

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

Our ref: HA/2020/122562/01-L01
Your ref: LU/238/20/OUT

Date: 14 October 2020

Dear Sir/Madam

OUTLINE PLANNING APPLICATION WITH SOME RESERVED MATTERS (SCALE AND ACCESS TO BE RESERVED) FOR THE DEMOLITION OF EXISTING TREATMENT WORKS & REDEVELOPMENT OF A FORMER CAMP SITE TO PROVIDE; UP TO 105 NO. HOMES, 100SQM OF A1 SHOPS USE, 220SQM OF A3 RESTAURANT USE & 420M OF PONTOONS TO PROVIDE APPROXIMATELY 32 LEISURE MOORINGS ALONG WITH ASSOCIATED LANDSCAPING, SLUICE GATE, FLOOD DEFENCE WORKS & CAR PARKING HIGHWAYS WORKS. THIS APPLICATION ALSO LIES WITHIN THE PARISH OF CLIMPING, MAY AFFECT A PUBLIC FOOTPATH & IS A DEPARTURE FROM THE DEVELOPMENT PLAN. LAND WEST OF BRIDGE ROAD ROUNDABOUT LITTLEHAMPTON BN17 5DF

Thank you for the consulting the Environment Agency on the above application.

We have reviewed the information as submitted and set out our position and comments below.

Environment Agency position

We have set out our comments in relation to the various functions within our remit. We have **no objections** to the proposal but request that the following **9 conditions** be attached to any planning permission granted, and that the details in relation to these conditions be submitted and approved by the Local Planning Authority.

Flood Risk

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning conditions are included.

Condition 1 of 9

The development shall be carried out in accordance with the submitted flood risk assessment (ref 4732, Ambiental, 10/06/2020) and the following mitigation measure it details:

- Finished floor levels shall be set no lower than 5.6 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above

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

Cont/d.

shall be retained and maintained thereafter throughout the lifetime of the development.

Reason(s)

To reduce the risk of flooding to the proposed development and future occupants

Condition 2 of 9

The development hereby permitted must not be commenced until such time as a scheme to ensure access to/improvement/protection and maintenance of existing and proposed flood defences has been submitted to, and approved in writing by, the local planning authority

These mitigation measures shall be fully implemented prior to occupation and subsequently maintained, in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason(s)

To reduce the risk of flooding to the proposed development and future occupants. To ensure the structural integrity of the existing and proposed flood defences thereby reducing the risk of flooding

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a flood risk activity permit (FRAP) or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or email our local PSO team at psowestsussex@environment-agency.gov.uk.

A number of activities in the proposal will require a FRAP (e.g. proposed new flood defences, clear span bridge, surface water outfalls, pontoons, etc.). We would encourage early engagement with us in regards to the detailed design.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Flood warning and emergency response - advice to LPA

We do 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 [planning practice guidance](#) (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a [design flood](#) and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

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. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

Signing up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what to do after a flood, visit <https://www.gov.uk/after-flood>

Groundwater and Contaminated Land

The previous use of the proposed development site as a landfill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A.

Further detailed information will be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 3 of 9

Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

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 the 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.

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

Reason(s)

To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

The site rests on raised marine deposits overlying Chalk (designated secondary and principal aquifers respectively). There is the possibility of hydraulic connectivity between the two formations but the highest risk pathway is the raised marine deposits contribution to local surface water bodies. In the applicants flood risk assessment, they have identified the potential risk to groundwater due to its shallow level below the site. Whilst this risk assessment is centred on groundwater flooding, it does highlight that any contaminants mobilised during construction could find their way into groundwater. Whilst there are no public groundwater abstractions within 1km, there are ecological receptors nearby which are associated with groundwater.

The Environment Agency understands that the historic landfill is located to the north of the site but we feel it would be prudent to assume that other parts of the site have been exposed to potential contamination until investigative evidence has been produced to the contrary.

Condition 4 of 9

Prior to each phase of development being occupied, a verification report demonstrating the 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.

Reason(s)

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

Condition 5 of 9

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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason(s)

To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

Given the proximity of an historic landfill, there is an increased risk of hitherto undiscovered contaminated hotspots. These contaminated hotspots have the potential to pose a serious risk to groundwater.

Piling

Piling and investigation boreholes 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.

Groundwater is particularly sensitive in this location because the proposed development site is located upon a Secondary A aquifer.

In light of the above, the proposed development will only be acceptable if a planning condition controlling disturbance of the aquifer is imposed. Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.

Condition 6 of 9

Piling and investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the proposed development, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Groundwater Protection Position Statement of the The Environment Agency's approach to groundwater protection.

The penetrative methods associated with piled foundations and investigative boreholes can create preferential pathways for mobilised contaminants to reach shallow groundwater and their associated receptors.

Decommission of investigative boreholes

The submitted planning application indicates that boreholes will need to be installed at the development site to investigate potential contamination issues. If these boreholes are not decommissioned correctly they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality.

In light of the above, we consider that planning permission should only be granted for the proposed development, as submitted, if the following planning condition is imposed. Without this condition we cannot be sure that the proposed development will not cause unacceptable risk to the environment and we would wish to object to this application.

Condition 7 of 9

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development.

Reason

To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 170 of the National Planning Policy Framework of The Environment Agency's approach to groundwater protection.

Any borehole could provide a preferential pathway for mobilised contaminants or site generated effluent to enter shallow groundwater, it is therefore vital that any borehole not required for further monitoring be decommissioned in line with industry standard.

Biodiversity

Condition 8 of 9

No development shall take place until a landscape and ecological management plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules

for all landscaped areas (except privately owned domestic gardens), has been submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

Reason

To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy.

Condition 9 of 9

The development shall be carried out in accordance with the mitigations proposed in the submitted EIA dated 25th June 2020 by The Ecology co-op should be followed, specifically:

- Section 5.6 of EIA relating to water voles accepts that there will be loss of water vole habitat through development. Therefore a fully specified mitigation plan should be in place for loss of water vole habitat across the site.
- This to be informed by up to date monitoring prior to commencement of site clearance and construction. Options proposed for translocation of water vole off site will require suitable licencing and a confirmed release location, not currently occupied, and with fully mature habitat.
- This location must be secured prior to development. If water vole are to be retained on site then created habitat, such as the proposed bio-swale, must be of suitable quality to receive water vole prior to the culverting and re-alignment of the north/south ditch. Especially as water vole appear to populate the site from ditch systems to the North. Retaining water vole off site during construction should very much be a last resort.
- The 5 year monitoring of the current salt marsh extent including the compensatory habitat created by the Environment Agency as described in Section 5.1.2 is essential for the retention and hopeful expansion of this priority habitat.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

The National Planning Policy Framework (paragraph 175) states that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

Yours faithfully

Mrs Sophie Brown
Sustainable Places Planning Advisor

