

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

**Our ref:** HA/2014/115915/02-L01  
**Your ref:** BE/73/14/PL  
**Date:** 06 August 2014

Dear Cian

**ERECTION OF 2 NO. DETACHED INDUSTRIAL/DISTRIBUTION UNITS (B1(C)/B2/B8) INCLUDING ACCESS & SERVICING ARRANGEMENTS, CAR PARKING, LANDSCAPING & ASSOCIATED FLOOD COMPENSATION AREA. THIS APPLICATION IS A DEPARTURE FROM THE DEVELOPMENT PLAN. THIS APPLICATION ALSO LIES WITHIN THE PARISH OF ALDINGBOURNE LAND AT OLDLANDS FARM SHRIPNEY ROAD BOGNOR REGIS PO22 9NN**

Thank you for reconsulting the Environment Agency on the above planning application. We previously objected due to a lack of groundwater monitoring data in the submitted Flood Risk Assessment (FRA).

We have been provided with an extract from a Site Investigation Report (Ref: R/14459/003) which we understand has also been submitted to yourselves. This information demonstrates that the groundwater levels are below the base of the proposed Flood Compensation Area.

This resolves our previous concerns and I can confirm we are able to remove our objection.

#### **Environment Agency Position**

We recommend the following 7 conditions relating to flood risk and contaminated land are included on any planning permission granted:

#### **Condition 1**

The development permitted by this planning permission shall only be carried out in accordance with the following mitigation measures detailed within the approved Flood Risk Assessment (FRA) (ref: R/14443/001):

1. Limiting the surface water run-off generated by the 1in100yr 30% for climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Provision of compensatory flood storage. The scheme shall include amendments to the current provision to reflect as far as possible the impact of any changes in

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modelled levels as a result of updated modelling (where new modelling is available).

3. Finished floor levels are set no lower than 3.0 m above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently 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.

### **Reason**

To ensure development meets the requirements of the NPPF by ensuring the satisfactory storage of/disposal of surface water and that compensatory storage of flood water is provided to reduce the risk of flooding to the proposed development and future occupants.

### **Condition 2**

No development approved by this planning permission shall take place until a remediation strategy that includes the following components 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 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.
4. 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 express written consent of the local planning authority. The scheme shall be implemented as approved.

### **Reasons**

To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution in accordance with the NPPF.

The site lies above Lewes Nodular Chalk formation which is designated a Principal Aquifer. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk to groundwater underlying the site.

### **Condition 3**

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of 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. It shall also include any plan (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 plan. The long-term monitoring and maintenance plan shall be implemented as approved.

#### **Reasons**

To ensure that any remediation, if deemed necessary is satisfactorily completed.

To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution in accordance with the NPPF.

The site lies above Lewes Nodular Chalk formation which is designated a Principal Aquifer.

#### **Condition 4**

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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

#### **Reasons**

To ensure that any contamination identified during the construction works is fully characterised and assessed.

To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution in accordance with the NPPF.

The site lies above Lewes Nodular Chalk formation which is designated a Principal Aquifer.

#### **Condition 5**

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. The development shall be carried out in accordance with the approval details.

#### **Reasons**

To ensure that surface water drainage from the proposed development does not result in unacceptable levels water pollution in accordance with the NPPF.

#### **Condition 6**

No development shall commence until a scheme to incorporate pollution prevention measures into the surface water drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

#### **Reasons**

To ensure that surface water drainage from the proposed development does not result in unacceptable levels water pollution in accordance with the NPPF.

#### **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.

### **Reasons**

To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution in accordance with the NPPF.

Piling or any other foundation designs 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. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

### **Advice**

We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required 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.

We would like to refer the applicant/enquirer to our groundwater policies in Groundwater Protection: Principles and Practice, available from our website. This sets out our position for a wide range of activities and developments, including the discharge of liquid effluents, land contamination and drainage.

I hope the above is helpful but please contact me if you have any queries or require further information.

Yours sincerely

**Catherine Hutchins**  
**Sustainable Places Planning Advisor**  
**Environment Agency**



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