *out* of it, has apparently been referred to and assumed as a Main River when allegedly it is otherwise.

cvi) It is also of concern that perhaps there has been some confusion over location, water containment, transportation and administration, regarding 2 separate watercourses in a similar location, and performing different functions, and for the future.

cvii) Differences in 'Nomenclature' can be argued, but any proposed runoff from 170 houses into a 'field ditch' (Ordinary Watercourse) is very different to that of a Main River, where the size of the waterway would perhaps be better able to cope with containment and potential flooding issues.

cviii) **Riparian Responsibilities** cannot be ignored between the 2 joint- owners of the Bilsham Ditch in relation to the applications for Y/80/25/S73 and in relation to Condition 22 as an amendment for Y/52/23/PL in association.

d) Explanatory References to 'Main River', 'Main Water Course' and Ordinary Watercourse in Relation to the Proposed Site.

‘*A Watercourse in general, is any water source which flows through any channel or ditch...

*A Field Ditch, (Ordinary Watercourse) is a smaller localised channel primarily used for land drainage.....

*A Main Watercourse is used as description for any water course that is not a Main River.....

*A Main River/ Large River or stream is one which has a significant impact on a catchment areas drainage...’ (AI details).

3. Responsibilities for Riparian Owners- and Matters Pursuant -The Bilsham Ditch as a Material Consideration.

a) Limits to Riparian Rights: -

‘While natural surface water drainage can drain into a watercourse, the law does not permit the developer to substantially increase run-off or built artificial outfalls across a neighbour’s land without an agreement (Howes Percival)’.

b) It means, the natural Run- off water from the adjacent field ditch owned by that Riparian owner *is* permitted to overflow onto the proposed site. Any *artificial* drainage source *from* the development site into the ditch is not allegedly legally permitted without an easement, or financial compensation in lieu, from the other owner- (Barratt Redrow).

bi) No *confirmed* easement details appear to be with the application or indicated on the website, although allegedly required in submissions relevant to an ADC Policy Design Guide.

bii) **The Overall Layout Plan**, (23/12/2025), refers to ‘*a proposed easement, of 8m*’, either side of the jointly owned ditch. If the other landowner refused an easement or settlement in lieu, a

developer cannot allegedly legally discharge water from a 170-property development into the ditch partly owned by another.

biii) If it is argued that this would form part of a 'Condition' to be satisfied *after* any approval, is not considered satisfactory, as such an outcome cannot be assumed from an unknown and uncertain position.

4. Infiltration Units Rejected and Depths of Alternative Methods now Questioned

a) **'Infiltration Units' suggested by the earlier Boklok applicant were rejected as unsuitable for their application for Y/52/23/PL, (Application Approved on Appeal on Jan.24th 2025) and planning alterations for the same site Refused, for Y/32/25/PL for Barratt Redrow, in February 2026, in part because the SuDS treatments in plans submitted by Barratt Redrow were considered unacceptable by the ADC Drainage Engineers.**

ai) The applicant also allegedly agreed, in the assessment table notes, that the 'infiltration unit' aspect was no longer an option, allegedly because of their depth in relation to the high water-table. That has remained as agreed. (Approx.0.23m.blg.)

aii) **It was allegedly suggested at an earlier time by the ADC Drainage Engineers that drainage from the site into the ditch may be acceptable 'in principle'.**

aiii) That suggestion was accompanied by the proviso of the necessity for regulatory features in support of outflow into it. A Vortex Flow Control Device was allegedly advised in relation.

4a. Overall Engineering Layout 170 Unit Replan 24-217-260. 23/12/25. A Vortex Flow Control Device is advised on the plan.

to show how water would be intended to be regulated into the ditch.

a) It is unclear from Engineering Drawings submitted as only 'examples' of suggested features, what the ultimate size of a Vortex Flow Control Device is intended. No mathematical calculations as to usage have allegedly been supplied in relation.

ai) It is advised that the structural invert depth is between 1.2m and 2m. (*Polypipe*). Other general construction advice indicates a structure depth placement of 700-1000mm ie., blg. (between 2ft. 6ins. and 3ft.3ins). (*Cherwell District Council*), (*Sudsdrain*).

aii) Both details conflict with the high-water table of approx. 0.23m. blg. and would allegedly compromise the freeboard of 1m. required at base of any SuDS structure, throughout the site, during the winter months.

aiii) Also of concern, whether its presence/location would conflict with the high- water table generally, relative to any attenuation ponds, tanks, sewers or pipework shown as traversing the site in the submitted plans. Also, in relation to outcomes from any unstable alluvial soil in the vicinity, if sucked into such apparatus.

aiv) Independent Reports advise that if a Vortex Flow Control Device sits in a high- water table area, the rising water will submerge the outlet and can cause continuous unmetered groundwater leakage into the drainage network. (*MDPI*).

av) Submerging a vortex device, allegedly can cause the following problems: -

Throttling failure- continuous infiltration difficulties and flushing interference (*Cotterill Civils and Mosbaek A/S*).

Submerged discharge- The drainage strategy is intended to drain into a ditch, already with water containment, but now allegedly to be heavily impacted by a high-water table and run-off. (*Civilistix*).

A Planning Point- If the Outlet is chronically submerged by the water table and existing run-off, the air core will allegedly collapse (*Civilistsix*).

The Consequence: - the device will allegedly fail to regulate the discharge rate, and in an unregulated way into the ditch, attenuated basins or other storage sources. Any unregulated excessive velocity allegedly directly violates SuDS policies that mandate strict flow limitations. (*UK parliament*).

b) Furthermore, the high- water table can allegedly back-feed into the applicant's attenuation system/s/tanks rendering their calculation for storm capacity invalid.

bi) The proposal allegedly constitutes a severe flood risk to neighbouring land and allegedly fails to comply with the National Planning Policy Framework (NPPF) guidelines, regarding sustainable drainage (*UK Parliament*).

bii) It may be argued that not *all* the site contains a significantly high- water table in the winter months, but there is no evidence in the submitted plans to confirm that all areas of SuDS features *are* above 1m. at base above the water table and compliant otherwise.

c) The applicant has provided many additional plans and drawings for Y/80/25/S73 to indicate that outstanding drainage matters of concern have been eradicated, but which is questioned as a reality in Objection.

ci) There can be no 'drainage' if the highwater table is above the base of the SuDS features.

cii) As stated, all sustainability systems are required to have a minimum of 1m. freeboard below the base of any such structure or feature above the water table. The submitted plans do not appear to comply with this requirement.

5. 'Preliminary Construction Drainage Details' - Submitted by the Applicant 22/12/2025.

a) **The same Construction Drainage Details (Engineering Drawings as 'examples') submitted for Y/80/25/S73 were submitted for Y/32/25/PL(Refused).** Both contain below ground details and measurements regarding proposed remediation strategies as engineering fixtures 'examples' ie., for permeable roads and pavements and all other SuDS features as indicated.

b) It is noted that their blg. details submitted, again conflict with the highest water table measurement of approx. 0.23m as stated. There are allegedly no engineering drawings supplied for the blg. requirements for the 'rain gardens' or 'trenches'.

bi) These are also understood would not meet requirements for base levels above the water table. Any proposed excavations for the **'Rain gardens' /Suds features, that are sited entirely below the local high- water table at base also allegedly represents a violation of mandatory design codes.**

c) No further *engineering drawings* of correction or additions have allegedly been submitted with the latest plans to support that they are *not* in conflict with the 1m. freeboard at base required.

6. SuDS Requirements in the NPPF and in Association

a) Much has been made in the developer and agent comments that this aspect is a 'requirement' for all new development in the NPPF and in Gov. advice documents.

b) It is noted that this aspect is a recommendation, not law. Contra indications are not ruled out for consideration.

c) The NPPF also acknowledges in the Viability Test that there are circumstances why this aspect cannot be undertaken as follows:

ci) Item 14. Meeting the Challenges of Climate Change, Flooding and Coastal Change 161-186.....

Planning and Flood Risk.

Aspects from 170-182 'Outlines what happens if the necessary 'tests' cannot be met to produce a certain and sustainable outcome that would ensure that the site would not be the cause of flooding in its lifetime.

cii) Failure to Meet National Standards

The proposed SuDS infiltration/rain garden features shown in the replacement plans, allegedly violate CIRIA C753 Section 25, which states that the **base** of any infiltration or attenuation feature must have at least 1m. of clear space above the highest water table level.

d) Permeable 'structuring' for roads, pavements, rain gardens and attenuated ponds require a depth of more than 0.23m (approx. 9 inches).

di) Any suggested remediation by way of 'impermeable liners,' will not prevent the adverse effect of upwards thrust of rising water. The hydrostatic pressure can cause them to rise, but if the water

is prevented from going upwards, it can only move laterally allegedly causing flooding in outcome.

e) Loss of Attenuation Capacity

Because the proposed features are allegedly dug below the high-water table, hydrostatic pressure will also cause groundwater to fill the rain gardens continuously from below, which would remain permanently saturated during the high water-table time. Plants continually in water would die.

f) There will be a total loss of attenuation capacity. When a rainfall event occurs the rain gardens will have no volume left to capture surface run-off resulting in immediate catastrophic displacement of surface water.

7.The NPPF and Viability Test Ref. Development Sites

a) It is also observed that ADC also have their own Policies and Drainage Requirements for compliance alongside the NPPF Viability Test.

ai) If the Viability Test is not satisfied, more favourable sites are suggested to be resourced, if possible, instead.

aii) The Ryebank Rife (Ryebank Gate) development by David Wilson Homes (Barratt Redrow) is to the North-West of the proposed site.

aiii) To the South and West of that development is the other Riparian Field field/ ditch shown adjacent to the proposed site.

aiv) As its location is adjacent to an already existing development of Barratt Redrow, to the North, it would seem an appropriate place to review. It is unknown whether Barratt Redrow have approached the Riparian owner of the Bilsham Ditch and field, or

anyone else, for an alternative site, as no evidence has been provided.

8. Liners and Hydrostatic Difficulties

a) If water rises above any aspect intended for drainage there is allegedly a **‘Loss of Attenuation Capacity’** and flooding will occur. It is necessary to ensure that there is enough dry soil below any ‘filtration source’ and above the water table to absorb water.

Ciria C753, in the SuDS Manual, Chapters 20,23, and 16 as in respect of ‘rain gardens’ not properly drained make appropriate reading.

b) **Impermeable ‘linings’** suggested by the applicant to such areas is advised as a preventative against a high- water table ingress, is not a solution, although allegedly suggested as such.

c) **‘Liners’ to any substrate high water-table are prone to hydrostatic forces, and uplift.** Water that cannot rise must go laterally, causing flooding. Water that cannot drain away from permeable roads and pavements would pool, and rain gardens become overwhelmed with water.

ci) *‘When ordinary plants become water saturated, the water displaces oxygen in the soil, suffocating the roots. Oxygen starvation forces anaerobic respiration, which rapidly produces lethal byproducts like ethanol, hydrogen sulphide (bad egg smell), and organic acids. This ultimately leads to root rot and plant death’.* (Quora).

cii) **No hydrostatic mathematical calculations have allegedly been submitted in relation to all the areas on the site where liners have been suggested, to prove that buoyancy failure will not result.**

ciii) 'Attenuation' means holding back water, not 'discouraging it to rise'. 'Heavy sand' will not resolve that difficulty. See also Arun Local Plan Policy WDM2 (Flood Risk), and WDM3 (Sustainable Drainage Systems, and the NPPF). The developer has allegedly failed to prove an acceptable functioning SuDS Scheme that can be achieved, without allegedly causing on, or off- site flooding.

d) **Sewerage and wastewater treatment.** There is already sewerage back up in local houses during excessive rainfall in parts near to the proposed development in Yapton, as other objections have advised. Another 170 houses will exacerbate that difficulty.

e) **Management of water environments** needs to prevent difficulties, if intending to operate directly below the water table. Breaching this level can compromise water quality and levels across the district. 'Authorities' state that such an eventuality is a breach of the code of practice.

f) Unregulated Discharges

'Any discharge of pollutants into controlled waters ((The Bilsham Ditch)), are understood to require formal permits and discharge consents. No such details have allegedly been provided.

Pollutants can come from surface water generated from topographical sources. I.e., from driveways, roads, pavements, roofs and gardens'. (New Forest District Council).

g) Contaminating Soil and Groundwater

'Poor handling of soils (on the proposed site) can degrade the natural environment. Littering, plastic pollution and wastewater alter soil and water quality posing risks to protected habitats' (New Forest National Park.)

h) **Surface water and run-off from the site is allegedly intended to drain into the Bilsham Ditch adjacent to the site.** It is impossible to know how everyday contaminants from the site are intended to be controlled and to prevent them from entering the water course, and causing ecological damage, as no Maintenance Plan has been included to illustrate how such matters would be addressed.

i) **A developer cannot allegedly legally use a waterlogged hole in the ground to claim they are safely managing flood risks.** Unresolved drainage difficulties are obviously in Objection.

j) If the application is approved,- as stated, a Management Plan would need to be agreed with the LPA. Also to include any aspects relating to the existing ditch and Riparian owners/ responsibilities.

9. Hemlock water-dropwort Rep Objection Submitted 3/7/ 2026.

a) The agent responded on 26/6/2026 allegedly to trivialise its importance. It is universally advised as the most Toxic plant in the UK resulting in death if ingested. Also, by not taking on board that its presence would require *constant* monitoring and subsequent removal, as total elimination cannot be secured/certain.

ai) As previously advised, **Hemlock water- dropwort was also stated as being ‘in abundance’ in the Pegasus report for the applicant for Y/80/25/S73.** Although the LPA do not consider it a Material Consideration it is within the boundary of the site and easily accessible to all residents, including children and pets, if the application is approved.

b) It is an ongoing problem which cannot be totally obliterated with 'digging out' or herbicide, indicated as an 'easy remedy' by the agent. Such action would also be damaging to insects, other plants and wildlife.

c) It is also necessary to be aware of such 'contaminants' entering a watercourse and any constraints required by so doing.

Whatever remedial action for the plant removal, would allegedly have to satisfy Ecology, Environmental Health, and the other Riparian owner of the ditch.

d) Any attendance to such ongoing matters would also have to be included in a Site Management Plan to be agreed by the LPA and indication of proposed ongoing costs in relation. If intended to be a 'Condition' later there is no certainty it could be fulfilled if the application is approved without.

10. The Thakeham Site

a) The Thakeham development of 250 houses is immediately above the proposed site, approved under Y/91/17/OUT, **completed in the summer of 2025. Conversely the application indicates it has yet to be completed in the DAS.** Several plans indicate it as a green area as misleading and incorrect.

ai) **The approved plans for Y/91/17/OUT for the Thakeham site, shows an attenuated pond above the site for Y/80/25/S73.** How any surface water on that site may affect the proposed site in outflow/overflow, is not allegedly acknowledged or considered in relation to Y/80/25/S73.

aii) It is apparent from the application Y/91/17/OUT, that run-off from the Thakeham site allegedly goes into the Ryebank Rife, *not* the Bilsham Ditch, as separate water course in a different

location. However, run-off from a development of that magnitude should also be considered for Y/80/25/73.

11.Biodiversity Net Gain Assessment Rev E Submitted 15/6/2026 and other Submissions in Association

a) This additional aspect was submitted very late in proceedings. It would normally be anticipated to be provided with the initial application of 22/12/2025.

ai) **For an application to remain viable it must be commenced within 3 years after an approval. However, there is no requirements that any content approved must be undertaken unless part of a Condition. Without the latter, none of the BNG ‘advantages’ quoted have to be included/ undertaken, nor how they are to be maintained.**

b) The Tetra Tech Report REV E, dated 2nd June 2026

Advised that there should be a minimum 10% BNG as an overall requirement in relation to size of the plot ref. the Environment Act 2021. Percentages for various proposed aspects were included.

bi) It is noted that referencing is from April 2026. The ground on the proposed site was noticeably wet in March and April and it was already during the breeding season for animals and birds.

c) **1.1.2** states: that the *first* BNG investigation was on 24th Oct 2024. In confirmation that this was *before* the approval for Y/52/23/PL in Jan. 2025.

1.1.3 states: - *‘Biodiversity Net Gain as defined in Baker 2019 as- Development that leaves biodiversity in a better state than before’.*

d) 'Advantageous' aspects are shown in the Tetra tech report now, as added together and averaged to indicate that all the proposals are more than the minimum of 10%.

di) Unless 'Conditions' for BNG proposed 'advantages' accompany any approval, it is allegedly 'pie in the sky' and does not appear to take note of drainage and flooding problems or maintenance. I.e., a 'wild-flower meadow', and trees that would be too small initially, for nesting birds and in need of care for growth.

dii) A 'wild-flower meadow' should also be free from public transit and requires constant attention and refurbishment to avoid invasive grasses and other plants from taking over. It also requires 'cutting' and raking twice a year. 'Positive' BNG lists have no certainty of outcome without Conditions and a Maintenance Plan.

e) **Habitat Degradation**

1.4.1 states : -*'There are special provisions for the calculation of the pre-development value of biodiversity of onsite habitat when loss or impact of habitats (or 'degradation') has occurred, prior to the submission of a planning application and Biodiversity Gain Plan, in order to discourage the deliberate degradation of habitats to reduce the pre-development value of the biodiversity.*

ei) **1.4.2** relates to degradation of the site and how account must be taken of such, *after* an extant planning permission. ((For Y/52/23/PL granted on Appeal on Jan. 24th 2025)).

eii) **3.1.5** 'Given that the **ditch** satisfied only 4 of the criteria following Natural England condition assessment, this would be categorised as **poor** condition'. The same ditch allegedly

indicated as the panacea for run-off water from the site with all attendant difficulties raised in Objection already.

f) Recent Degradation

In March-April 2026, the site field was soddened from the rain.

Heavy vehicles churned up the ground, while site analysis details were obtained from viewing equipment.

fi) On 18/3/2026 a resident emailed the planning officer, the agent and the RSPB with photographic evidence, video and text, to advise of the current position on site. Also advised that the Ecology Officer has not been on site for 2 weeks since the beginning of March. The video clip shows the heavy machinery in operation and the individual advised.

fii) Also advising of skylark habitation being destroyed.

A large portion of this hedgerow towards the Bilsham Rd side, was removed to allow for Heras, stakes and 'plastic' boundary fencing to be installed. Part of the Tetra Tech report is dated from April and finally reproduced in June 2026. The timing of allegedly adverse activities on the site in March-April, allegedly before the start of the report is noted.

fii) The hedgerow was also the habitat of many invertebrates. The destruction of nesting skylarks habitat was also raised by another resident on the planning website during the Consultation.

It is alleged in Objection, that entire area of ecology was degraded/destroyed for some animals, insects and birds in association from the beginning of March 2026 and before the report dated April 2026 was undertaken, as evidenced. They cannot return to any aspect of proposed 'enhancement' to advantage once removed.

fiii) The existing field has had its own ecology for centuries, the tick box details and actions taken to suit another requirement entirely, cannot replace that which is lost.

g) The recently added Statutory Biodiversity Metric Calculation Tool 2/6/2026. Added on 15/6/2026.

Is an explanatory document/s of what could be achieved in an ideal situation. Unfortunately, because of other contra factors indicated, it would appear may be a paper exercise.

12. Conclusion and Request

The Sustainable Drainage submission is allegedly unviable, and the ecological content similarly flawed in relation to the Condition Amendment for '22'.

It is respectfully suggested that the LPA and the ADC Planning Committee Refuse the application, Y/80/25/S73. Thank you.

Yours sincerely,

Dilys Lownsborough

Arun District Council, Civic Centre, Maltravers Rd
Littlehampton, West Sussex, BN17 5LF
www.arun.gov.uk

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From: Breezie Allwright <Breezie.Allwright@arun.gov.uk> **On Behalf Of** Planning
Sent: 24 July 2026 15:02
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: Fw: Drains and Drainage Objections for Y/80/25/S73 Lownsborough

Breezie Allwright

Planner Degree Apprentice, Planning Department

T: 01903737889

E: Breezie.allwright@Arun.gov.uk

Please note my working days are Monday, Tuesday, Wednesday and Friday.

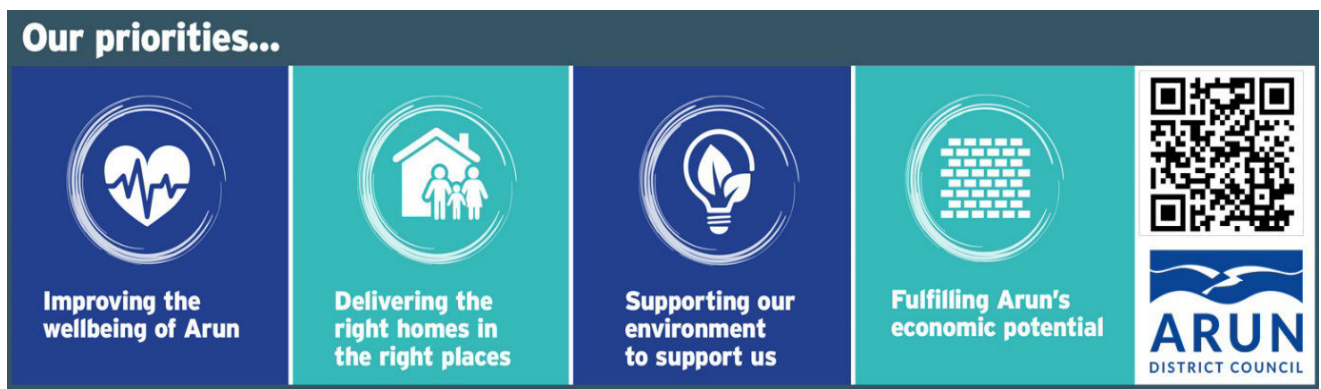
Arun District Council, Civic Centre, Maltravers Rd

Littlehampton, West Sussex, BN17 5LF

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From: [REDACTED]
Sent: 23 July 2026 19:23
To: Planning <Planning@arun.gov.uk>
Subject: Drains and Drainage Objections for Y/80/25/S73 Lownsborough

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Dear Planning,

Please find enclosed attachment, Objection for Y/80/25/S73 Drains and Drainage for Land West of Bilsham Rd. Yapton West Sussex BN18 0JY

Kind Regards

Dilys Lownsborough