

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

**Our ref:** HA/2025/126544/01-L01  
**Your ref:** AL/12/25/PL

**Date:** 04 March 2025

Dear Planning Team,

**NEW PERMANENT BUILDING TO IMPROVE THE CURRENT WATER TREATMENT FACILITIES WITH THE CONSTRUCTION OF A NEW PRV BUILDING. THIS APPLICATION IS IN CIL ZONE 3 (ZERO RATED) AS OTHER DEVELOPMENT**

**PORTSMOUTH WATER WESTERGATE WTW LEVEL MARE LANE WESTERGATE PO20 3SB**

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

We have reviewed the information as submitted and set out our position and comments below.

### **Environment Agency position**

We have **no objection** to the proposed development as submitted, **provided that the following condition be attached to any planning permission granted**, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.

### **Condition – 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.**

### **Reasons**

The previous use of the proposed development site as water treatment presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 1.

The application's Planning Statement (*Westergate WTW – Pressure Return Valve (PRV) building, Planning Statement, SLR Consulting, Revision 01, dated 6 February*

Environment Agency

Guildbourne House Chatsworth Road, Worthing, West Sussex, BN11 1LD.

Customer services line: [REDACTED]

[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..

2025) demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 196 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 187 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

### **Advice to the Applicant**

#### **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 is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are 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 recommend 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

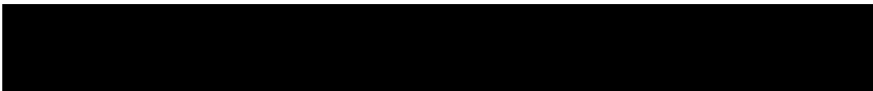
Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If you receive (or reject) any hazardous waste, you must send a report to the Environment Agency. These are known as 'returns'. If you dispose of hazardous waste at the premises where it's produced you may also need to send returns. You should follow the guidance provided here: [Hazardous waste: consignee returns guidance](#)

Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

Yours faithfully

**Mrs Sophie Brown**  
**Sustainable Places Planning Advisor**






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-----Original Message-----



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Subject: Environment Agency Response to: AL/12/25/PL

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The proposal has been reviewed and I enclose the Environment Agency's comments on:  
Portsmouth Water Westergate WTW Level Mare Lane Westergate PO20 3SB

LPA ref: AL/12/25/PL

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