

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

Our ref: HA/2020/121968/01-L01
Your ref: A/177/19/PL
Date: 06 February 2020

Dear Sir/Madam

NEW BUILDING FOR STORAGE OR DISTRIBUTION, LIGHT INDUSTRIAL & OFFICE (CLASS B1/B8) & ASSOCIATED PARKING. THIS APPLICATION IS A DEPARTURE FROM THE DEVELOPMENT PLAN & MAY AFFECT A PUBLIC RIGHT OF WAY.

THE VINERY ARUNDEL ROAD POLING BN18 9PY

Thank you for the consultation on the above application, please quote our reference on all correspondence.

Environment Agency Position

The site rests upon the Lambeth Group overlain by River Terrace deposits, both designated as secondary a aquifer by the Environment Agency. The site does not sit within a source protection zone but does rest within a groundwater vulnerability zone.

We do not have any objections to the proposed development provided the following conditions are adhered to. Without these conditions we would consider the proposed development an unacceptable risk to groundwater.

The previous use of the proposed development site as an agricultural site 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 located upon a secondary aquifer A.

The application's design access statement demonstrates that it will be possible to manage the risk 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

Environment Agency
Canal Walk, ROMSEY, Hampshire, SO51 7LP.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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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 178 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 170 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.

Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- 1. A preliminary risk assessment which has identified:
all previous 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**
 - 1. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.**
 - 2. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**
 - 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason(s)

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

The site rests upon Secondary A aquifers in both bedrock and superficial deposits, as such there exists the potential for any excavation or penetrative works to mobilise contaminants into groundwater.

Whilst we would expect a phase 1 investigation to be conducted on the site, we do acknowledge that the sites previous use may have rendered it free of contamination. If the phase 1 investigation does not find evidence of contamination then the rest of this condition can be dispensed with.

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.

The site rests upon Secondary A aquifers in both bedrock and superficial deposits, as such there exists the potential for any excavation or penetrative works to mobilise contaminants into groundwater.

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

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 caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

As the proposed use of the site is storage/light industrial and the foul and surface water drainage, will be discharged to a surface water feature to the west of the site. Due to the potential variability of the material being stored on the site, we feel it is necessary for the applicant to demonstrate an adequate pollution prevention system for surface run off.

Investigation boreholes using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

Investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the proposed development, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement of the The Environment Agency's approach to groundwater protection. The site rests upon Secondary A aquifers in both bedrock and superficial deposits, as such there exists the potential for any excavation or penetrative works to mobilise contaminants into groundwater. As with the initial condition – if a phase 1 investigation finds no justification for intrusive site investigation then this condition can be dispensed with.

The submitted planning application indicates that boreholes will need to be installed at

the development site to investigate groundwater resources / carry out soakage tests. If these boreholes are not decommissioned correctly they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality.

In light of the above, we consider that planning permission should only be granted for the proposed development, as submitted, if the following planning condition is imposed. Without this condition we cannot be sure that the proposed development will not cause unacceptable risk to the environment and we would wish to object to this application.

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development.

Reason

To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 170 of the National Planning Policy Framework of 'The Environment Agency's approach to groundwater protection'.

The site rests upon Secondary A aquifers in both bedrock and superficial deposits, as such there exists the potential for any excavation or penetrative works to mobilise contaminants into groundwater. As with the initial condition – if a phase 1 investigation finds no justification for intrusive site investigation then this condition can be dispensed with.

Advice to LPA

This development site appears to have been the subject of past industrial activity which poses a medium risk of pollution to controlled waters.

However, we are unable to provide site-specific advice relating to land contamination as we have recently revised our priorities so that we can focus on:

Protecting and improving the groundwater that supports existing drinking water supplies
Groundwater within important aquifers for future supply of drinking water or other environmental use.

We recommend that you refer to our published 'Guiding Principles for Land Contamination' which outlines the approach which should be adopted when managing this site's risks to the water environment.

We also advise that you consult with your Environmental Health/ Environmental Protection Department for advice on generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that the environmental protection of controlled waters is considered alongside any human health protection requirements. This approach is supported by paragraph 170 of the National Planning Policy Framework.

We recommend that developers should:

Follow the risk management framework provided in CLR11, Model Procedures for the

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Management of Land Contamination, when dealing with land affected by contamination.

Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site. The local authority can advise on risk to other receptors, such as human health.

Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

Refer to the contaminated land pages on GOV.UK for more information.

The Environmental Permitting (England & Wales) Regulations 2016 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit which we will issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater.

The foul drainage 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 03708 506 506 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>.

The discharge of domestic sewage associated with this development may be subject to General Binding Rules under the Environmental Permitting (England & Wales) Regulations 2010 which provide a statutory baseline of good practice. You can find more information online at <https://www.gov.uk/permits-you-need-for-septic-tanks/permits> or contact us on [REDACTED]

Yours faithfully

Miss Suz Greenwood
Planning Advisor, Environment Agency

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