

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

**Our ref:** HA/2024/126220/01-L01  
**Your ref:** BE/84/24/PL  
**Date:** 09 October 2024

Dear Planning Officer,

**DEMOLITION OF THE EXISTING SINGLE STOREY SPRINKLER PUMP HOUSE  
AND ERECTION OF A NEW SINGLE STOREY SPRINKLER PUMP HOUSE. THIS  
APPLICATION IS IN CIL ZONE 4 (ZERO RATED) AS OTHER DEVELOPMENT  
NEW ERA HOUSE 8 OLDLANDS WAY BERSTED PO22 9NQ**

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

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

The neighbouring use of the proposed development site as industrial land and a railway 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 principal aquifer and neighbouring to the Lidsey Rife surface water body.

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 189 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 180 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.

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

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

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## **Condition**

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, and 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 180 of the National Planning Policy Framework.

To prevent deterioration of a water quality element to a lower status class in Lidsey Rife (GB107041012010).

## **Advice to LPA/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](#).

### **Flood resistance and resilience**

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience

[https://www.ciria.org/CIRIA/Resources/Free\\_publications/CoP\\_for\\_PFR\\_resource.aspx](https://www.ciria.org/CIRIA/Resources/Free_publications/CoP_for_PFR_resource.aspx)

British Standard 85500 – Flood resistant and resilient construction

<https://shop.bsigroup.com/ProductDetail/?pid=0000000000030299686>

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**






Environment Agency response



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To: Planning.Responses <[Planning.Responses@arun.gov.uk](mailto:Planning.Responses@arun.gov.uk)>  
Subject: Environment Agency Response to: BE/84/24/PL

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The proposal has been reviewed and I enclose the Environment Agency's comments on:  
New Era House 8 Oldlands Way Bersted PO22 9NQ

LPA ref: BE/84/24/PL

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