

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

Our ref: HA/2014/115802/01-L01
Your ref: LU/161/14/PL
Date: 02 July 2014

Dear Anita

**PROPOSED LIGHT INDUSTRIAL DEVELOPMENT
FORT ROAD GARAGE FORT ROAD EAST WICK LITTLEHAMPTON BN17 7QZ**

Thank you for consulting the Environment Agency on the above planning application which we have reviewed in relation to flood risk and contaminated land.

Environment Agency Position

I can confirm we have no objections to the proposal as submitted. We recommend the following planning conditions are included on any planning permission granted. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition 1

No development approved by this planning permission shall take place until a remediation strategy that includes the following components 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 site investigation scheme, based on the Phase 1 report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) 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.
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 (2) 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons

To prevent unacceptable levels of water pollution in accordance with the NPPF.

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

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The site lies above Lewes Nodular Chalk formation which is designated a Principal Aquifer. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk to groundwater underlying the site.

Condition 2

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

To prevent unacceptable levels of water pollution in accordance with the NPPF by ensuring that any remediation, if deemed necessary is satisfactorily completed.

Condition 3

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

To prevent unacceptable levels of water pollution in accordance with the NPPF by ensuring that any contamination identified during the construction works is fully characterised and assessed.

Condition 4

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

To prevent unacceptable levels of water pollution in accordance with the NPPF by ensuring that surface water drainage from the proposed development does not result in a deterioration of groundwater quality.

Condition 5

Piling or any other foundation designs 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

To prevent unacceptable levels of water pollution in accordance with the NPPF.

Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

Condition 6

The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons

To prevent unacceptable levels of water pollution in accordance with the NPPF by ensuring that surface water drainage from the proposed development does not result in a deterioration of groundwater quality.

Advice

Contaminated Land:

We have reviewed the Phase 1 Site Survey (Terragen Environmental Consultants Ltd, June 2011 ref TJ2495AR1). We agree with the conclusions and recommendations for site investigations, risk assessment and a remedial strategy to be developed.

We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our website at www.environment-agency.gov.uk for more information.
4. Refer to Pollution Prevention Guidelines on the Installation, Decommissioning and Removal of underground storage tanks: PPG27.

We would like to refer the applicant/enquirer to our groundwater policies in Groundwater Protection: Principles and Practice, available from our website. This sets out our position for a wide range of activities and developments, including the discharge of liquid effluents, land contamination and drainage.

Flood Risk:

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The Technical Guide to the National Planning Policy Framework (paragraph 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

We recommend that, as stated in the submitted FRA (4539/2.3F), consideration be

given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Additional guidance can be found in our Floodline Publication 'Damage Limitation'. A free copy of this is available by telephoning 0845 988 1188 or can be found on our website www.environment-agency.gov.uk click on 'flood' in subjects to find out about, and then 'floodline'.

Reference should also be made to the Department for communities and local Government publication 'Preparing for Floods' please email: communities@twoten.com for a copy or alternatively go to: <http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf> as well as the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at: <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

I hope the above is helpful but if you have any queries or require further information please contact me.

Yours sincerely

Catherine Hutchins
Sustainable Places Planning Advisor
Environment Agency

