Delegated Report – Free Wharf, Brighton Road, Shoreham
AWDM/0255/19: Discharge Conditions 8, 10 & 11 of AWDM/1497/17

This application seeks *full* discharge of conditions 8 & 11 and *partial* discharge of condition 10 of planning permission AWDM/1497/17, which is for the redevelopment of Free Wharf by a mixture of 540 new homes, commercial and D1 floorspace and various riverside works necessitating excavation, remediation and drainage works. The conditions concern surface water drainage design; remediation methods (excluding the subsequent verification stage) and foundation piling including ground water protection. The conditions and comments are as follows:

Condition 8. Surface Water Drainage.

No work except Enabling Works shall take place until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the National Planning Policy Framework and the SUDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.
Reason: ***To ensure that the proposed development is satisfactorily drained in accordance with Policy 36 of the Adur Local Plan 2017****.*

Details Submitted
Discharge of Planning Condition 8 – SW Drainage…AWDM/1497/17. HOP Consultants Ref: 14576-HOP-EN-XX-RP-S-5003. January 2019, Checked 08.02.1
(Submitted with application 11 Feb 2019)

as amended by:

Discharge of Planning Condition 8 – SW Drainage July 2019 Addendum. HOP Consultants Ref: 14576-HOP-EN-XX-RP-S-5003A (dated 18th July 2019)
(Submitted by HOP 18th July 2019)

Consultees

Environment Agency - 26th March 2019 & 25th Feb 2020. *Approve*

Borough Drainage –14th June 2019. *Approve*

WSCC Lead Flood –13th June 2019. *Approve**

> ** Predates SW Drainage July 2019 Addendum by HOP but is based on material provided by HOP to WSCC which comprises the Addendum.*

Southern Water - 4th Sept 2019. *No Objection*

Marine Management Organisation (MMO) - 7th March 2019. No objection

MMO comment on all three conditions: *"We have no comments to make on the received documents. The MMO granted a marine licence 30 November 2018. The terms and*

conditions of this licence must be complied with in full by the licence holder and any agent or subcontractor undertaking the activity on their behalf.

Officer Comment

The addendum document of July 2019 by HOP consultants, follows discussions with drainage and lead flood authority representative and joint meeting between parties including planning officer. The addendum provides a redesigned layout and capacity for the SW drainage system to ensure adequate on-site storage during high rainfall events, taking into account climate change projections in accordance with DEFRA and NPPF. The design takes into account the effect of tidal locking of the outflow from the site to the R. Adur. Drainage and Lead Flood officers are now satisfied that the system provides sufficient capacity to cater for these combined events.

Condition 10. Remediation

No works except Enabling Works shall take place until an investigation and risk assessment has been undertaken to establish if the site is contaminated and to determine the potential for pollution in accordance with the requirements of DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and to the natural and historical environment must be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the remediation scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing of the Local Planning Authority.

Reason: ***To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 34 of the Adur Local Plan. These details are required prior to commencement in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes****.*

Details Submitted

Discharge of Planning Condition 10 – Contamination…AWDM/1497/17. HOP Consultants Ref: 14576-HOP-EN-XX-RP-S-5003. January 2019, Checked 08.02.19

with Appendices i & ii provided separately:

Appendix i: Review of Previous Reports and Supplementary Phase II Exploratory Investigation. Geodyne Consultants Ref: 31149 Shoreham RMS 30th June 2015

Appendix ii: Dwg. 14576-HOP-EN-XX-DR-S-0103 Rev P1 Contamination Summary
(All submitted with application 11 Feb 2019)

Remediation Method Statement. Geodyne Consultants Ref: 31149 Shoreham RMS 30th May 2019 (Submitted by agent 14th August 2019)

Groundwater Monitoring Report. OGI Consultants. Ref: J19-707-004R-REV0 2nd July 2019
(Submitted by agent 4th March 2020)

Groundwater Treatment EPR/MB3791WC/A001. OGI Consultants. Ref: J19-707-GW Treatment. 17th Feb 2020 (Submitted by agent 16 March 2020)

Consultees
Environment Agency - 26th March 2020. *Approve*

Borough Environmental Health - 26th March 2020. *Partially Approve (response to docs of 4th & 16th March 2020)*

Marine Management Organisation - 7th March 2019. *No comment*

Officer Comment

The information first submitted at the outset of this application, February 2019, has been augmented by a groundwater treatment plan and further remediation method statement and monitoring information. This proposes removal of a fuel storage tank and capping of contaminated soils which is supported by the Environment Agency and Environmental Health officer. Works will include localised removal of perched water and groundwater in areas affected by historic petrol derived hydrocarbons. A separate groundwater permit application has been made to the E. Agency, which is also needed in order to allow for these remediation works; an informative can be added to this planning approval.

Following these remediation works, a verification report must also be submitted under condition 10 to confirm their completion. Therefore the current planning approval would partial pending this subsequent stage.

Condition 11. Piling & Groundwater

No work except Enabling Works shall take place until details of any foundation design using penetrative methods shall be provided to the Local Planning Authority to show that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
Reason: ***To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution in accordance with the National Planning Policy Framework. 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.

Details Submitted

Discharge of Planning Condition 11 – Penetrative Piling…AWDM/1497/17. HOP Consultants Ref: 14576-HOP-EN-XX-RP-S-5004 January 2019, Checked 08.02.19
(Submitted with application 11 Feb 2019)

Discharge of Planning Condition 11 – Penetrative Piling. Foundation Works Risk Assessment. HOP Consultants Ref: 14576/01/HOP/RPT/01. October 2019
(Submitted by agent 11 Oct 2019)

Consultees

Environment Agency- 8h Jan 2019 & 25th Feb 2020. *Approve*

Borough Environmental Health – 2nd Oct 2019. *Phased approach to remediation control, acceptable*

Marine Management Organisation - 7th March 2019. *No objection*

Officer comment

The Applicant proposes the use of auger piling. A foundation risk assessment has been submitted as part of this application to ensure that]contaminated material and water is removed where encountered; this partly overlaps with the groundwater permitting application referred to at condition 10, administered by the Environment Agency. Both the Agency and Environmental Health officer are satisfied that this meets the requirements of condition.

Recommendations:

Condition 8. Approve

Condition 10. Partial Approval (verification will be for subsequent approval)

Condition 11. Approve

Informatives

The discharge of condition 10 is partial. A further application comprising a verification report must be made to the Local Planning Authority for approval under this condition, following completion of the remediation measures hereby approved,

Works authorised by the approval of these conditions must also adhere to the marine licence issued on 30 November 2018 by the Marine Management Organisation. The terms and conditions of this licence must be complied with in full by the licence holder and any agent or subcontractor undertaking the activity on their behalf.

An Environmental permit application is also required for the works hereby approved. The applicant has applied to the Environment Agency for a permit and must ensure that this is obtained to and adhered to including any agent or subcontractor undertaking the activity on their behalf in the in relation to the works hereby approved.

Officer: *Stephen Cantwell* *07-04-2020*

Authorised: Gary Peck 8 April 2020