

Arun District Council
Development Control
1 Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Our ref: HA/2015/117046/01-L01
Your ref: WA/22/15/OUT
Date: 01 June 2015

Dear Sir/Madam

OUTLINE APPLICATION WITH SOME MATTERS RESERVED TO PROVIDE UP TO 400 NO. NEW DWELLINGS, UP TO 500 SQM OF NON-RESIDENTIAL FLOORSFACE (A1, A2, A3, D1 AND/OR D2), 5000 SQM OF LIGHT INDUSTRIAL FLOORSFACE (B1 (B)/(C)) & ASSOCIATED WORKS INCLUDING ACCESS, INTERNAL ROAD NETWORK, HIGHWAY WORKS, LANDSCAPING, SLECTED TREE REMOVAL, INFORMAL & FORMAL OPEN SPACE & PLAY AREAS, PEDESTRIAN & CYCLIST INFRASTRUCTURE UTILITIES, DRAINAGE INFRASTRUCTURE, CAR & CYCLE PARKING & WASTE STORAGE. THIS APPLICATION IS A DEPARTURE FROM THE DEVELOPMENT PLAN & A DUAL PARISH WITH EASTERGATE.

LAND TO THE EAST OF FONTWELL AVENUE FONTWELL

Thank you for your consultation on this proposal. Please quote our reference number in any correspondence.

Environment Agency Position

We object to the application as insufficient information has been submitted to demonstrate that the proposed development will not result in an unacceptable risk to the environment. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis in accordance with the precautionary principle.

The application as submitted currently lacks the following information:

1. Confirmation from Southern Water that the mains foul sewer has sufficient capacity to accept sewage from the proposed development. If there is insufficient capacity, we

Environment Agency
Guildbourne House Chatsworth Road, Worthing, West Sussex, BN11 1LD.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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are concerned whether the developer would be able to achieve a viable alternative non mains sewage option for this development. We would strongly recommend the LPA obtain assurances from Southern Water that this development can be accommodated by mains drainage. Should the applicant wish to discuss potential non mains drainage options we would strongly recommend they enter into discussions with the Environment Agency in line with the principles of parallel tracking.

2. Risk to ground water from the proposed development including development within a source protection zone 1 have not been fully assessed.

Reasons

The site is located within groundwater Source Protection Zone 1 (SPZ1) where we carefully monitor development proposals of all types. SPZ1 identify the catchment areas where sources of potable water are at particular risk from polluting activities on or below the land surface.

The applicant has indicated in their planning application that foul water from the proposed development will be discharged into the mains foul sewer. However, the Environment Agency is aware of capacity issues with the mains sewer in this area and that connection to it from this scale of development may not be possible. The applicant has failed to provide adequate evidence from Southern Water to the contrary.

The site is within SPZ1 and is located in close proximity to groundwater abstraction at Eastergate public water supply. Based on our current understanding of the hydrogeological regime at the site and because of potential risks to potable supplies of groundwater we are likely to object to any scheme involving the storage of sewage effluent in cess pits or discharging effluent to ground at this site.

Therefore a full drainage impact assessment is therefore required.

We ask to be re-consulted once further information is submitted in relation to the above concerns. We will provide you with bespoke comments within 21 days of receiving formal reconsultation.

If you are minded to approve the application contrary to our objection, I would be grateful if you could re-notify the Environment Agency to explain why material considerations outweigh our objection, and to give us the opportunity to make further representations. We should be re-consulted to give us the opportunity to make further representations. Should our objections detailed above be removed, we will recommend the imposition of conditions to be included on any subsequent approval.

Overcoming Our Objections

Objection 1

The applicant is advised to contact Southern Water to discuss foul sewage arrangements for the site and provide written confirmation to the LPA that they are able to discharge foul water from the proposed development into the main foul sewer. Once this information has been submitted, we may be in a position to recommend appropriate Planning Conditions and remove our objection.

Objection 2

The applicant should provide information to satisfactorily demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures, including development within Source

Protection Zone 1 and surface water drainage impacts to groundwater.

Supporting Notes

The Land Engineering Works Statement

This report has provided a brief description of the ground conditions and groundwater levels from investigation undertaken. It is noted that the borehole were shallow, all under 3m in depth. The ground conditions have identified that the site lies on silt, clay and gravels over Chalk. Groundwater levels were only identified at one location (DS103 - south west corner) which showed that groundwater is very shallow. However it hasn't been assessed whether this is a perched groundwater table or whether it is in continuity with the chalk groundwater.

This report has failed to identify that parts of the site lie within Source Protection Zone 1 for Eastergate public water supply borehole. Groundwater is abstraction from a borehole from the chalk aquifer which lies to the west of the site. Groundwater at this location is extremely sensitive and any development at this location presents a risk of pollution. The risk are associated with construction, development, drainage (foul and surface water) and any infrastructure and infrastructure activities such as storage of liquids, fuels and waste. The area proposed for GTR – Employment facility is located within the Source Protection Zone 1. This proposal presents the greatest risk of pollution. We would prefer to see different land use proposals within this location for instance green infrastructure or public open space.

In addition to this, any ground improvement methods, including piling presents a risk of turbidity pollution. We recommend that Portsmouth Water is consulted on this application as they would wish to comment on this specific risk.

The assessments and investigations undertaken are inadequate to assess the potential risk of pollution from the proposed development.

Lidsey Foul Water Treatment Catchment Area Statement

We support the requirement for further assessment groundwater flooding at this locality. We are aware of groundwater flooding in the locality particularly to the west of the proposed development and on Fontwell Avenue. This occurred during the 2013/14 winter storm events. Though ongoing groundwater monitoring for majority of the shallow boreholes has shown that groundwater depths are below 3m, the boreholes were only drilled to 3m depth. For any further assessment of surface water drainage scheme, we recommend that deeper boreholes are drilled to assess groundwater depths.

The report has stated that whilst they have applied to Southern Water regarding foul water flows and connection, no response has been provided. A full drainage impact assessment is therefore required. However it must be noted that if connection is not approved, the development may have to consider a private treatment system. If this is the case then the flows generated from the development may require a large area for foul water infiltration and this has not been considered in the proposal. Any private discharge to ground would require an Environmental Permits from the Environment Agency. Considering the site lies in a very sensitive groundwater area, any discharge presents a risk of pollution. We therefore have insufficient information to fully comment on the overall proposal.

Surface Water Drainage

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Whilst we support sustainable urban drainage (SUDs) schemes, as the site lies in a Source Protection Zone 1, water quality is an important consideration particularly as this is mixed use development. No information has been presented on any proposed measures which include pollution prevention. Any SUDs scheme at this location will have to include treatment train principles of the highest design specification so that water quality discharges in to ground are of the highest quality.

Groundwater Protection Policy

Our decision is in line with the following position statements in our Groundwater Protection: Principles and Practice (GP3):

<https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>

A2 - Precautionary principle

Development must be appropriate to the sensitivity of the site. Where the potential consequences of a development or activity are serious or irreversible we will adopt the precautionary principle to the management and protection of groundwater, particularly in the absence of adequate information with which to conduct an assessment.

G2 - Sewage effluent discharges inside SPZ1

Inside SPZ1 we will require all sewage effluent discharges (new or existing) to hold a permit.

All permit applications will be considered on the basis of risk assessment and the appropriateness of the discharge with respect to the local environmental setting. Where necessary we will use a notice to stop any unacceptable discharge.

G10 - Developments posing an unacceptable risk of pollution

We will object to new developments that pose an unacceptable risk of pollution to groundwater from sewage effluent, trade effluent or contaminated surface water. This applies if the source of pollution is an individual discharge or the combined effects of several discharges, or where the discharge will cause pollution by mobilising contaminants already in the ground. In all cases we will object to any proposal to discharge untreated sewage* to groundwater and will use our notice powers to ensure treatment of any existing discharges.

National policy justification - England

The National Planning Policy Framework paragraph 109 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 or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

This objection is also supported by paragraph 122 of the National Planning Policy Framework (NPPF) which recognises that the planning system and pollution control regimes are separate but complementary. Planners are asked to consider the acceptability of the proposed use of land and the impacts of that use, but not the control of processes and emissions that will be covered by a permit.

Yours faithfully

Mrs Sophie Brown
Sustainable Places Planning Advisor

