

The Potting Barn
No.5 Hobbs Court
Bilsham Rd.
Yapton

West Sussex BN18 0JY

September 28th 2026

Ref .application Y/80/25/S73Land West of Bilsham Rd. Yapton ref recent additions regarding drainage and layout.

OBJECTION

Disclaimer: As I have no legal qualification, I cannot give legal advice. The content, contains my views and concerns. All details must be checked alternatively for verification.

Introduction

This Objection relates to additional matters submitted for Y/80/25/S73. Specifically, concerning drainage and matters in association, and the withholding of details from public review. As a counterbalance, they were obtained via an Environmental Information Regulation request, (EIR), and details are included in this document.

Background

1. The Consultation for Y/80/25/S73 has been advised for 14 days from 23rd. September 2026 until 8th October 2026 and to include matters pursuant.

a) Email details were added to the planning portal on 24th September 2026, from Mr. Carnell from 18th September 2026, and updated details from Simon Davis 24th September 2026 as follows: -

ai) In the 18th September email, the former refers to a change in house style, Plot 1, to 'Oxford Lifestyle'. Also referring to discussions with the ADC Drainage Engineers, and reference to the layout and path changes and new basin size.

He adds- *'There are no other changes to the layout aside from the different house type at Plot 1. **To my mind this does not necessitate further public consultation**'.*

aii) Direct Objection: - It is not in the remit of an agent to seek to use their position, to exert influence over the LPA, regarding Consultations, and to seek the exclusion of public review in consequence.

aiii) Contra to the statement by the agent above: Within a week, details of some magnitude, were submitted to the planning portal with their full knowledge, at variance with their contention that no Consultation was necessary.

aiv) As of 23rd. September 2026, 20 Substitute Plans and 2 Substitute Documents from the agent, were added to the planning portal for Y/80/25/S73. -The latter, FRA and Drainage Strategy and NEAP, LEAP and Lap Landscape Strategy PO3.

b) Of additional note: the ADC Drainage Engineers have yet to submit any further comment since their OBJECTION, on 15/7/ 2026, (date of document 10/7/2026), regarding previous drainage submissions by the applicant.

2.The Gunning Principle: -Procedural Unfairness, Pre- Determination and Alleged Statutory Breach.

Breach of Statutory Consultation Period: -

a) **Direct objection:** Under the Town and Country (Development Management Procedure) (England) Order 2015. 'A *local authority must provide a minimum of 21 calendar days for formal public consultation*'. The **14- day** window currently specified by the planning office may be an alternative discretionary timeline for new submitted documents but must also be workable and fair.

ai) A Consultation is not designed to deprive the public, by submitting a truncated review time, to fit in with a recent 5th EOT expiry time of 23rd. October 2026, or the pre- scheduled ADC Planning Committee Meeting on 21st. October 2026.

b) Breach of the Gunning Principles (Precedent Case Law): -

The council's current timeline strategy allegedly violates the established Gunning Law Principles for public consultation. Specifically, it allegedly

breaches Principle 2 (Sufficient Information), and Principle 3 (Adequate Time). Also-

bi) Gunning Principle 4, the Evidence of Procedural Bias and Pre-determination: -

In correspondence of 8th September 2026, the agent remarks that the planning officer requires details from him to be submitted by 30th September 2026, so the latter can prepare his report ahead of the Planning Committee Meeting proposed for 21st. October 2026. Creating obvious discrepancy, if the report is intended to be written before the end of the public consultation on 8th October 2026.

bii) On 23rd. September 2026: the Planning Officer advised the ECE agent in email that the ADC Drainage Engineers had a 14- day window in response. If from 23rd. September 2026, the response time from them, **would terminate on 6th October 2026, 2 days before the closing date of the public Consultation on 8th October 2026, as insufficient time for public review.** This imbalance is set alongside 9 months since the 22nd. December 2026 application for Y/80/25/S73, and 5 separate EOTs. The latest extended to 23rd. October 2026.

biii) If the Planning Officer is scheduling his report writing for 30th September onwards, it is difficult to see how details either from Rep letters, Consultees or the Drainage Engineers can be assessed with sufficient time to be on the portal, and for public review.

biv) The Planning Officer cannot allegedly lawfully balance material planning considerations including public objections and outstanding technical drainage responses before the statutory window has closed. (8th October 2026).

bv) This would allegedly render any subsequent decision, in such circumstances, highly vulnerable to challenge. On the grounds of procedural unfairness. Any details in report prepared **before** either 6th or 8th October 2026, would allegedly represent predisposition.

bvi) The Planning Officer previously advised that he would take Rep. submissions up to the date of determination. A meaningless advice if a

report is already written by 14th October 2026, as 7days clear is required for his submission to be published on the website, and objectors advised, *before* the Planning Committee Meeting on 21st. October 2026.

bvii) There appears to be a notable alleged imbalance in favour of the applicant to the disadvantage of the public. More recently, the exclusion of details to the planning portal for review, from '*behind closed doors meetings*' from August-September 2026, between Council Officers, consultants and the agent, regarding drainage, ground -raising and matters pursuant.

bviii) No details or decisions regarding drainage have been advised for review by the ADC Drainage Engineers since their **Objection** on 15/7/2026 (10/7/26 document date), to date. Substitute plans and Substitute Documents are a different aspect. It has required Environmental Information Regulation requests (EIRs x2) to obtain necessary detailing from said meetings. See reference later in this document under- 3. EIR responses onwards.

3. The Environmental Information Regulations 2004 Requests, 1 and 2:

Request 1 sent: 20th August 2026: Response received: 24th August 2026. Request 2 sent: 16th September 2026: Response received: 24th September 2026. The response are submitted as fully as possible, to contrast with lack of information to the public otherwise, in such a significant matter. The first EIR response covers July-end of August 2026 but is commenced as most relevant to latest submissions by the agent, from start point below-

a) EIR Request 1 Responses as follows: -

20th Aug. 2026. 15.52pm. From-*arun.gov.uk* to- Blanked out name.

Meeting note content, refers to meeting date possibilities.

Signatory: Principal Planning Officer Director of Growth.

21st. Aug. 2026. 12.45 pm. From-*arun.gov.uk*. Correspondence assumed between the Principal Planning Officer and Barratt Redrow agent, as names Blanked out: -

Proposed meeting attendance for 9th September 2026, ADC consultant able to attend too. Signatory: ADC Principal Planning Officer Director of Growth.

25th Aug. 2026 9.49 am. From- *arun.gov.uk*. Correspondence assumed between ADC Principal Planning Officer Director of Growth, and Barratt Redrow agent as names Blanked out: -

'The applicant's agent can make the 9th at 10am. I will send out a Teams invite'. Signatory: - Principal Planning Officer Director of Growth.

b) EIR Request 2 Responses.

4th September 2026, 9.55am. From-*arun.gov.uk*. Correspondence assumed to be between ADC Principal Planning Officer Director of Growth and Barratt Redrow agent as names Blanked out: -

*'The former advised the latter not to use the postcode BN18 0LA anymore. Comments that it is for Grevatts Lane West ((incorrect site location for the proposed site)) and **includes a map to identify Grevatts Lane West as the incorrect location**. States that a resident has said that this was done deliberately'.*

Direct Objection: I did not state it was installed incorrectly *deliberately*, as mischaracterised in text. I advised that it was incorrect and needed changing, as misleading for residents otherwise. Also, in relation to the correct requirements to be submitted ref. a Section 73 (S73) application and the complication that the 'operative part' description also cannot be altered ref. the *Finney/Fiske* ruling, as fully explained in my Stage 2 complaint to ADC in association.

The Principal Planning Officer Director of Growth also stated in his above email- ***'The inclusion of the wrong postcode, in my view is not relevant of material consideration to the application.'*** Signatory: Principal Planning Officer Director of Growth.

Direct Objection and as in Confirming Details: - The incorrect postcode BN18 0LA had been used incorrectly since the original application Y/52/23/PL. (The Boklok Application, and as approved by the Planning Inspector in January 2025 with the same incorrect postcode).

- Despite request for change many times, it was left as an incorrect postcode from May 2023 until approx. 4th September 2026, when the incorrect BN18 OLA postcode was removed from earlier headings.
- That the 'operative detail' in an S73 application was changed, allegedly disregards the *Finney/Fiske High Court rulings*, and constitutes *ultra vires* decisions. The ruling expressly states that the original details **cannot** be changed
- I also refer to details in my Stage 2 Complaint whereby the planning officer refers in email to me, that postcodes are 'dynamic' and can 'move around'. The postcodes in the area have been the same since the 1960s. and Grevatts Lane West is approx. 1/3 mile from the proposed site to the East not West of Bilsham Rd.

4th September 2026 15.33 pm. Agent response, to the above from the Planning Officer: - 'Noted'. Have you (Planning Officer), been able to consider the question in Aug.20th email attached for reference. ((not included as link with the EIR request)). Signatory: - Agent, Associate Planner ECE Planning.

8th September 2026 13.12. pm. From *arun.gov.uk* to agent.

Correspondence assumed to be between the ADC Principal Planning Officer Director of Growth and Barratt Redrow agent, ECE Planning as names Blanked out: -

'Ahead of the meeting tomorrow ((9th^h September 2026)), please find attached the following: ((there was no attachment link supplied with the EIR request)).' The agent advised in continuance of content supplied elsewhere, and other details-

- *'Preliminary concept Plans- Standard 2 interception areas, prepared by Blank at Pegasus to address matters at the last meeting ((20th Aug.2026)), and.....*
- *Primary updated layout -this incorporates the revised basin and other drainage elements on (Blanked out) Plan. Please note. the Pegasus drawings still show the layout prior to the update (therefore include some conflict between the basin and paths). The layout from Place by*

Design shows the revised basin can be incorporated. Hopefully this is clear and will be an aid to discussions tomorrow.

- *Then emboldened - **These Plans are to inform the meeting tomorrow and are not for publication on the website.** (Blanked out name) will be able to talk through the work undertaken at the meeting, and **outstanding matter of whether we can deal with groundwater impact assessment/monitoring by planning condition.** (As per my email of 20th August 2026 and last Friday), is also a consideration. Will you be able to come back to us on this at the meeting? Please let me know if you have any questions. Signatory. - ECE Planning Associate Planner'.*

Direct Objection: - It is concerning that the agent demands that the details under review are '*not to be for publication on the website.*' Any changes proposed or confirmed are anticipated to be put on the website and any changes subsequently can be made almost daily. The agent appears to be 'dictating terms', and creating an atmosphere where predisposition is under review. The '*behind closed doors meeting,*' a contributory factor.

9th. September 2026: -9.28 am. From: agent to the planning officer, approx. half an hour before the scheduled meeting. Correspondence assumed to be between agent and planning officer as heading names were Blanked out, but **to-** *arun.gov.uk*.as follows: -

*- 'Hi Simon, ((Davis)), It's my understanding that we aren't talking about flooding but groundwater. **Let's discuss this morning but I think the matter of whether a technical matter like this can be conditional will depend on several matters, but not least the advice from technical colleagues can advise whether remedies at that stage are effective. In terms of levels these are now marked on layout sheets***. Signatory. ECE Associate Planner.

Direct Objection: The agent appears to have no 'answer' to bring to the meeting regarding this impasse in actual, reconcilable, calculations. The submitted plans had levels heights ratios stated to one side in reference to a 'flat' plan layout, minutely reference and hard to read, but there is no

cross-section yet submitted to the date of this objection submission, in the way requested on 9th September 2026, by the planning officer. See further details to follow on under separate cover for 14th September onwards in due course.

9th September 2026. No time on meeting note, or contributor ownership. (Assumed to be Planning Officer, as allegedly on ADC paper as with logo of seagull). Partially illegible note from pre-planned meeting. Advises that more details are awaited and reference to Bilsham Ditch. Pond liners, hydrostatic uplift of liners, and weighing down. **‘Optimum’ (?)_ risk that PP can’t be implemented.....** No signatory visible.

10th. September 2026 .4.25pm. From: - *arun.gov.uk*. Correspondence assumed to be from the ADC planning officer to the ECE agent, as names are Blanked out. As follows: -

‘Thanks for identifying where the levels information is. My main concern with levels changes and visual amenity would be in respect of those parts of the site immediately visible to neighbouring residents/viewpoints. I have undertaken to compare existing vs proposed FFLs along the northern and eastern edges. I have used the spot heights and FFLs on the drainage plan.

I can see that there are significant increase levels proposed to the northwest corner with for example an increase of 1.7m at plot 28, although it is not actually on the boundary. Plots 25 and 26 are on the boundary and are closely related to existing buildings in the strategic site to the North.

((This is the 250 dwelling, Wildbridge- Thakeham site. Bittern Ave.is immediately adjacent and above to the proposed development)).

Direct Objection: While lateral flooding due to ground- raising is a current concern by planning, agent, and ADC Drainage Engineers alike, there are no indications that an immediate development neighbour, who may be affected by any outcomes in relation has been consulted. There is apparently a management company with that development. Who would be responsible, if lateral flooding occurred because of ground raising and they had not been consulted?

To continue with the planning officer email content.....

*'It appears that the land here will be raised from around 1.6m with FFLs of 7.6m. (1.47 increase), at plot 26, and 7.1m. (1m increase) at plot 25. I note that the approved FFL for the flatted building North of plot 26 was 6.125m. **The increase for plot 26 is concerning given it will face ground and first floor lounge windows (and a ground floor garden to these flats).***

*It is not clear as there are no garden ground heights shown on the drawing but I am assuming that if plot 26's FFL is 7.6m. that its garden will be raised accordingly, in which case **there will be a considerable height difference between the site height and the street height to the North. How then will the raised earth be held up? Or is the garden to stay the same and steps to be provided to the ground floor level ?***

*The level increases are not so concerning along the eastern edges given the width of the road, the presence of trees and the fact that most of this boundary faces the allotments. However, we still have to be clear what the impact will be. **Can you provide us with the section drawings for the Northern and Eastern sections with a coloured line showing the existing ground level and another line showing the proposed level with houses plotted above. Can you also confirm whether any retaining walls are proposed for any boundaries?** Signatory: Principal Planning Officer Director of Growth.*

Direct Objection: Apart from the development above the site, there is a development approx. ¼ of Eastern length of the site, to Bilsham Rd. Trees are likely to be removed as usual in developments unless a condition enforced. Following on from that there is a field containing livestock below the allotments to the South, (always flooded in winter for at least 10 years), and another property commences beyond that, opposite the furthest point of the site to the Southeast. It is part of Hobbs Court.

The drainage ditches to the single property already fill in winter including the perimeter ditch to the road. Water runs downhill, and liable to affect Hobbs Court with ground -raising and lateral flow. Bilsham Lane is also flooded every winter for the last 10 years. Placing remedial barriers to the eastern boundary will deflect water back onto an already saturated site with a bgl of 0.27m. Is this development intended to replicate the problems

of Lake Lane Redrow site in Barnham as on record? See additional Objection details regarding that and in association, to be submitted later under item 4 ref.

At time of writing no section elevation drawings requested have been added to the portal. If this is to be supplied now, it is considered too late for proper public review. (All technical details advised for submission by the agent for 30th September as they have acknowledged). There is no indication on the portal that any have been passed to the ADC Drainage Engineers to date either. Every day that passes without full disclosure denies public review and comment.

4. Interim Conclusion & Notice of Secondary Submission

The evidence above from the council's own internal records allegedly conclusively establishes a pattern of profound procedural irregularities and an allegedly unlawful attempt to use a Section S73 to bypass mandatory statutory and elevational scrutiny [Y80/25/S73].

Please note that this submission will be continued imminently, by a secondary submission, picking up from chronologically from **16.20 pm. on 14th September 2026.**

That upcoming section will forensically examine the technical, environmental, and contamination trails involving the following entities, whose own written words will be directly cited.

- ADC Principal Planning Officer Director of Growth (SD)
- The Agent for ECE Planning, Associate Planner (Carnell)
- The Principal Engineer for Coastal Engineers and Flood Prevention Emma Ringshall.
- Assistant Technical Director for RSK Geosciences (No name submitted).

While the Council may attempt to argue that the submission of this detailed objection proved that the '14- day window' was sufficient, I explicitly place on record that this 11-page document is the result of **extraordinary personal sacrifice involving consecutive days of multi-**

hour forensic analysis of 'hidden' documents obtained strictly through Environmental Information Regulations (EIR) [Y/80/25/S73].

A public consultation process is legally required to be accessible to regular citizens. Forcing a local resident, to undertake exhaustive multi-day investigative work, just to decipher microscopic unreadable tables and un-notified suggested planning solutions all before the 30th September cut-off deadline as advised by the agent in email, is allegedly the definition of **procedural prejudice**. The average member of the public has been locked out of this process.

Yours sincerely,

Dilys lownsborough

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

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<https://www1.arun.gov.uk/planning-application-finder>



[REDACTED]

Sent: 29 September 2026 15:30

To: Planning <Planning@arun.gov.uk>

Subject: Objection to latest additions to Y/80/25/S73 drainage details and layout changes land west of Bilsham Rd. Lownsborough

CAUTION: This email originated from outside of the organisation. You should take extra care when clicking links or opening attachments - if you are unsure the content is safe contact the IT Helpdesk before clicking or opening.

Dear planning,

I sent the enclosed details to infomanagement yesterday and to Simon Davis instead of 'planning'. He very kindly said he would forward to you but s I received no acknowledgement and because they contain important details , I thought best to send to you to make sure as time is short for putting on the portal.

Please find enclosed said, planning objection. Thanking you in advance for your kind attention.

Yours sincerely,
Dilys Lownsborough