

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

Our ref: HA/2010/108965/04-L01
Your ref: BN/27/09/
Date: 16 March 2010

Dear Mr Crowther,

OUTLINE APPLICATION FOR DEMOLITION OF ALL EXISTING BUILDINGS / STRUCTURES & REDEVELOPMENT WITH UP TO 100 DWELLINGS (INCLUDING UP TO 40 AFFORDABLE HOMES) AT ANGELS & HYDE NURSERY YAPTON LANE BARNHAM

We have reviewed the further information regarding surface water drainage from PCP Associates, and believe there *may* be a solution to the surface water drainage but have concerns as to whether the proposed scheme would work on the basis of permeable paving only. Any further discussions with the developer and actual drainage layouts should involve Arun's drainage engineers. The original Flood Risk Assessment did not identify drainage ditches on site, and neither did the Ecology report which may require updating and further surveys.

However, we do have fundamental concerns about the capacity of the foul sewage system in this area and the history of pollution being caused by the existing system. The comments made by Southern Water did not take into account the capacity at the Sewage treatment works or the infiltration problems in the area due to heavy rain. We understand Simon Power, Arun DC Drainage Engineer, has also made comments regarding this issue.

Environment Agency position

We **OBJECT** to this application because the development involves a proposed connection to the main foul sewerage system which would pose an unacceptable risk of pollution to water quality within the Lidsey Rife and we recommend that planning permission should be refused on this basis.

Reasons

Government policy as set out in Planning Policy Statement 23 notes the key role that the planning system plays in determining the location of development which may give rise to pollution, either directly or indirectly.

The development would therefore be contrary to Arun District Council Local Plan Policy GEN9 (Foul and Surface Water Drainage) which states that 'Planning permission for development which will materially increase foul and/or surface water discharges will be refused unless the Local Planning Authority is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development'.

The proposed development would be likely to result in the discharge of polluted water to a watercourse thereby risking failure to meet the statutory or non-statutory water quality objectives for that water body (as defined through the Water Framework Directive).

There was a serious pollution incident in 2009 in the local area which resulted in untreated sewage effluent entering the Barnham Rife (which leads into the Lidsey Rife) which is a controlled water and which Southern Water are aware of.

The existing sewer line between Barnham and Lidsey Waste Water Treatment Works cannot cope with the flows in it and they spill out through manholes and enter the Lidsey Rife. The main problems are due to surface water flows and groundwater infiltration getting into the foul sewer pipes.

Southern Water Services confirmed at a meeting with our Environmental Management Team on Friday 12th March that they have **no** immediate plans to increase the capacity of this sewer line. Instead, they are looking to work with the local council to develop a surface water management plan for Barnham. This follows on from the Pitt review and involves Arun District Council making a bid to DEFRA for funds, there is however, no guarantee that this will be successful.

Even if the bid were successful, it is very unlikely that it would deliver sufficient spare capacity to remediate the current problems and also accommodate the flows from a new development. Further upgrades to Lidsey Waste Water Treatment Works may therefore be necessary in addition to improvements to the sewerage network.

As a result there is **no** certainty that anything would be done within the lifetime of the planning permission and to recommend a foul and surface water condition to address this issue would therefore be unreasonable and make any planning consent with a Grampian condition not capable of being implemented, as referred to at Para 27 of the Planning inspectorate Good Practice Advice (note 16/2010), which the Agent for this application has directed our attention to.

We are aware of the right to requisition connection to the mains sewer (under the Water Industry Act 1991 with amendments in the Water Act 2003 and the Environment Act 1995), but no objection can be made by a sewerage undertaker (Southern Water Services) to a public sewer connection on the grounds of lack of capacity at the preferred point. Consequently, local

planning authorities must take steps to ensure that there is no development until the existing sewerage system can accommodate it.

Our response is based on the precautionary principle as advocated in PPS23. In particular, paragraph 11 of PPS23: *Pollution issues should be taken into account as appropriate in planning decisions (having regard to development plan documents and all material considerations). Where, for example, new housing is proposed close to a source of potential pollution, the risk of pollution from the normal operation of the process or the potential impacts and the extent to which the proposals address such risks will influence whether or not development should proceed, **as will the availability of sewerage and the drainage infrastructure.***

Please note we provided comments on the Arun District Council Core Strategy – Options for Growth Public Consultation dated 30 March 2009 where the potential issues of sewerage at Barnham were highlighted. The relevant paragraph is copied below:

“Spatial Option 3 – Expansion of Inland Villages: Barnham, Eastergate and Westergate

Water Quality

Development in this area would drain to Lidsey WWTW. There have been recurring problems with surcharging foul sewers in the Barnham catchment. Therefore prior to further development the infrastructure improvements will be needed to the pipe network, and possibly to the WWTW themselves.

Under the Water Framework Directive draft water body objectives the water body that contains the Lidsey and Barnham Rife is currently assessed as “bad”. Any development in this area must not cause the water body to deteriorate and where possible should seek to improve its status.”

If Minded to Approve

If you are minded to grant the application contrary to our objection it will be necessary to re-consult us when we would request further relevant planning conditions.

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