From: Tier, Helen <helen.tier@environment-agency.gov.uk>
Sent: 01 May 2009 16:08
To: Keith Morgan
Cc: dcplanning@chichester.gov.uk
Subject: ADC/0140/09 RIVERSIDE COTTAGE
Attachments: dps1.rtf

Dear Keith

I attach our objection to the above planning application.

Yours sincerely

HELEN TIER
Planning Liaison Officer
South Downs Area

Direct dial 01903 703862
Direct e-mail planning.southdowns@environment-agency.gov.uk

Information in this message may be confidential and may be legally privileged. If you have received this message by mistake, please notify the sender immediately, delete it and do not copy it to anyone else.

We have checked this email and its attachments for viruses. But you should still check any attachment before opening it.
We may have to make this message and any reply to it public if asked to under the Freedom of Information Act, Data Protection Act or for litigation. Email messages and attachments sent to or from any Environment Agency address may also be accessed by someone other than the sender or recipient, for business purposes.

If we have sent you information and you wish to use it please read our terms and conditions which you can get by calling us on 08708 506 506. Find out more about the Environment Agency at www.environment-agency.gov.uk

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

Our ref: HA/2009/106647/01-L01
Your ref: ADC/0140/09

Date: 01 May 2009

Dear Mr Morgan

DEPOSITION OF INERT SOILS (6,000-8,000 CUBIC METRES) TO LEVEL SURFACE AND REINSTATE GRASS FOR HORSE GRAZING
RIVERSIDE COTTAGE STEYNING ROAD SHOREHAM-BY-SEA WEST SUSSEX BN43 5FH

Thank you for your consultation regarding the above which was received on 15 April. Please quote our reference number on any correspondence.

Environment Agency Position

We **OBJECT** to the proposal as submitted and recommend that the planning application should be refused for the following reason:

A Flood Risk Assessment (FRA) has not been submitted in accordance with Planning Policy Statement 25 – "Development and Flood Risk" (PPS25).

The application site lies within Flood Zone *3a* defined by PPS25 as having a high probability of flooding. Paragraph E9 of PPS25 requires applicants for planning permission to submit an FRA when development is proposed in such locations.

In the absence of an FRA, the flood risks resulting from the proposed development are unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission. This reflects the precautionary approach to development in flood risk areas set out in paragraphs 10 and E9 of PPS25.

We will maintain our objection until an adequate FRA has been submitted.

Notwithstanding the above objection, we have the following information:

1) Ecology

There is significant nature conservation value associated with the site. From the plans and documents submitted the proposed development will impact the local environs. The site is located within the Mill Hill Site of Nature Conservation Importance (SNCI). There are records of the presence of Water Voles (Arvicola terrestris) within the vicinity of the proposed development. The application does not include adequate information about the measures proposed to assess and address the risk to ensure protection of the SNCI and associated habitat and species in this location.

An ecological survey is required **prior** to the development of detailed plans, to enable an assessment of the level of risk posed by the development. Without such information, it is not possible to judge whether the proposals would meet the requirements of PPS9 - “Biodiversity and Geological Conservation” (key principles 1i) requiring planning decisions to be “based on up to date information about the environmental characteristics of their areas”. The detailed design, construction, mitigation and compensation measures should be based on the results of a survey carried out at an appropriate time of year by a suitably experienced surveyor using recognised survey methodology.

The survey and risk assessment should:

- identify any rare, declining, protected or otherwise important flora, fauna or habitats within the site. It should be noted that Water voles (protected under the Wildlife and Countryside Act 1981) have been recorded in the vicinity of the development.

- assess the importance of the above features at a local, regional and national level;

- identify the impacts of the scheme on those features;

- demonstrate how the development will avoid adverse impacts (method statements);

- propose mitigation for any adverse ecological impacts or compensation for loss. Further consideration should also be given to the proposed replacement rock bank as this would be of detrimental impact to the remaining vegetative bank side habitat.

- propose wildlife / habitat enhancement measures.

Guidance to assist with the design of the above mitigation measures for Water voles, is provided in the "Water Vole Conservation Handbook" ISBN10: 095463764X , which has been supplied to Local Authorities. Further advice can be obtained from Natural England.

2) Environmental Permit

This development may require an Environmental Permit or an exemption from an Environmental Permit from the Environment Agency. The applicant must ensure that the operations at the site are in accordance with the Environmental Permitting Regulations 2008. The applicant is advised to contact the National Customer Contact Centre on 08708 506 506.

Cont/d..

The Environmental Permit has replaced both the existing Waste Management License and Pollution Prevention Control Permit with a single permit

3) Protection of Controlled Waters

The site lies within Source Protection Zone One (inner) for the Shoreham Public Water Supply borehole and there are licensed groundwater abstractions in this area. There is also a shallow groundwater table beneath this site.

We will be imposing planning conditions and offering further information and advice to reflect these concerns subject to further consultation and the removal of our objection.

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 (South Downs Area)

Direct dial 01903 703862
Direct fax
Direct e-mail planning.southdowns@environment-agency.gov.uk

cc Mr John Morris

End