

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

Our ref: HA/2009/107218/01-L01
Your ref: BE/47/09
Date: 15 July 2009

Dear Mrs Rodway,

OUTLINE APPLICATION FOR THE DEMOLITION OF ALL EXISTING BUILDINGS AND REDEVELOPMENT OF THE SITE WITH UP TO 70 DWELLINGS (UP TO 28 AFFORDABLE), PUBLIC OPEN SPACE AND STRATEGIC LANDSCAPING. DEPARTURE FROM THE DEVELOPMENT PLAN

CHALCROFT NURSERY & ASSOCIATED LAND, CHALCROFT LANE, BOGNOR REGIS

Thank you for your consultation request regarding the application above. Please quote our reference number on any correspondence.

We have no objections, in principle, to the proposal as submitted provided the following 9 planning conditions are imposed on any planning permission granted:

Condition 1

The development hereby permitted shall not be commenced until such time as a scheme to manage surface water has been submitted to, and approved in writing by, the Local Planning Authority.

This Scheme must detail or demonstrate:

- 1. *The peak discharge rates and together with associated control structures and their position.***
- 2. *Details of the drainage system capacity (e.g. 1:30 year).***
- 3. *Safe management of critical storm water storage up to the 1:100year event.***
- 4. *Overland flow routes for events in excess of the 1:100 (20% Climate change).***
- 5. *Provide topographical information of pre and post development.***
- 6. *Details of agreed adoption, monitoring and maintenance of the drainage and suds features.***
- 7.**

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Environment Agency
Guildbourne House Chatsworth Road, Worthing, West Sussex, BN11 1LD.
Customer services line: 08708 506 506
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk

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Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water in accordance with the requirements in Planning Policy Statements 23 and 25, and Policy NRM4: Sustainable Flood Risk Management of the South East Plan 1009.

Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information relating to the proposals as insufficiently detailed information has been provided at the outline application stage to assess the proposed foul and surface water drainage to ensure an acceptable standard is achievable to ensure that the proposed development can go ahead without posing an unacceptable flood risk.

As the matters referred to in the suggested planning condition are not “reserved matters” as defined in the Town and Country Planning Act, 1990, it will be necessary to impose a separate condition for each issue to ensure that these matters are addressed by future developers.

Condition 2

The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons

The development site is bordered by drainage ditches on three sides. Excessive suspended solids could reduce drainage capacity within the ditches leading to localised flooding which Planning Policy Statements 23 and 25 and Policy NRM4: Sustainable Flood Risk Management of the South East Plan 2009 require us to address. Soil from the development site could be contaminated with herbicides / pesticides / hydrocarbons etc. from the existing businesses.

We request to be consulted on the details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations.

Condition 3

Prior to the commencement of development approved by this planning permission (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 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) to provide information for a detailed assessment of the risk to all receptors that may be affected, including**

those off site.

3. The site investigation results and the detailed risk assessment (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.

4. A verification plan 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.

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

Reasons

To ensure this development proceeds in accordance with the requirements of PPS23. The historic uses of the site mean there is potential for land contamination to be present. The applicant suspects contamination on all or part of the site and the desk study has identified potential sources. Due to the location of the site on a secondary aquifer in an area of high groundwater, and adjacent to a number of surface watercourses, the risks to controlled waters from any contamination at the site must be fully investigated and understood.

Condition 4

A verification report demonstrating completion of the 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

To ensure the satisfactory remediation of the site, if deemed necessary, in accordance with the requirements of PPS23.

Condition 5

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 the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To protect controlled waters from contamination in accordance with the principles of PPS23. Due to the historic uses of the site, there may be areas of contamination on site that are not identified and characterised during intrusive site investigations.

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Condition 6

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason

To protect controlled waters from contamination in accordance with the principles of PPS23.

Condition 7

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

To protect controlled waters from contamination in accordance with the principles of PPS23. Piling can create pathways for contamination to reach groundwater and thereby surface waters.

Condition 8

The development permitted by this planning permission shall only be carried out in accordance with the approved Ecological Scoping Survey Report 30th March 2009 / 09_238_Report_MF_SJ / GreenLink Ecology Ltd.

As detailed in section 5.1.3 / 5.3.2 of the report a Great Crested Newt Survey shall be carried out prior to commencement of development and submitted and approved to the Local Planning Authority. If GCN's are present, a mitigation strategy shall be submitted for approval to the local planning authority, and thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason

This condition is necessary to ensure that the Great Crested Newt and its habitat is protected both within and adjacent to the development site. The Great Crested Newt is listed on Annexes II and IV of the EC Habitats Directive and Appendix II of the Bern Convention. It is protected under Schedule 2 of the Conservation (Natural Habitats, etc.) Regulations, 1994, (Regulation 38) and Schedule 5 of the WCA 1981. Without this condition, it is possible that avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in Planning Policy Statement 9 and Planning Policy Statement 1. The applicant could also be liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by CROW 2000) and the Habitats Directive regulations for European Protected species.

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Condition 9

No building or development shall take place until a scheme for the provision and management of a buffer zone alongside the watercourses located adjacent and within the site has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- § plans showing the extent and layout of the buffer zone**
- § details of the planting scheme (for example, native species)**
- § details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term**
- § details of any footpaths, fencing, lighting etc.**

Reasons

Development that encroaches on watercourses / wetland areas has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

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Biodiversity Advice to LPA/applicant

The buffer zone needs to be 5 metres wide measured from bank top of the adjacent ditches. Bank top is defined as the point at which the bank meets normal land levels. This zone should be without structures, hard standing, footpaths, fences or overhanging development such as balconies and should not include domestic gardens or formal landscaping. The buffer zone needs to be designed and managed to develop this natural character and planted with locally native shrubs and grasses, of UK genetic provenance. We ask to be consulted on the details of this scheme when it is submitted for approval to your Authority.

Ecological enhancements should be an intrinsic element to the landscape plans. This is in keeping with PPS1 'Delivering sustainable development', PPS9 'Biodiversity and Geological Conservation' and the South East Plan. Policy NRM5 of the South East Plan seeks to avoid a net loss of biodiversity and to actively pursue opportunities to achieve a net gain of biodiversity across the region. PPS9 states how planning decisions should maintain, enhance, restore, and add to biodiversity interests, and recognises that development proposals provide opportunities for including beneficial biodiversity features as part of good design. Furthermore, PPS9 recognises the need to maintain, strengthen and integrate networks of natural habitats within development. Fragmentation and isolation of habitats should be avoided.

Particularly, provision of ecological enhancements through use of SUDS would be encouraged. Such drainage methods may include surface water fed features such as swales (wide grassed ditches), wet balancing ponds incorporating reedbeds, and wetland areas which will help to store and clean surface water. These techniques can also be designed as beneficial wildlife, amenity and landscape features as part of an open space or a landscaping scheme for a development.

Survey licence requirements

Note that a licence will be required from Natural England to survey for, and, where any proposals are made as a last resort, to re-locate legally protected species.

For further information see:

<http://www.naturalengland.org.uk/conservation/wildlife-management-licensing/genlicences.htm>

Guidance on European Protected Species and licensing procedures

<http://www.naturalengland.org.uk/conservation/wildlife-management-licensing/genlicences.htm>

SuDS

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

Further information on SUDS can be found in:

- § PPS25 page 33 Annex F
- § PPS25 Practice Guide
- § CIRIA C522 document Sustainable Drainage Systems-design manual for England and Wales
- § CIRIA C697 document SUDS manual
- § The Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS.

The Interim Code of Practice is available on both the Environment Agency's website: www.environment-agency.gov.uk and CIRIA's website: www.ciria.org.uk

The applicant should thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

- Formally approach the sewerage undertaker regarding a connection under Section 106 or a requisition under Section 98 of the Water industry Act (WIA) 1991.
- Serve notice for connection under Section 106 of the WIA 1991 if the

- sewerage undertaker has refused connection.
- Provide details of the reasons given by the sewerage undertaker if it has refused connection under section 98 or section 106 of the WIA 1991 and confirmation that they have appealed against this decision.
- Demonstrate that it is not reasonable to connect to the public foul sewer.

Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue a discharge consent for private treatment facilities in such circumstances.

Groundwater/Contaminated Land Advice to Applicant

The site overlies the Lambeth Group of clays, silts and sands defined as a secondary aquifer. Groundwater is likely to be high at this site and in hydraulic continuity with the drains/watercourses surrounding the site.

We have reviewed the Contaminated Land Risk Assessment – Desktop Study and Walkover report (ref. CC/OE/CN/1#1, 30th March 2009) and agree with the recommendations (section 5) that intrusive site investigations will be required at this site. Please submit a site investigation scheme for our consideration and approval prior to commencement of works.

Under the terms of the Water Resources Act 1991, the prior written consent of the Agency is normally required for any discharge of sewage or trade effluent into controlled waters (including existing discharges), and may be required for any discharge of surface water to such controlled waters. Such consent may be withheld. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters). Please contact us on 08708 506 506 or refer to our website for further information.

In relation to the proposed development, in so far as it relates to land contamination, the Environment Agency only considered issues relating to controlled waters. Evaluations of any risks to human health arising from this site should be discussed with the Environment Health Department at Arun District Council.

I trust that the above comments are satisfactory but if you require any further information please contact me.

Yours sincerely,

Miss Kate Attrill

Senior Area Planning Liaison Officer

Direct dial 01903 703918

Direct e-mail kate.attrill@environment-agency.gov.uk

www.environment-agency.gov.uk

cc PPC Planning & Property Consultants