dowsettmayhew
Planning Partnership

EMAIL ONLY

Peter Barnett
Principal Planning Officer
Adur & Worthing Councils

peter.barnett@adur-worthing.gov.uk

63a Ship Street
Brighton
BN1 1AE

☏ 01273 671174
Email dale.mayhew@dowsettmayhew.com
URL www.dowsettmayhew.com

7 October 2020

Dear Peter

Planning Portal Reference: PP-09137111
Application for Approval of Details Pursuant to Condition 4 (Ground Contamination Risk Assessment) of Planning Permission AWDM/0760/20 - Land North of 56 Dolphin Road and East of 50 Dolphin Road, Shoreham-by-Sea

I write on behalf of my client, Jericho Management Company Ltd, and further to the grant of planning permission AWDM/0760/20, for works to create a new vehicular access on to Dolphin Road, Shoreham-by-Sea, to serve an existing car park area. This was issued under cover of a Decision Notice dated 11th August 2020. Pursuant to this grant of planning permission, I now submit an application for approval of details reserved by condition, in respect of Condition 4 (Ground Contamination Risk Assessment) attached to the planning permission.

In addition to this letter and application form, the application is supported by a Phase 1 Desk Study & Site Reconnaissance Report (reference LP2337).

Condition 4 - Ground Contamination Risk Assessment

This application seeks Discharge of Planning Condition 4 attached to the grant of consent. This states:

> *"If groundworks are proposed then, prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:*
>
> *(1) A Preliminary Risk Assessment which has identified:*
>
> - *All previous uses;*
> - *Potential contaminants associated with those uses;*
> - *A conceptual model of the site including sources, pathways and receptors;*
> - *Potentially unacceptable risks arising from contamination at the site.*
>
> *(2) A Site Investigation scheme, based on (1) above to provide information for a detailed site assessment of the risk to all receptors that may be affected, including those offsite.*

(3) The Site Investigation results and the detailed Risk Assessment (2) and, based on these, an Options Appraisal and Remediation Strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved Remediation Strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved Verification Plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long term monitoring and maintenance plan') for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the Verification Plan, and for the reporting of this to the Local Planning Authority.

Reason: To prevent pollution of groundwater and in the interests of environmental protection and public health and safety, in compliance with the National Planning Policy Framework and policies 34 and 35 of the Adur Local Plan."

Ground Contamination Risk Assessment

This application is supported by a Phase 1 Desk Study & Site Reconnaissance Report prepared by LEAP Environmental Ltd (Report Reference LP2337).

This details the environmental characteristics of the site and its environs, including with reference to physical characteristics, geology, borehole data, hydrogeology, hydrology, flooding and any designated Environmentally Sensitive Areas.

It details the current, and historic, use of the site, and neighbouring land usage, including by reference to historical map evidence from 1873 to the present day. It notes that the site consisted of fields and a wooded area until industrial development is indicated to have occurred onsite in the early 1950s, which was subsequently replaced by the existing car park, which mapping indicates had occurred by 2007.

Section 7 of the report sets out the Environmental Risk Assessment, including with reference to a conceptual site model. It details the potential onsite sources of contamination, by reference to allotment gardens; an onsite buildings; car park; and potentially made ground. It has regard to offsite sources, substantively relating to adjoining industrial development, and utility infrastructure.

It notes that the potential receptors to be impacted by any contaminants of concern identified, include future site users; construction workers; groundwater; material construction of buildings and infrastructure; and neighbouring properties.

The report notes the pathways and potential contaminant linkages and concludes none will be created by the proposed development. This is on the basis that, following the completion of the works, any potential contaminants of concern will be encapsulated by the new hardstanding surfacing, and pathways will be broken.

It notes there are no enclosed spaces that will facilitate the concentration of land gases or potentially hazardous vapours. Furthermore, it notes contaminant linkages are not anticipated to be present in the new area of soft landscaping, as this will be contained in 'planters' and not in contact with any historic landfill material.

It notes that during the construction phase ground-workers are at risk from direct contact from potential contaminants. On this basis, the report recommends appropriate risk assessments, method statements, and correct use of PPE by such construction workers.

The report notes that the site is underlain by a medium vulnerability, secondary aquifer, whilst the underlying chalk is of high vulnerability leaching potential. However, it notes that once the construction works have been completed, infiltration through the hardstanding will be minimal, and as such, contaminant linkages between potential onsite sources and controlled water receptors are not considered to be active.

The report therefore concludes, that following development no contaminant linkages are identified above moderate/low. It notes that as a result, it is not recommended that an intrusive Site Investigation or Risk Assessment is required in conjunction with the implementation of this development.

In light of the above, it is submitted that the overarching requirements of Condition 4 of planning permission AWDM/0760/20 have been addressed. It is submitted that the sequential approach to the assessment of ground contamination risk has been followed. The completion of the Phase 1 Assessment has concluded that there are no unacceptable risks arising from contamination at the site in conjunction with the implementation of the development, and that, as a result, it is not necessary to undertake further intrusive investigations, remediation, or production of an associated Verification Plan.

For the above reasons, it is requested that Condition 4 in respect of its constituent parts (1 - 4) is approved.

I look forward to receiving confirmation of registration of the application and positive determination as soon as possible, to enable the approved works to be commenced. If you do require anything further, please do not hesitate to let me know.

Yours sincerely



Dale Mayhew BA (Hons) BTP MRTPI
Director

Enc: Phase 1 Desk Study & Site Reconnaissance Report prepared by Leap Environmental Ltd