

Arun District Council
Development Control
1, Arun Civic Centre Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Our ref: HA/2021/123131/01-L01
Your ref: AB/45/21/PL
Date: 11 May 2021

Dear Sir/Madam

THE PLANNING APPLICATION IS FOR REMEDIATION WORKS TO MITIGATE POTENTIAL LIABILITIES ASSOCIATED WITH GROUND CONDITIONS RESULTING FROM THE SITE'S HISTORIC USE AS A GASWORKS.

FORMER GASHOLDER STATION (LAND OPPOSITE ARUNDEL CEMETRY) FORD ROAD ARUNDEL

Thank you for consulting the Environment Agency on the above application.

Environment Agency Position

We have **no objection** to the proposed development as submitted, **subject to the inclusion of the following 2 conditions**, in any permission granted.

We consider that planning permission could be granted to the proposed development, as submitted, if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Conditions

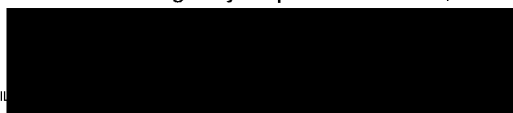
Condition 1 – Verification report

A verification report is required, demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason(s)

This condition is required to ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

Environment Agency
Environment Agency Depot Canal Walk, Romsey, Hampshire, SO51 7LP.



We have reviewed the Supplementary Site Investigation Factual Report (Dec 2020) and Remediation Implementation and Verification Plan (March 2021). We note the intended end use and remediation measures are based on an intended open storage end use and a programme of site excavation and turnover is proposed to identify, segregate and treat contaminated soils where appropriate. Groundwater treatment is proposed to deal with NAPL contamination and impacted perched water during excavation works.

Condition 2 – Previously unidentified contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason(s)

To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

Advice to Local Planning Authority/Applicant

The site comprises made ground, overlying superficial alluvial deposits which sit upon the Spetisbury Chalk principal aquifer. Groundwater is very shallow, only 1-3m below ground level and the River Arun is 40m to the south east. Groundwater flow is generally towards the river to the east, however it is tidally influenced.

There is widespread contamination in the made ground across the site, which is higher in the north and east associated with the gas holder and associated infrastructure. Deeper hydrocarbon and NAPL contamination tends to be focused in the soils and perched water to the north east.

We would highlight that this application only addresses the current contamination aspects, relating to continued use for open storage following remediation. Our response covers this continuation of current use for open storage. Any additional future development could create additional pathways, such as through site drainage or piling, and may result in the need for additional remediation in the future which would be dealt with through the planning system.

Requirement for an Environmental permit

The dewatering and remediation works associated with this development will require an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on [REDACTED] for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/ or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution

- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommends that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

Should you have any further queries please do not hesitate to contact me.

Yours faithfully

Miss Hannah Brothwell
Sustainable Places Advisor



cc Celtic Technologies Limited