

From: **Stuart Lee** <>

Date: Sun, 7 Jun 2026 at 16:38

Subject: URGENT FORMAL NOTICE OF LIABILITY, FRAUDULENT DATA & EVIDENCE – AWDM/1019/25

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Cc: Robina Baine <robina.baine@adur.gov.uk>, RUTLAND Tom (MP) <tom.rutland.mp@parliament.uk>

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FORMAL NOTICE OF LIABILITY, FRAUDULENT DATA & EVIDENCE – AWDM/1019/25

For the attention of: Peter Barnett (Case Officer), Cllr Andy Harvey (Cabinet Member for Environment); Cllr Robina Baine and Tom Rutland MP

Dear Mr. Barnett,

I am writing to formally place on the public record an explicit warning regarding Adur District Council's legal liability and duty of care to existing residents should application AWDM/1019/25 be approved.

The consultation response from WSP dated 4 June 2026 relies entirely on a developer-funded theoretical "Hydraulic Modelling Report." As the Council is fully aware from a 15-year history of repeated planning applications on this site, desktop simulations completely contradict the empirical, documented reality of this land.

Please take this letter as formal notification of the following material realities, establishing full, multi-decade foreknowledge of the site's environmental hazards:

Historical 1850 Ordnance Survey Mapping: Official cartographic history explicitly records the subterranean watercourse running through this specific parcel of land. This natural water feature is fed by heavy winter runoff from the South Downs, interacting directly with local culverts and the Ladywells springs. A computer simulation cannot overwrite an established geographical feature.

Misrepresentation of Southern Water Regional Data: In the current submission, the applicant claims the development site only carries a "1-in-100-year" flood risk. This is an intentional and dangerous misdirection. Research into past refusals on this site confirms that this statistic is lifted directly from a macro-level Southern Water regional statement covering the entire combined territory of Lancing, Shoreham, and Southwick. The developer has deliberately weaponized a broad regional average to disguise the acute, localized reality of this specific, water-logged plot.

Developer's Acknowledgment of Risk: During a previous application cycle, I spoke directly with the developer, Russell (owner of SD Holdings), outside my property regarding the inevitable flood risks. When asked directly what his contingency plan

was when the site inevitably floods and impacts neighboring homes, his explicit response was that he would "retire so they couldn't touch him." The applicant has full knowledge that this land is hazardous and is actively planning to insulate himself from the legal fallout, intentionally shifting the structural and financial liability onto the Council and existing homeowners.

Legal Property Covenants Ignored: A number of existing properties bordering this land possess strict legal covenants stipulating that the gardens must be maintained and cannot be shortened. These covenants were legally put in place precisely because these gardens serve as a vital, active soakaway corridor for floodwaters.

Active Degradation of Flood Defenses: The applicant has systematically purchased several of these properties, significantly shortened the gardens to clear space for development, and subsequently sold them or rented them out. In doing so, SD Holdings has already actively compromised the area's established flood defense system.

Documented Annual Flooding Baseline: The development site itself regularly and predictably floods from September and October every single year. Furthermore, the gardens on Southview Road regularly flood, the houses on Underdown Road suffer direct flooding, and the garages south of the proposed development area flood systematically. This happens under current undeveloped conditions.

The 2024 Infrastructure Failure: The Council has direct precedent of what occurs when this system is compromised. The severe overflowing sewers and surface flooding witnessed in 2024 were a direct result of this underground river network completely overwhelming the local drainage and Southern Water network.

Formal Notice of Civil and Financial Liability:

An engineering model that relies on ground-raising and non-porous concrete foundations does not eliminate water; it displaces it. If the water cannot accumulate on this natural soakaway, it will inevitably be forced into the lower-lying residential boundaries of Southview and Underdown Road.

Any national policy changes or amendments to Permitted Development Rights regarding small-scale sites do not absolve the Council of its common law duty of care.

If Adur District Council chooses to override historical mapping, local property covenants, the developer's own verbal admissions, and blatant data manipulation in favor of a theoretical computer model, it is doing so with full, prior knowledge of the inevitable consequences.

Should this application be approved and subsequent flood, structural, or sewage damage occur to surrounding properties, this correspondence will be used in legal proceedings as direct evidence that the Council acted with egregious foresight of the risks and will be held entirely liable for all subsequent damages, loss of property value, and compensation.

We urge the Council and the Environment Portfolio Holder to reject the flawed WSP conclusions, expose the applicant's deceptive data, and protect this community.

Yours sincerely,
Stuart Lee, 54 Southview Road, BN42 4TT

On behalf of the Southview and Underdown Road Residents Group