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Sent: 14 July 2021 13:14

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

Cc: Michael Eastham <Michael.Eastham@arun.gov.uk>

Subject: A/110/21/PL

Dear Planning,

Thank you for consulting Environmental Health on the above application. We can advise that should any permission be granted, the following comments and recommended conditions should be considered.

Risk of land contamination.

Land Contamination

The applicant has submitted the following assessment: *Phase 1 desk to Study, and Phase 11 Ground condition assessment dated November 2020 and February 2021 respectively*. The ground condition report a particular showed elevated levels of priority pollutant including Lead, PAH and Hydrocarbon and risk of tank, hence recommended an additional risk assessment to be carried out. It is understood that the gas holder still remains in situ and further additional risk assessment is required to assess the risk posed by the decommissioning of the tank, together with piled foundation design. With this in mind, I recommend the following additional contaminated land conditions to be imposed.

Land Contamination Condition

Prior to commencement of the development (Excluding any demolition works) 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 additional risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. Additional Site Investigation Scheme, based on the phase I and phase II ground condition assessment, work submitted to provide information for an additional detailed assessment of the risk to all receptors that may be affected, including those off site.
2. Based on the phase II ground condition assessment and the additional Site Investigation Scheme and the detailed risk assessment (1), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. 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 (3) 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 gas 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

Unsuspected Land contamination - condition

If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.

If no such contaminated material is identified during the development, a statement to this effect must be submitted 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

Air Quality

As this is a major application, consideration must be given to air quality issues. As per the National Planning Policy Framework (NPPF) (updated February 2019) air quality should be considered at the design stage and incorporate appropriate and effective mitigation.

The applicant must follow the Air Quality & Emissions Mitigation Guidance for Sussex (2013), available at:
<http://www.sussex-air.net/Consultation/AirQualitydocument.pdf>

This countywide adopted guidance states that where a major sized development is proposed a number of checklists should be followed in order to determine the likely impact of the proposed development on air quality. The intention of the guidance is to identify any air quality impacts through an impact assessment and ensure the integration of appropriate mitigation into a scheme at the design stage, so the damage costs on health can be properly mitigated. The air quality impact assessment can follow the procedures contained within the Institute of Air Quality Management (IAQM) Guidance entitled: 'Land-Use Planning & Development Control: Planning For Air Quality' (January 2017), available at:
<http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 – 2031

Electric Charging Points

Prior to occupation of any of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

Construction Management

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- a) An indicative programme for carrying out of the works;
- b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e) The parking of vehicles of site operatives and visitors;
- f) Loading and unloading of plant and materials, including permitted times for deliveries;
- g) Storage of plant and materials used in constructing the development;
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- i) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- j) Measures to control the emission of dust and dirt during construction;
- k) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 – 2031

Noise Assessment

No development shall commence until an acoustic assessment has been undertaken to determine the impact of noise from transport and other commercial related noise sources. The results of the assessment and details of a scheme of mitigation measures necessary to ensure an appropriate level of aural amenity within habitable rooms and amenity in garden areas shall be submitted and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 – 2031

Daytime Plant Noise

The 'rating' level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142:2014 Methods for rating and assessing industrial and commercial sound) shall be at least 5dB below the existing measured ambient noise level LA90,T during the day time period (07:00 – 23:00).

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 – 2031

Night time plant noise

The 'rating' level of noise emitted from the proposed plant and equipment to be installed on the site (determined using BS 4142:2014 Methods for rating and assessing industrial and commercial sound) shall be at least 5dB below the existing measured 'ambient' noise level LA90,T during the night time period (23:00 – 07:00).

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 – 2031

Delivery Noise

No commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Public or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 – 2031

Scheme for noise control

No development shall take place before a scheme has been submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the proposed supermarket. Thereafter, the use of the proposed development shall not commence until the approved scheme has been fully implemented.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 – 2031

External Lighting condition

No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, fully assessed by a competent individual when operational to ensure no light creep/bleed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area/the environment and wildlife/local residents from light pollution.

Informatives:

- The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.
- The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on **01903 737755**.

I hope this helps.

Regards

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Technical Services

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Due to the current pandemic, work is being prioritised according to public safety risks and you may not receive an immediate response to your email. Wherever possible we will endeavour to respond within 7 working days.

The Environmental Health Team in particular are focused on supporting COVID-19 compliance, and other services may be limited or delayed. Further details of our current service levels can be found at: <https://www.arun.gov.uk/service-status>

If you are making contact for advice or to register a new request for service, including enquiries about COVID-19, food safety, noise or pollution, you can register these directly on-line at <https://eh.arun.gov.uk/>

