Mr Keith Morgan
Adur District Council
Development Control
Civic Centre Ham Road
Shoreham-by-Sea
West Sussex
BN43 6PR

Our ref: HA/2011/111594/01-L01
Your ref: ADC/0078/11

Date: 28 April 2011

Dear Mr Morgan

REDEVELOPMENT OF FORMER BATHROOM CENTRE AND GARAGE AND PARKING AREA OPPOSITE IN INGLESIDE ROAD WITH 3 STOREY BLOCK OF FLATS (3 X 1 BED, 3 X 2 BED, 1 X 3 BED) AND 6 X 3 BED HOUSES (COMPRISING TERRACE OF 5 HOUSES ON EAST SIDE OF INGLESIDE ROAD AND SINGLE DWELLING ON WEST SIDE) WITH ASSOCIATED PARKING

REGAL HOUSE, 45 - 49 PENHILL ROAD, LANCING, WEST SUSSEX

Thank you for your consultation regarding the above. Please quote our reference number on any correspondence

Environment Agency position

We consider that planning permission should only be granted to the proposed development as submitted if the following five 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 1 of 5

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 Local Planning Authority (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 site investigation scheme, based on the previously submitted Phase 1

Contamination Assessment Report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The results of the site investigation and detailed risk assessment referred to in (1) 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.

3) 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 (2) 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: To ensure the protection of the underlying groundwater from potential sources of contamination associated with the former site uses.

This planning condition is necessary to ensure the development complies with the principles of Planning Policy Statement 23 – “Planning and Pollution Control” (PPS23).

Planning Condition 2 of 5

Prior to occupation of any part of the permitted development , 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 LPA. 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. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that any remediation deemed necessary is satisfactorily completed.

This planning condition is necessary to ensure the development complies with the principles of Planning Policy Statement 23 – “Planning and Pollution Control” (PPS23).

Planning Condition 3 of 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, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that any contamination identified during the demolition and construction phases of the development are fully characterised and assessed.

This planning condition is necessary to ensure the development complies with the

principles of Planning Policy Statement 23 – “Planning and Pollution Control” (PPS23).

Planning Condition 4 of 5

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. The development shall be carried out in accordance with the approval details.

Reasons: To ensure that the surface water drainage does not result in pollution of controlled waters or the mobilisation of contaminants.

This planning condition is necessary to ensure the development complies with the principles of Planning Policy Statement 23 – “Planning and Pollution Control” (PPS23).

Planning Condition 5 of 5

Piling or any other foundation designs using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the method foundation or piling construction does not result in the deterioration of groundwater quality.

This planning condition is necessary to ensure the development complies with the principles of Planning Policy Statement 23 – “Planning and Pollution Control” (PPS23).

Planning Advice

Contamination Assessment Report

We have reviewed the submitted Phase 1 Contamination Assessment Report (Report No. LW22017/ds) as completed by Ashdown Site Investigation Ltd, dated January 2011. We consider the report to be acceptable, providing a sound preliminary risk assessment based on desk study information and walkover survey.

We agree with the recommendation for intrusive investigations to determine if there is any contamination within the underlying soils and groundwater.

Any proposed investigations must include the suspected soakaway. Further enquiries should be undertaken with West Sussex Trading Standards to confirm that no petroleum storage or dispensing occurred at the site.

Given the possibility of part of the site being used as a 'works' and the current usage as a vehicle servicing garage, solvents and degreasers should be included in the analysis suite.

Flood Risk

Your LPA’s own Technical Services should be satisfied with the proposed method of surface water disposal in relation to flood risk.

Cont/d..

Pollution Prevention

This site lies in a sensitive groundwater area.

When carrying out construction and demolition activities, potential sources of pollution from site activities will need to be identified so that appropriate pollution prevention measures are taken to avoid any contamination of surface waters (bodies of water that are above ground, such as rivers, lakes, and streams) coastal waters and groundwater.

It is necessary to prevent pollution of surface and/or groundwaters especially during site works. There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters whether direct or via soakaways.during and after the proposed works.

The risk of pollution at construction and demolition sites can be significantly reduced by providing secondary containment measures for storage tanks. Oil tanks must comply with the requirements of the Control of Pollution (England) (Oil Storage) Regulations 2001.

Further detailed advice and where our pollution prevention guidelines are available to view and download can be found at the Environment Agency's pollution prevention website http://www.environment-agency.gov.uk/business/topics/pollution/32252.aspx or by calling our National Customer Contact Centre (NCCC) at 08708 506 506.

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

Environment Agency South East
(Solent and South Downs Area)

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cc Michael Cook Associates

End