

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

Our ref: HA/2009/106648/01-L01
Your ref: LU/517/04
Date: 07 May 2009

Dear Mr Banister,

MIXED USE DEVELOPMENT WITH PART RETAIL USE TO GROUND FLOOR AND 24 NO. ONE BEDROOM FLATS, 18 NO. TWO BEDROOM FLATS, 6 NO. THREE BEDROOM FLATS TO PART OF THE GROUND/UPPER FLOORS AND 3 NO. TWO BED HOUSES AND 1 NO. THREE BEDROOM HOUSE WITH PUBLIC AND PRIVATE HARD AND SOFT LANDSCAPED AREAS.

**FORMER LITTLEHAMPTON INDOOR MARKET 26-30 SURREY STREET
LITTLEHAMPTON**

Thank you for your consultation on the above planning application. Please quote our reference number on any correspondence. We have the following comments to make:

FLOOD RISK

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 Planning Policy Statement 25 – “Development & Flood Risk” (PPS25) Paragraph 14-17 and Annex D.

Environment Agency position

The proposed development will only be acceptable if the following measure(s) as detailed in the Flood Risk Assessment (FRA) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Planning Condition 1

The development permitted by this planning permission shall only be carried out in accordance with the approved FRA dated July 2008 and the following mitigation measures detailed within the FRA:

Environment Agency
Guildbourne House Chatsworth Road, Worthing, West Sussex, BN11 1LD.
Customer services line: 08708 506 506
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk

Cont/d..

- **Finished floor levels are set no lower than 5.2 m above Ordnance Datum (AOD) for residential development , and 4.9mAOD for commercial development.**
- **Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.**

Reason: In accordance with PPS25. To reduce the risk of flooding to the proposed development and future occupants and to ensure safe access and egress from and to the site in accordance with guidance contained in PPS25.

Your councils own technical services should also be satisfied with the proposed method of surface water disposal.

CONTAMINATION

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 planning conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Planning Condition 2

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 LPA), 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 LPA:

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 site investigation results and the detailed risk assessment (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 (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 LPA.
The scheme shall be implemented as approved**

Reason: In accordance with Planning Policy Statement 23 – “Planning and Pollution Control” (PPS23). To ensure that the site is fully investigated and assessed to prevent the pollution of Controlled Waters from areas of contamination in accordance with the principles of PPS23.. This site lies on Raised Beach Deposits over the White Chalk Subgroup, the latter classified as a Major Aquifer under our "Policy and Practice for the Protection of Groundwater. There is a shallow groundwater table beneath this site, and therefore this location is particularly sensitive to contamination.

We consider that previous historical activities associated with this site may have caused, or has the potential to cause, contamination of Controlled Waters.

We acknowledge that a site investigation report has been previously submitted but is not contained within this current application. The applicants Design and Access Statement acknowledges that the imposition of contamination planning conditions are expected. It is understood that during the development (demolition and site clearance phases) that further site characterisation will be undertaken, this work is to inform the remediation of petroleum hydrocarbons in soil and groundwater. We look forward to reviewing this information in due course.

Planning Condition 3

A verification report demonstrating completion of the 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, and for the reporting of this to the LPA..

Reason: In accordance with PPS23. To ensure that any remediation is satisfactorily completed, if deemed necessary.

Planning Condition 4

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the LPA, 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.

Reason: In accordance with PPS23. To ensure that discharge of potentially contaminated surface water does not result in pollution of Controlled Waters.

Planning Condition 5

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 LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: In accordance with PPS23. To ensure that any contamination identified during the development is fully characterised and assessed preventing pollution of Controlled Waters.

Planning Advice

Soakaways are for the disposal of clean uncontaminated surface water only and should not be constructed in areas of contamination.

All Pollution Prevention Guidelines information may be freely viewed and downloaded from the NetRegs section of our website. The website address is: www.environment-agency.gov.uk/netregs/links/63875.aspx

I trust that the above comments are satisfactory but if you require any further information please contact me.

Yours sincerely

HELEN TIER
Planning Liaison Officer (South Downs Area)

Direct dial 01903 703862

Direct e-mail planning.southdowns@environment-agency.gov.uk

Yours sincerely,

cc A H P Architects & Surveyors Ltd.