

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

Our ref: HA/2010/108965/05-L03

Your ref: BN/27/09

Date: 30 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) TOGETHER WITH ASSOCIATED OPEN SPACE, LANDSCAPING & ACCESS IMPROVEMENTS AT ANGELS & HYDE NURSERIES YAPTON ROAD BARNHAM

In response to the further letter of the 28th March 2010 from Paul Collins regarding our Objections, and the reasonableness of conditioning the foul sewerage for this application I would like to make some further points and would be grateful if you could pass these comments onto the Committee members. I do plan to attend Committee with a member of our Environmental Management team who is familiar with the pollution incidents which have occurred in the area, and to which we have referred in our previous letters.

As we have stated in our previous letters of Objection; there are significant problems with the sewer network in Barnham. These have resulted Southern Water being formally cautioned with regard to untreated sewage entering the nearby watercourse in 2009 and there have been further incidents this year. We are aware that the comments provided by Atkins on Southern Water's behalf have not taken account of capacity at the Sewage Treatment Works or the infiltration problems in the area due to heavy rain.

The Barnham Rife leads into the Lidsey Rife and both Rifles are failing waterbodies as defined by the Water Framework Directive and detailed in the South East River Basin Management Plan. This directive is a new piece of European legislation which sets standards for waterbodies to maintain or meet by 2015. This piece of European legislation places an obligation on planning authorities and other co-deliverers to not allow any detriment to the quality of watercourses.

We believe that the issues with capacity in the existing foul sewer network upstream of the sewage works are a contributory factor to the degraded status of the water body and the implication of adding another 95 houses to

this network are that further pollution incidents would be likely, and further degradation of the quality of water in the Rife. We know there are no planned upgrades to the network or the Lidsey Sewage Treatment Works in the next 5 years, as they are not in Southern Waters five year business plan. In light of this fact, we felt it was inappropriate to condition a scheme which would not be deliverable within the time frame of the planning application consent.

We understand from the latest e-mail received on the 28th March that the Agent is now suggesting a private sewage treatment plant in the event that the connection to the foul sewer is unavailable, but we have not received any details of the plant proposed, or whether it would be able to meet the very strict discharge requirements, which would be required to protect the quality of water in the Rife. A package treatment plant of that size would be likely to discharge between 50 and 100 cubic metres of water a day, which at peak times would be a significant increase to the surface drainage scheme. **No assessment of this additional capacity has been accounted for in the Flood Risk Assessment and what consequent impact this would have on the surface water drainage strategy.**

Where premises rely on private sewerage systems, these systems depend on proper operation and regular maintenance to function effectively.

Compliance rates for public and private sewage treatment works which we regulate show that, as a result of these difficulties, private sewage treatment works do not perform as well as public ones and are less likely to comply with their discharge consent. Our compliance figures for England and Wales, for the five-year period of 2000-2004, show that in each of those years between 94% and 96% of sewage treatment works operated by sewerage undertakers and regulated by a numeric discharge consent complied with the conditions of that discharge consent. By comparison, the compliance rate for privately operated sewage treatment works regulated by a numeric discharge consent ranged from 59% to 62%. There is therefore a much greater risk of pollution with package treatment plants.

It should be noted that it is our policy that there is a presumption against package treatment plants in areas of mains drainage. There is no certainty that a consent to discharge from the Environment Agency would be granted. Contrary to the point made in Mr Collins letter, no evidence has been supplied to us to indicate that 95 new dwellings would not materially increase foul sewer problems to the existing network. In the absence of any such details, the advice given in PPS23 is that we should adopt the precautionary approach.

As detailed in Planning Policy Statement 23, the Government attaches great importance to controlling and minimising pollution. Its commitment to the principles of sustainable development was set out in A Better Quality of Life – A Strategy for Sustainable Development for the UK2. The strategy sets out ten principles and approaches. The following we consider to be particularly relevant to the consideration of planning and pollution control; taking a long-

term perspective, respecting environmental limits and applying the precautionary principle.

We are not trying to be unreasonable in objecting to this application, but there is no guarantee that a package treatment would be acceptable in this location and therefore it is not reasonable to assume that a condition would be able to be discharged. Mr Collins refers to 'the evidence' indicating that a package treatment plant would be an acceptable alternative solution, but we have not seen any evidence to that effect. This is not to say it is not possible, but there would need to be an assessment made of the discharge requirements which would need to be met bearing in mind the status of the Rife and the Water Framework Directive. We would want to be consulted on the details of any plant in order to be able to comment.

The best long term and most sustainable approach for the development of this site would be for the sewage network and treatment works to be upgraded before adding any significant development rather than relying on a less sustainable option to find a short-term solution. This was made clear in our response to Arun District Council's Options for Growth LDF consultation last year.

Water quality and related infrastructure capacity are material planning considerations as set out in PPS23, Appendix A gives clear wording on this and should be considered in relation to this development.

We are currently working with Southern Water and Arun District Council to resolve the issues with the surface water flooding and foul drainage, but this is unlikely to be resolved within the lifetime of this planning application and we therefore firmly believe this application should be refused.

Were the Committee to resolve to grant the application and condition further details; we believe conditions relating to the long-term maintenance of the package treatment plant (potentially involving a legal agreement) and an updated FRA to take account of increased flows to the surface water scheme should be imposed on any grant of planning consent.

Yours sincerely,

Miss Kate Attrill
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