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Environment Agency

Adur District Council - Development Control
The Shoreham Centre, Pond Road,
Shoreham-by-Sea, West Sussex, BN43 5WU

Reference: PA-0011832/01
Customer reference: AWDM/0723/26
23 September 2026

Erection of 32 no. flats in six storey building plus associated site works, following demolition of existing building.

Montgomery Motors, 37 Albion Street, Southwick, West Sussex, BN42 4DN.

Dear Planning Officer,

Thank you for the consulting the Environment Agency on the above application.

We have reviewed the information as submitted and set out our position and comments below.

Environment Agency position

We have **no objection** to the proposal **provided that the following conditions be attached to any planning permission granted**, and that the details in relation to the conditions are submitted and approved by the local planning authority.

Condition 1 – Previously unidentified 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 further investigation and 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 for condition 1

To ensure that the development does not contribute to and 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. This is in line with P3: Living conditions and pollution, 2 of the National Planning Policy Framework.

This site is located on superficial Head deposits overlying the Tarrant Chalk bedrock, which are designated as Secondary A and Principal Aquifers respectively. It is not within a Source Protection Zone but is located approximately 80m north of the River Adur.

The Phase 1 Contaminated Land Assessment (OES25-002PRH – 25/10/25) and Phase 2 Contaminated Land Generic Quantitative Risk Assessment (OES25-003PRH/V1 – 02/12/25) reports conclude the risks to controlled waters are low, however there is uncertainty around residual contamination due to the historic underground tanks which require a robust Discovery Strategy.

Condition 2 – SuDS infiltration of surface water into ground

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters.

The development shall be carried out in accordance with the approved details.

Reasons for condition 2

The previous use of the proposed development site presents a high risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Principal Aquifer.

In light of the above, we do not believe that the use of infiltration SuDS is appropriate in this location. We therefore request that the above planning condition is included as part of any permission granted. Without this condition we would object to the proposed development in line with P3: Living conditions and pollution, 2 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 3 - Piling

The piling and using penetrative methods hereby permitted by the local planning authority may not commence until such time as a scheme has been submitted to, and approved in writing by, the local planning authority.
The scheme shall be based on the information submitted as part of the application and, where necessary, supported by:

- **A Foundation Works Risk Assessment**
- **A conceptual site model**
- **Specification of the type, number and depth of proposed piles/ foundations/ dimensions of shaft/tunnel/ design of heating and cooling system**
- **A detailed groundwater monitoring programme including a schedule for submission of interim and final monitoring reports**
- **A contingency action plan including the list of potential mitigation measures that will be implemented, should unexpected changes in groundwater quality be noted as a result of decommissioning piling works**
- **Timing/phasing arrangements**

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements contained in the scheme, or any details as may subsequently be agreed, in writing, by the local planning authority.

Reasons for condition 3

Piling and 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. Groundwater is particularly sensitive in this location because the proposed development site is located upon a Principal Aquifer.

In light of the above, the proposed development will only be acceptable if a planning condition controlling disturbance of the aquifer is imposed. Without this condition we would object to the proposed development in line with P3: Living conditions and pollution, 2 of the National Planning Policy Framework because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.

Advice to the Applicant

Waste on-site

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the environmental permitting status of any proposed onsite operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays (03708 506 506 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk).

We recommend that developers should refer to the waste management page on GOV.UK.

We will consider any queries in relation to the use of Definition of Waste: Development Industry Code of Practice (DoWCoP) (which is to be updated) through our environmental permitting enhanced pre-application advice service, considering site conditions, the materials that are proposed to be used, and the potential for harm to the environment and to human health. We can also provide advice as to whether an environmental permit is required. Further information about our environmental permitting enhanced pre-application advice service can be found on the GOV.UK website here - https://www.gov.uk/guidance/get-advice-before-you-apply-for-an-environmental-permit.

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of, is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays (03708 506 506 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk).

If the total quantity of hazardous waste material produced or taken off site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

If you have any questions regarding our response, please contact planningssd@environment-agency.gov.uk.

Yours sincerely,

Anna Rabone, Sustainable Places Technical Specialist MRTPI
National Contact Centre: 03708 506 506
planningssd@environment-agency.gov.uk
Teville Gate House, 25 Railway Approach, Worthing, West Sussex BN11 1UR