

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

Our ref: HA/2015/116758/01-L01
Your ref: LU/385/14/PL
Date: 26 February 2015

Dear Sir/Madam

CONSTRUCTION OF A SOLAR ENERGY PARK TO INCLUDE THE INSTALLATION OF SOLAR PANELS, SECURITY FENCING, TRANSFORMER HOUSING, ACCESS AND OTHER ASSOCIATED WORKS LAND AT BROOKBARN FARM COURTWICK LANE LITTLEHAMPTON BN17 7PX

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

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

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 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.

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Guildbourne House Chatsworth Road, Worthing, West Sussex, BN11 1LD.
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www.gov.uk/environment-agency

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

Reasons: The site lies above a former known landfill which lies above the Chalk 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

Prior to the site becoming operational 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 ensure 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 ensure that any contamination identified during the construction works is fully characterised and assessed.

Condition 4

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.

Reason: 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.

Planning Policy

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 also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Supporting Notes

As identified in the Site Investigation reports, the site lies on a historic landfill that accepted a wide range of waste types. Any development may pose a risk to the wider environment and in this particular case, any piling or building structure (substation) could potentially mobilise contamination. In addition to this, any excavations within the landfill will produce waste arising that will need to be removed and disposed of at a appropriate permitted waste facility. In order to potentially reduce the risk, the report has recommended considering alternative foundation solutions such as ballasted or tethered systems.

The report also recommended that where applicable, dewatering operations may be required. As groundwater at this site is contaminated, this will need to need to be carefully considered and disposed of appropriately. It is likely that an Environmental Permit may be required for this activity.

The ground investigation did not take any samples and submit them for any contamination testing. In addition to this, while groundwater was noted within the boreholes, no samples were taken for testing either. Therefore no detailed assessment has been made on the contamination of the landfill and the potential risks that the development may have on the wider environment. The report however does state that a wide range of fill materials were identified and that frequent hydrocarbon and organic odours were encountered. This implies that there could be significant contamination across the site

Advice to applicant

We recommend that developers should:

1. Following the risk management framework provide in CLR11, Model procedures for the management of land contamination

<https://www.gov.uk/government/publications/managing-land-contamination>

2. Referring to the Environment Agency guiding principles for land contamination and the land contamination sections in the Environment Agency's Groundwater Protection: Principles and Practice

<https://www.gov.uk/government/publications/managing-and-reducing-land-contamination>

<https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>

3. Further information may be found on the land contamination technical guidance pages on the direct.gov website

<https://www.gov.uk/government/collections/land-contamination-technical-guidance>

All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person and in accordance with:

- BS 10175:2011 A1:2013 *Code of practice for the investigation of potentially contaminated sites.*
- BS ISO 5667-22:2010 *Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points*
- BS ISO 5667-18:2001, BS 6068-6.18:2001 *Water quality. Sampling. Guidance on sampling of groundwater at contaminated sites*

Please contact me with any questions.

Yours faithfully

Mr Mark Luker
Environment Agency Planning Advisor

