Mr Peter Barnett
Adur & Worthing Councils
Development Control
Portland House
Richmond Road
Worthing
West Sussex
BN11 1LF

Our ref: HA/2017/119773/01-L01
Your ref: AWDM/1375/17

Date: 4 October 2017

Dear Mr Barnett

Restoration of upper section of the Broadwater Brook tributary of the Teville Stream involving the excavation of a new channel, construction of three silt traps, part infill of existing channel and restoration of surrounding land

Land east of Deacon Way, Worthing

Thank you for consulting the Environment Agency on the above planning application. We have reviewed the submitted plans and documents and have the following comments.

Environment Agency Position

We have no objections to the proposed development, subject to the inclusion of the following condition in any permission granted.

Condition – Unsuspected contamination
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 Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons
The proposed channel overlies Superficial Deposits (Alluvium, Head and Raised Beach Deposits) which are all designated secondary aquifers. These are underlain by the Lambeth Group (a secondary aquifer) overlying the Chalk (a principal aquifer).

As the new route of the stream lies close to the Decoy Farm Historic Landfill it is possible unidentified areas of contamination associated with this landfill may be present

in this area. Works to such land may pose a pollution risk to the groundwater receptors identified, by mobilising contaminants and creating pathways for pollution.

Paragraph 109 of the National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to unacceptable levels of water pollution. Paragraph 121 states that planning decisions should ensure that adequate site investigation information, prepared by a competent person, is presented.

The above condition is required in order to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

Environmental Permitting – advice for LPA and developer
We recommend that the following advice is included as an informative on any decision notice granting approval.

Environmental Permit for Flood Risk Activity
The works may require an Environmental Permit for Flood Risk Activity (FRAP) from us for any permanent or temporary works in, under, over or within 8m of the Teville Stream.

For further information please visit: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits.

When applying for a FRAP, we would expect to see detailed design with plans and sections of the proposed earth bund which will be constructed to close off the existing river channel, together with a method of work and environmental risk assessment.

We also note that access from Deacon Way may be required. If a temporary crossing over the Teville Stream is proposed a FRAP may be required to cover this.

For any further advice on FRAPs, please contact our Partnerships and Strategic Overview team at psowestsussex@environment-agency.gov.uk.

For any works in, over or under, or within 5m of an ordinary watercourse you should contact the Lead Local Flood Authority (West Sussex County Council) or the Local Authority (Adur and Worthing) to check if you need land drainage consent.

Waste on site
All excavated materials should be placed outside the flood plain subject to any waste licence requirement.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on Gov.uk.

If I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely

Mr David Griggs
Planning Advisor

Direct dial 02030 259625
Direct e-mail PlanningSSD@environment-agency.gov.uk

cc Ouse & Adur Rivers Trust

End