

[REDACTED]

From: Amy Myer <Amy.Myer@arun.gov.uk>
Sent: 14 September 2020 15:47
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: P/116/19/OUT - Land adj Sefter School House - URGENT QUERY

Pls add below emails to file and label as 'WSCC LLFA & Environment Agency comments – water pollution matters'

Thanks
Amy

From: PlanningSSD [REDACTED]
Sent: 10 September 2020 11:54
To: Amy Myer <Amy.Myer@arun.gov.uk>
Cc: Brown, Sophie [REDACTED]
Subject: RE: P/116/19/OUT - Land adj Sefter School House - URGENT QUERY

Hi Amy,

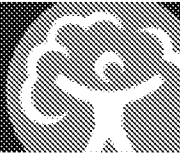
My apologies but as the application itself falls outside our remit, we do not have the resources to provide further comments.

We recommend that you take the advice of Environmental Health.

Kind regards,

Sustainable Places Team

Environmental Planning and Engagement | Solent and South Downs



From: Amy Myer [mailto:Amy.Myer@arun.gov.uk]

Sent: 10 September 2020 10:32

To: PlanningSSD [REDACTED]

Cc: Brown, Sophi [REDACTED]

Subject: RE: P/116/19/OUT - Land adj Sefter School House - URGENT QUERY

Thanks – yes you did respond to that and sent me the documents attached

We have accordingly added a planning condition requiring a FDA since the applicants propose a sewer treatment plant on site.

But my question is more about the Parish Council's objection as below (please refer to full email trail) and if the EA have any comments. It may be the FDA requirement is sufficient and you wouldn't take any action under your relevant powers?

The Parish Council have objected and raised concerns with regard these submissions, and the impact of the contaminated land on drainage, water pollution and local water quality, especially in respect of the protected Pagham Harbour RAMSAR. Please see their comments below:

Given the Applicants Land Contamination report and soil reports shared with Arun District Council and the public in July 2020 and the fact that this site is heavily contaminated due to previous unauthorised uses and the site is already draining contaminated surface water into existing water courses which in turn drain into the Pagham Harbour RAMSAR, Pagham Parish Council requests that Arun District Council liaise with WSCC as the Lead Local Flood Authority, Natural England, The Environment Agency and SWS Ltd with a view to exercising their relevant powers so as to require that the landowner decontaminate the site, improve the existing land drainage ditches and safeguard water quality in the Pagham Harbour RAMSAR (in accordance with ALP 2018 Policies ENV SP1 Natural Environment, ENV DM2 Pagham Harbour, W SP1 Water, W DM1 Water supply and quality, W DM2 Flood risk, W DM3 Sustainable Urban Drainage Systems, QE SP1 Quality of the environment and QE DM4 Contaminated land) before granting any planning permission for the redevelopment of the site contrary to the development plan.

In this regard Pagham Parish Council takes this opportunity to remind ADC that Conditions requiring compliance with other regulatory requirements (eg Building Regulations, Environmental Protection Act) may not be used and that Grampian conditions (ie those prohibiting development authorised by the planning permission or other aspects linked to the planning permission from taking place until a specified action has been taken should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission and that in such circumstances and where such matters are fundamental to the principle of developing the site the right and proper course of action is to refuse the permission sought until the subject issue that prevents development has been resolved. You are also reminded that whilst it is reasonable for statutory consultees and other third parties to suggest conditions to make a development acceptable in planning terms, the decision as to whether it would be appropriate to impose such a condition rests with the decision maker (i.e in this case ADC - See PPG Use of planning conditions ID: 21a-001-20140306 and NPPF 2019 Decision-making Paragraphs 38 to 58)

Thanks
Amy

From: PlanningSSD [REDACTED]

Sent: 10 September 2020 09:36

To: Amy Myer <Amy.Myer@arun.gov.uk>

Cc: Brown, Sophie [REDACTED]
Subject: RE: P/116/19/OUT - Land adj Sefter School House - URGENT QUERY

Hi Amy,

We previously responded in July explaining that we would only be consulted on major applications proposing to go to non-mains drainage such as package treatment plants, as per our consultation checklist (attached).

I have also attached our guidance for minor applications proposing non-mains drainage.

Kind regards,

Sustainable Places Team

Environmental Planning and Engagement | Solent and South Downs



From: Amy Myer [<mailto:Amy.Myer@arun.gov.uk>]
Sent: 09 September 2020 18:29
To: PlanningSSD [REDACTED]
Subject: FW: P/116/19/OUT - Land adj Sefter School House - URGENT QUERY

In Sophie's absence please can I have some EA comments please on the Parish Council objection as set out below and issue of water pollution etc.

I need these by tomorrow if they are to go into our Committee report.

Thanks
Amy

From: Amy Myer
Sent: 09 September 2020 18:27
To: Brown, Sophie [REDACTED]
Cc: Daniel Vick <Daniel.Vick@arun.gov.uk>
Subject: FW: P/116/19/OUT - Land adj Sefter School House - URGENT CONSULTATION REQUEST - WATER POLLUTION

Hi Sophie

I believe I emailed EA on this (as attached) back in July but have not as yet received a response.

- Our EH have recommended full 4-stage potentially contaminated land condition
- NE have confirmed Construction Management Plan inc avoidance of contamination discharge to water ways plus land remediation conditions should be sufficient to avoid water contamination
- WSCC as Lead Local Flood Authority confirmed it would be ADC EH and the EA which are responsible with regard water pollution, and ADC EH confirmed it would be EA

Do EA have any comments to add?

Please let me know by tomorrow morning as I'm finalising my Committee report then.

Thanks
Amy

From: Kevin Macknay [REDACTED]
Sent: 22 July 2020 12:10
To: Amy Myer <Amy.Myer@arun.gov.uk>
Subject: RE: P/116/19/OUT - Land adj Sefter School House - URGENT CONSULTATION REQUEST - WATER POLLUTION

Amy,

West Sussex as the 'Lead Local Flood Authority' are not responsible for matters relating to water pollution. Water pollution is a matter for the local councils Environmental Health officer and the Environment Agency.

Having reviewed the document relating to this planning application I can see that recommendations have been made with regards to dealing with the existing contaminated land. Clearly these recommendations should be followed and made a 'planning condition' should this application receive approval.

Regards,

Kevin

Kevin Macknay
Flood Risk Management - Team Leader
Highways, Transport and Planning
Place Services
West Sussex County Council

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Location: Western Area Office, Drayton Lane, Nr. Chichester, West Sussex. PO20 2A1.

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From: Amy Myer [mailto:Amy.Myer@arun.gov.uk]
Sent: 20 July 2020 12:59
To: Kevin Macknay
Cc: Daniel Vick
Subject: P/116/19/OUT - Land adj Sefter School House - URGENT CONSULTATION REQUEST - WATER POLLUTION

Dear Kevin,

Regarding this application, during the determination period, we have received from the agent a Land Contamination Report and a Land Use & Soil and Agricultural Land Quality Report.

The Parish Council have objected and raised concerns with regard these submissions, and the impact of the contaminated land on drainage, water pollution and local water quality, especially in respect of the protected Pagham Harbour RAMSAR. Please see their comments below:

Given the Applicants Land Contamination report and soil reports shared with Arun District Council and the public in July 2020 and the fact that this site is heavily contaminated due to previous unauthorised uses and the site is already draining contaminated surface water into existing water courses which in turn drain into the Pagham Harbour RAMSAR, Pagham Parish Council requests that Arun District Council liaise with WSCC as the Lead Local Flood Authority, Natural England, The Environment Agency and SWS Ltd with a view to exercising their relevant powers so as to require that the landowner decontaminate the site, improve the existing land drainage ditches and safeguard

water quality in the Pagham Harbour RAMSAR (in accordance with ALP 2018 Policies ENV SP1 Natural Environment, ENV DM2 Pagham Harbour, W SP1 Water, W DM1 Water supply and quality, W DM2 Flood risk, W DM3 Sustainable Urban Drainage Systems, QE SP1 Quality of the environment and QE DM4 Contaminated land) before granting any planning permission for the redevelopment of the site contrary to the development plan.

In this regard Pagham Parish Council takes this opportunity to remind ADC that Conditions requiring compliance with other regulatory requirements (eg Building Regulations, Environmental Protection Act) may not be used and that Grampian conditions (ie those prohibiting development authorised by the planning permission or other aspects linked to the planning permission from taking place until a specified action has been taken should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission and that in such circumstances and where such matters are fundamental to the principle of developing the site the right and proper course of action is to refuse the permission sought until the subject issue that prevents development has been resolved. You are also reminded that whilst it is reasonable for statutory consultees and other third parties to suggest conditions to make a development acceptable in planning terms, the decision as to whether it would be appropriate to impose such a condition rests with the decision maker (i.e in this case ADC - See PPG Use of planning conditions ID: 21a-001-20140306 and NPPF 2019 Decision-making Paragraphs 38 to 58)

As such, the Council are liaising with SW, EA, LLFA and NE for responses to these concerns and any action they may take under their relevant powers.

The application is due to be decided at Planning Committee next Weds 29th July, so **please can I request that you email myself and my manager Daniel Vick copied here and the Parish Council** [REDACTED] **directly with any comments by this Friday 24th July.**

Thanks in advance,

Amy

Amy Myer
BA Hons, MSc, MRTPI
Senior Planning Officer
Directorate of Place

T: 01903 737776
E: Amy.Myer@arun.gov.uk



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