Development Management – Delegated Officer Report

Application Number: **AWDM/0637/21** **Recommendation: Approve**

Site: Free Wharf, Brighton Road, Shoreham

Proposal: Application for Approval of Details Reserved by Condition 10 (Part discharge interim verification of enabling works) of previously approved AWDM/1497/17.

Date of Site Visit: **NA**

Neighbours Checked: **NA**

Additional neighbour notification: **NA**

Proposal, Site and Surroundings

The first phase of development is underway, with enabling works such as repairs and reconstruction to the riverwall, have been undertaken for the whole site.

Condition 10, below, deals with the remediation of contaminated land. The current application is for the partial approval of investigation and verification in relation to enabling works, which are excluded from the condition but, which comprise excavation and remediation of contamination, diversion of services, the base course of the access road and riverside piling works, provision of a piling mat marine piling and construction of a new reiver wall.

The submitted report: Interim MMP Verification Report: GE18319/INTMMPVR1.2/MAR21 states: '*Phase 1 comprised the enabling works to which the MMP and interim verification report relates. Phases 2 & 3 (construction and blocks) are beyond the scope of works …under the MMP Plan for the site'*.

The plan in Fig 3 (extract below), identifies this phase 1 work as river wall and boundary works, coloured purple on the plan. However, these appear to fall outside the scope of condition 10, which excludes these enabling works (Enabling Works are defined in condition 3).

In response,the agent confirms that: *the details submitted relate to Phase 1 only (confirmed in section 1.1). As it's also an interim report, the condition cannot be discharged in full...The condition can only be discharged in full for Phase 1 once the remediation works have been completed and that includes the final surfacing as part of that strategy.*

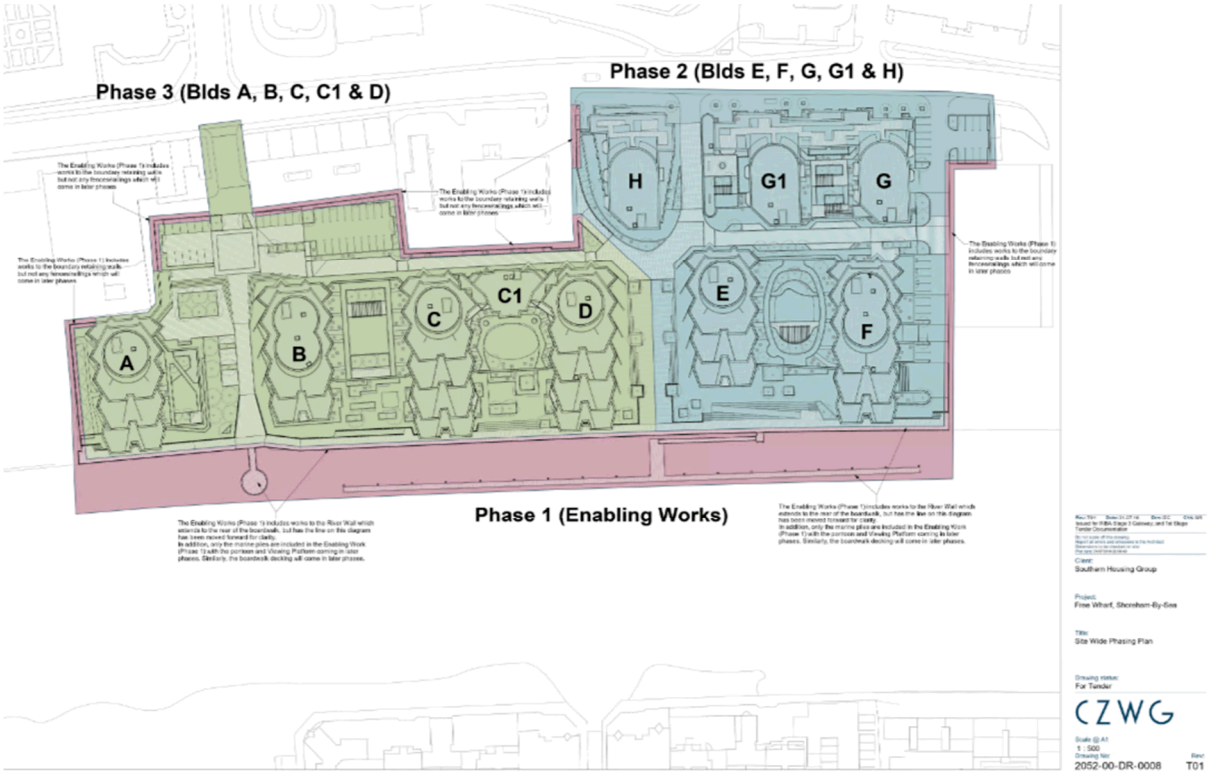
Condition 10

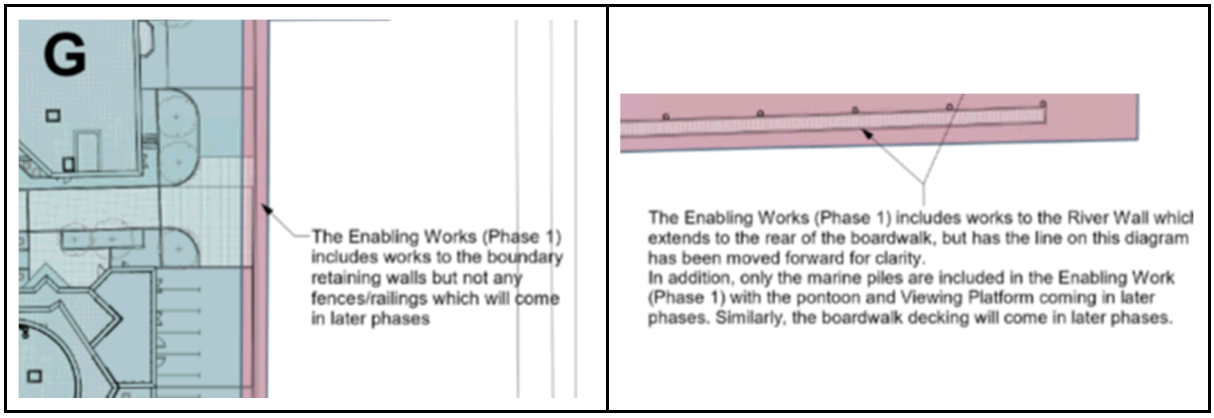
No works except Enabling Works shall take place until an investigation and risk assessment has been undertaken to establish if the site is contaminated and to determine the potential for pollution in accordance with the requirements of DEFRA and the Environment Agency's 'Model Procedures for the Management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





Extracts from Fig.3 of Interim MMP Verification Report: GE18319/INTMMPVR1.2/MAR21

Planning History:

AWDM/1497/17 - Redevelopment for 540 apartments and commercial uses. Approved August 2018, with s.106 Agreement.

Consultations:

Environmental Health (30th April 2021): No objections to partial discharge of this condition

Environment Agency (7th May 2021):

Satisfied that the verification report fulfils the requirements of partial discharge of condition 10 for areas which have undergone investigation and verification.

Southern Water: (25th April 2021): Risks to groundwater abstraction is low but Southern Water should be consulted regarding any ground investigation results to ensure that risks are mitigated.

Technical Services (21th April 2021): We have no comments on this application.

Highway Authority (21th April 2021): Not relevant to highway matters, no comments

Representations: None

Relevant Planning Policies:

Adopted Adur Local Plan, 2017
Shoreham Harbour Joint Area Action Plan, 2019
National Planning Policy Framework (CLG 2021)
Planning Practice Guidance (CLG)

Planning Assessment

The scope of this application is to partially discharge the site remediation condition in relation to site investigation and remediation works within the Phase 1 area (Blocks G & H and their immediate environs), and some verification but not yet full verification for this phase. The document also covers remediation associated with the enabling works river wall and boundary works, although this is beyond the requirement of the condition.

The Environmental Health and Environment Agency are satisfied with the submitted information. Southern Water adds that results should be subject of further consultation; this would follow for the site investigation and remediation of subsequent phases, also for the verification of this phase 1.

An informative can be added to this approval to highlight the need for verification of phase 1 and full details in later phases.

Recommendation. Approval

Is recommendation contrary to letter(s) of representation? N

Case Officer: Stephen Cantwell Date: 17/07/2023

Authorised by: Gary Peck Date: 17 July 2023