

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

Our ref: HA/2016/118582/01-L01
Your ref: BN/43/16/PL
Date: 12 September 2016

Dear Sir/Madam

**PROPOSED ERECTION OF 95 DWELLINGS TOGETHER WITH ACCESS,
LANDSCAPING OPEN SPACE AND ASSOCIATED WORKS. ANGELS NURSERY
YAPTON ROAD, BARNHAM, WEST SUSSEX, PO22 0AY.**

Thank you for your consultation on this proposal. Please quote our reference number in any correspondence.

Environment Agency Position

We have reviewed the Groundwater Assessment report and agree with the conclusions that the ground infiltration investigations and groundwater monitoring indicates that the site is not suitable for soakaways. In addition to that, part of the site experiences artesian conditions in that groundwater will overflow in certain times of the year.

The proposed development site appears to have been the subject of past industrial activity which poses a *low* risk of pollution to controlled waters. We are however unable to provide detailed site-specific advice relating to land contamination issues at this site and recommend that you consult with your Environmental Health / Environmental Protection Department for further advice. Where necessary we would advise that you seek appropriate planning conditions to manage both the risks to human health and controlled waters from contamination at the site. This approach is supported by Paragraph 109 of the National Planning Policy Framework.

We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Environment Agency
Guildbourne House Chatsworth Road, Worthing, West Sussex, BN11 1LD.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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Condition : SUDS Infiltration of surface water into ground

No drainage systems for the infiltration of surface water drain age 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 approved details.

Reason: To ensure that surface water drainage from the proposed development does not result in a deterioration of groundwater and surface water quality. In addition, Infiltration through contaminated land has the potential to impact on groundwater. This must be adequately addressed.

Waste on site

The CLAIRE 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 are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they 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.

The Environment Agency recommends that developers should refer to:

- the Definition of Waste: Development Industry Code of Practice on the [CLAIRE website](#) and;
- The [Environmental regulations](#) 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 2010
- 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 the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the [Hazardous Waste](#) pages on GOV.UK for more information.

Yours faithfully

Mrs Sophie Brown
Sustainable Places Planning Advisor

