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

Our ref: HA/2009/107551/01-L01
Your ref: ADC/0250/09

Date: 07 August 2009

Dear Mr Hone

REDEVELOPMENT OF CAR STORAGE/SALES SITE WITH 7 TWO-BEDROOM HOUSES SERVED BY NEW ACCESS DRIVE AND PARKING AREA (OUTLINE APPLICATION WITH ALL DETAILS

42 - 44 LECONFIELD ROAD, LANCING, WEST SUSSEX

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

Environment Agency position

We **OBJECT** to the proposed development as submitted as there is insufficient information to demonstrate that the risk of pollution to Controlled Waters is acceptable.

There are three strands to this objection. These are that:

We consider the level of risk posed by this proposal to be unacceptable

The application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been provided. Planning Policy Statement 23 – "Planning and Pollution Control" (PPS23) takes a precautionary approach. It requires a proper assessment whenever there might be a risk, not only where the risk is known.

Under PPS23, the application should not be determined until information is provided to the satisfaction of the Local Planning Authority (LPA) that the risk to Controlled Waters has been fully understood and can be addressed through appropriate measures. This is not currently the case.

Reason: In accordance with PPS23. This site is situated on Head Deposits composed of clay, silt, sand and gravel that overlie the Tarrant Chalk and Newhaven Chalk formations. The chalk is classified as a principal aquifer. As such, this site is considered sensitive with respect to Controlled Waters. Due to the existing/historic use of this site as a car storage/sales and repair facility there is potential for contamination to be present at the site that may present an unacceptable risk to groundwater. The application fails to give assurance that the risks of pollution are understood as no desk study, initial conceptual model or preliminary risk assessment has been provided.

As a minimum a desk study, site conceptual model and preliminary risk assessment should be provided. We will consider removing our objection to this application on receipt of this information.

The land use is identified as a car storage/sales and repair facility. As part of any site investigation the applicant must identify the historic uses of the site and any possible sources of contamination.

If any sources of contamination are identified then a risk assessment must be carried out in order to demonstrate that there is no risk posed to Controlled Waters, specifically the principal chalk aquifer.

Advice to applicant

We recommend that developers should:

Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

Refer to our Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to Controlled Waters from the site. The LPA can advise on risk to other receptors, such as human health.

Refer to our website at www.environment-agency.gov.uk for more information.

Advice to LPA

In relation to the proposed development, in so far as it relates to land contamination, we only considered issues relating to Controlled Waters. Evaluations of any risks to human health arising from this site should be discussed with the Environment Health Department at Adur District Council.

If you are minded to grant the application contrary to our objection it will be necessary to re-consult us in accordance with guidance in PPS23.

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

Yours sincerely

Cont/d..

HELEN TIER
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cc A J Salter & Son

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