

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

Our ref: HA/2013/114261/01-L01
Your ref: LU/116/13
Date: 14 June 2013

Dear Sir/Madam,

DEMOLITION OF EXISTING COMMERCIAL PROPERTIES AND ERECTION OF 66 RESIDENTIAL DWELLINGS, INCORPORATING 20 AFFORDABLE DWELLINGS, PARKING PROVISION, ACCESS AND LANDSCAPING - THIS APPLICATION IS A DEPARTURE FROM THE DEVELOPMENT PLAN

HOLLYACRE TODDINGTON LANE LITTLEHAMPTON WEST SUSSEX BN17 7PP

Thank you for your consultation request on the above development proposal.

Environment Agency position

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.

Condition 1

Universal condition for development of land affected by contamination

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme 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 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.

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

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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 consent of the local planning authority. The scheme shall be implemented as approved.

Reasons

The site lies above the New Pit Chalk Formation and River Terrace Deposits which are designated Principal and Secondary A aquifers respectively. Contamination may present at the site as a result of its historical use(s). Any contamination present may pose a risk groundwater underlying the site and potable supplies.

Condition 2

Verification report

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

The site lies above the New Pit Chalk Formation and River Terrace Deposits which are designated Principal and Secondary A aquifers respectively. Contamination may present at the site as a result of its historical use(s). Any contamination present may pose a risk groundwater underlying the site and potable supplies.

Condition 3

Unsuspected contamination

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

The site lies above the New Pit Chalk Formation and River Terrace Deposits which are designated Principal and Secondary A aquifers respectively. Contamination may present at the site as a result of its historical use(s). Any contamination present may pose a risk groundwater underlying the site and potable supplies.

Condition 4

SUDS Infiltration of surface water into ground

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

The site lies above the New Pit Chalk Formation and River Terrace Deposits which are designated Principal and Secondary A aquifers respectively. Contamination may present at the site as a result of its historical use(s). Any contamination present may pose a risk groundwater underlying the site and potable supplies.

Condition 5

Piling 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

The site lies above the New Pit Chalk Formation and River Terrace Deposits which are designated Principal and Secondary A aquifers respectively. Piling or any other foundations using penetrative methods can result in risks to potable supplies from, for example, mobilising contamination. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

Policy reasons

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Advice to applicant

We have reviewed the Desk Study and Geo-Environmental Ground Investigation Reports for Hollyacre, Toddington Lane, Littlehampton, as submitted by Opus International Consultants (UK) Ltd (ref E-E1524/LJP/CDS, February 2013 and E-E1524.00, March 2013).

We agree with the recommendations in Section 8.2.1 of the Ground Investigation Report that further investigation is required in the Phase 2 area. Investigation would be required around the vehicle workshop area where access was limited and areas of hydrocarbon stained soil were observed, and in the area beneath the bunded fuel tank.

Furthermore we agree that if soakaways are to be utilised on site, it will be necessary to

consider potential impacts to controlled waters. The Environment Agency will not permit the use of soakaways in areas of land that is impacted by contamination. Where soakaways are to be used for surface water run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent pollution of groundwater.

Should unsuspected contamination be found in the area of the vehicle workshop and fuel tank, there is a high chance that the groundwater will be impacted given its shallow nature (1.2-2.0m bgl). Therefore we would require groundwater monitoring to ascertain the impact of any hydrocarbon contamination on the underlying aquifer.

Yours faithfully

pp. Miss Julie Paine
Planning Advisor, Environment Agency

Cat Mcleod
Planning Advisor, Environment Agency

