

[REDACTED]

From: Nigel Jarvis [REDACTED]
Sent: 19 July 2022 12:45
To: Simon Davis <Simon.Davis@arun.gov.uk>
Cc: James Fox [REDACTED]
Subject: Re: Land adjacent to Woodgate Nurseries Lidsey Road Aldingbourne PO20 3SU - AL/129/21/OUT

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Hi Simon,

Just tried to call. Only one minor change in red below in the spirit of other changes and then agreed.

Kind regards,
Nigel

Nigel Jarvis - BA (Hons) MSc MRTPI ☐ (he/him)
Director

[REDACTED]

[REDACTED]

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Company Registration No. 07548836

From: Simon Davis <Simon.Davis@arun.gov.uk>
Date: Monday, 18 July 2022 at 18:14

To: Nigel Jarvis [REDACTED]
Cc: James Fox [REDACTED]
Subject: RE: Land adjacent to Woodgate Nurseries Lidsey Road Aldingbourne PO20 3SU - AL/129/21/OUT

Dear Nigel,

You were right, there was some text missing from what I previously sent you. The initial bit would have read:

Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

On this basis and that of your proposed amendments, I can agree to the following:

Prior to any works, hereby approved, commencing on site (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site from the nearby landfill site shall each be submitted to and approved in writing by the Local Planning Authority

- 1. A Site Investigation Scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected by migratory contaminants leeching from the Lindsey land fill sites and, if identified to be required;*
- 2. Based on the Site Investigation Scheme and the detailed risk assessment, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken together with a Verification Strategy providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy, as required, are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

Note: Any changes to these components, (1) to (3) require the express written consent of the Local Planning Authority

The scheme shall thereafter be implemented in accordance with the above and if identified by the above to be necessary then prior to the occupation of any dwelling (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that 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. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the Verification Report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of the occupiers of the development and local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 – 2031

Simon J Davis MRTPI
Principal Planning Officer, Directorate of Growth
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From: Nigel Jarvis [REDACTED]
Sent: 18 July 2022 18:01
To: Simon Davis <Simon.Davis@arun.gov.uk>
Cc: James Fox [REDACTED]
Subject: Re: Land adjacent to Woodgate Nurseries Lidsey Road Aldingbourne PO20 3SU - AL/129/21/OUT

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Simon, thanks for taking this forwards.

Per our quick discussion my minor points would be;

1. remove the unintentional assumption that all three stages are necessarily required, i.e. that stage 2 and 3 will not happen if Stage 1's detailed assessment finds no contamination risk. The current wording rather assumes that there will be, without further evidence to contradict the assessments submitted. I stress I am not trying to water down the requirements just build in the provision that, as could be likely, if no contamination risk to receptors is identified then those later parts will as is logical, fall away.
2. the pre-commencement stage for part 2 of the condition also seems highly illogical to me. One cannot demonstrate the completion of the works in the remediation strategy if development cannot start and if, as is quite common, the remediation works or at least some of them are integral to the laying out the development. Moreover the risk is to the receptors, and not buildings, and therefore a pre-occupation stage is relevant. On multiple sites I have worked with that do actually have some form of contamination it is commonly the case that the remediation strategy requires works to be carried out as part of the construction of plots and gardens. I should add as well that there is otherwise also significant scope for duplication on this as Part C of the Building Regulations deals also with contamination.

I think as amended the below is much more proportionate to the site/potential. I've cc'd my client for info.

Happy to discuss further.

Kind regards,

Nigel Jarvis MRTPI 
Director



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Company Registration No. 07548836

From: Simon Davis <Simon.Davis@arun.gov.uk>

Date: Monday, 18 July 2022 at 13:16

To: Nigel Jarvis [REDACTED]

Subject: RE: Land adjacent to Woodgate Nurseries Lidsey Road Aldingbourne PO20 3SU - AL/129/21/OUT

Hi Nigel,

Having alerted our EHO to the work already done, he has now provided updated comments/condition:

Having reviewed the document entitled 'Preliminary Ground Contamination Risk Assessment Report | Project Reference P15364 | Report Reference R15018' (dated 14th October 2021) [produced by Ashdown Site Investigation Limited], I note that 'Lidsey Land fill' sites have been identified 324m and 364m to the west of the proposed development site. I therefore request the following:

Prior to any works, hereby approved, commencing on site the following shall have been submitted to and approved in writing by the local planning authority;

1. A Site Investigation Scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected by migratory contaminants leeching from the Lindsey land fill sites and, if identified to be required;
2. Based on the Site Investigation Scheme and the detailed risk assessment, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken together with a Verification Strategy providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy, as required, are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note: Any changes to these components, (1) to (3) require the express written consent of the Local Planning Authority

The scheme shall thereafter be implemented in accordance with the above and, prior to the occupation of any dwelling (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that 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. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the Verification Report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of the occupiers of the development and local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 – 2031

Is this more preferable to you now?

Simon J Davis MRTPI
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From: Simon Davis
Sent: 13 July 2022 11:00
To: Nigel Jarvis [REDACTED]
Subject: FW: Land adjacent to Woodgate Nurseries Lidsey Road Aldingbourne PO20 3SU - AL/129/21/OUT

Hi Nigel,

We have had a further email from the resident objector (waste management consultant) re the Lidsey Landfill site. On the back of this I have liaised further with Environmental Health and they have proposed a contamination condition, as below. This doesn't need your agreement due to the application being in Outline but I thought I'd let you know. I am hoping that we can impose this just with chair & vice chair agreement but will advise if I am told it has to go back to Ctte.

Kind Regards

Simon J Davis MRTPI
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From: Craig Milligan <Craig.Milligan@arun.gov.uk>

Sent: 12 July 2022 17:20

To: Simon Davis <Simon.Davis@arun.gov.uk>; Planning.Responses <Planning.Responses@arun.gov.uk>

Subject: Land adjacent to Woodgate Nurseries Lidsey Road Aldingbourne PO20 3SU - AL/129/21/OUT

Planning Application Reference: AL/129/21/OUT

Proposal: Outline planning application with all matters reserved (except access) for residential development with up to 95no. dwellings (Use Class C3), informal and formal public open space, landscaping, drainage and other associated works. This application is a Departure from the Development Plan.

Address: Land adjacent to Woodgate Nurseries Lidsey Road Aldingbourne PO20 3SU

Dear Simon

Please see my further comments below.

Contaminated Land

Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.
2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that 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. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 – 2031

Sincerely, Craig

Craig Milligan

Environmental Health Officer, Technical Services



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