

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

Our ref: HA/2014/115842/01-L01
Your ref: LU/177/14/PL
Date: 16 July 2014

Dear Damian

**DEMOLITION OF ORIGINAL DAIRY DISTRIBUTION DEPOT AND CONSTRUCTION OF 8 NO. DWELLINGS AND ANCILLIARY WORKS. RESUBMISSION FOLLOWING LU/298/13. THIS APPLICATION MAY AFFECT THE CHARACTER AND APPEARENCE OF THE LITTLEHAMPTON (EAST STREET) CONSERVATION AREA.
THE OLD DAIRY REAR OF 3 & 5 CHURCH STREET LITTLEHAMPTON BN17 5EL**

Thank you for consulting the Environment Agency on the above planning application. The site is partly located in Flood Zone 3 defined as having a high probability of flooding and on a Principal Aquifer.

Our response to this application on flood risk matters is on the understanding that your Local Planning Authority (LPA) is satisfied that the Sequential Test has been adequately demonstrated to the requirements of the NPPF. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding.

Environment Agency Position

We have reviewed the submitted Flood Risk Assessment and Contamination Statement both dated 3 June 2014. Our advice relating to flood risk and groundwater quality is set out below:

Flood Risk

We objected to the previous application (LU/298/13) due to concerns that the proposed development would have posed an unacceptable flood risk to some occupants of ground floor flats and an insufficient Flood Risk Assessment.

We are pleased to see that this revised application includes amended plans that remove ground floor flats from the most vulnerable area of the site. Given the expected flood depth we consider that this would provide residents with safe refuge during times of flood. I can confirm that this resolves our primary concern with the previous application.

However the submitted Flood Risk Assessment still does not comply with the

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requirements of the NPPF. In particular it fails to;

1. Demonstrate how the risk of flooding can be mitigated in the event that flood defences fail or are overtopped, identifying measures to protect occupants and property. This may include flood resilience measures to impact the flooding.
2. Consider how people will be kept safe from hazards identified.
3. Consider the requirement for flood emergency planning including flood warning and evacuation for a range of flooding events up to and including the extreme event.

In the event of a breach in the planned defences, flood depths from a 0.5% (1 in 200) tidal event on this site could be as much as 1m on the access road. If climate change is taken into account over the lifetime of the development (figures for 2115) then this depth could be as much as 2m. A safe evacuation route to and from the site (in accordance with table 13.1 of FD2320/TR2 Flood Risk Assessment Guidance for New Development) could not be provided based on these levels.

Please note we do not normally comment on or approve the adequacy of flood emergency response and evacuation 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.

The Planning Practice Guidance to the NPPF (Paragraph 057) places responsibilities on LPAs to consult their Emergency Planners with regard to specific emergency planning issues relating to new development. In all circumstances where warning and evacuation are significant measures in contributing to managing flood risk, we will expect LPAs to formally consider the emergency planning and rescue implications of new development in making their decisions.

We therefore strongly recommend consulting with your Emergency Planners on the proposed safe evacuation route and whether they require any further information to be submitted due to the inadequacies of the Flood Risk Assessment highlighted above.

Groundwater Quality

In this instance, the Environment Agency has made the decision not to provide detailed site-specific advice or comments with regards to land contamination issues. This decision has been taken using a risk based approach.

Whilst we will not be providing specific advice on controlled waters for this site, it is recommended that the requirements of the National Planning Policy Framework are followed. This means that all risks from contamination need to be identified so that appropriate action can be taken. Therefore, in completing any site investigations and risk assessments the applicant should assess any risk to groundwater and surface waters from contamination which may be present and where necessary carry out appropriate remediation.

We recommend that applicants:

- Apply the risk- based framework set out in the Model Procedures for the Management of Land Contamination (CLR 11) and follow the guidance in that document so that you can make the best decisions for your site
- Refer to the Environment Agency's Guiding Principles for Land Contamination (GPLC) documents
- Use BS 10175 2011, Investigation of potentially contaminated sites – Code of Practice as a guide to undertaking the desk study and site investigation scheme

- Use MCERTS accredited methods for testing contaminated soils at the site
- Consult our website at www.environment-agency.gov.uk for further information about the above and any permissions which may be required.

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.

Please note that the evaluation of any risks to human health arising from the site should be discussed with the Environmental Health Department.

If you have any queries or require further information please contact me.

Yours sincerely

Catherine Hutchins
Sustainable Places Planning Advisor
Environment Agency

