

West Sussex County Council  
Development Control  
County Hall Tower Street  
Chichester  
West Sussex  
PO19 1RH

**Our ref:** HA/2021/123194/01-L01  
**Your ref:** WSCC/011/21  
**Date:** 12 May 2021

Dear Sir/Madam

**DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AND CONSTRUCTION AND OPERATION OF AN ENERGY RECOVERY FACILITY AND A WASTE SORTING AND TRANSFER FACILITY FOR TREATMENT OF MUNICIPAL, COMMERCIAL AND INDUSTRIAL WASTES, INCLUDING ANCILLARY BUILDINGS, STRUCTURES, PARKING, HARDSTANDING, AND LANDSCAPE WORKS FORD ENERGY FROM WASTE, GRUNDON WASTE MANAGEMENT, VIRIDOR ENERGY**

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 note the revised Environmental Statement dated March 2021. We have no further comments further to our previous response on application reference WSCC/036/20.

The proposed development will be acceptable if the following **conditions** are included on the planning permission's decision notice. Without these conditions we would object to the proposal due to its adverse impact on the environment.

**Conditions**

The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 170 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,

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

Cont/d..

unacceptable levels of water pollution.

### **Condition 1 of 6 – Remediation Strategy**

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (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 the remediation strategy 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 written consent of the local planning authority. The scheme shall be implemented as approved.

#### **Reason**

The Geoenvironmental Desk Study (June 2020) identifies a number of past uses of the site which have the potential for contamination to be present in the ground and groundwater. This condition is required to ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework. .

### **Condition 2 of 6 – Verification Report**

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of 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.

#### **Reason**

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan

have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

### **Condition 3 of 6 – 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 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.

#### **Reason**

To ensure that the development does not contribute to, 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 paragraph 170 of the National Planning Policy Framework.

### **Condition 4 of 6 - Construction Method Statement**

No development, including any demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- *Information on the demolition and construction design;*
- *Management of pollution during construction*
- *the storage of plant and materials used in constructing the development;*
- *wheel washing facilities;*

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

#### **Reason**

To ensure that activities carried out from the proposed demolition and construction does not result in a deterioration of groundwater quality. We would like to see a full risk assessment and to highlight that a permit may be required for any dewatering activities proposed.

### **Condition 5 of 6 – Surface Water Infiltration**

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.

#### **Reason**

To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

### **Condition 6 of 6 – Piling**

Piling and using penetrative methods shall not be carried out other than with the written

consent of the local planning authority. The development shall be carried out in accordance with the approved details.

### **Reason**

To ensure that the proposed development, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

### Advice to Local Planning Authority / Applicant

Regarding our proposed condition 1 (Remediation Strategy), Chapter 11 of the Environmental Statement indicates the possible presence of two groundwater abstractions on site. We will require further information on these included in the strategy and if they are still in use. If they are no longer required then they will need to be decommissioned following the relevant guidance in order that they do not act as preferential pathways for contamination to groundwater

Regarding our proposed condition 5 (Surface Water Infiltration) the previous industrial uses of the site presents a medium risk of contamination that could be mobilised during construction to 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 this, we do not believe that the use of infiltration SuDS is appropriate in this location. We therefore request that the planning condition is included as part of any permission granted. Without this condition we would object to the proposal in line with paragraph 170 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.

Regarding Condition 6 (Piling) 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 proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources

### **Informatives**

#### Environmental Permit

Please note that this development may require an Environmental Permit, a variation of an existing 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 (NCCC) on 03708 506 506.

Under the Environmental Permitting (England and Wales) Regulations 2010 the operator of a waste site will require an environmental permit for the importation, storage and treatment of waste.

**The need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of an environmental permit.**

### Pollution Prevention

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to our guidance 'PPG1 – General guide to the prevention of pollution', which is available on our website at [Pollution Prevention Guidance](#)

In the event of a pollution incident, all works should cease immediately and the Environment Agency should be contacted via the incident hotline 0800 807060.

Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

Yours faithfully

**Mrs Sophie Brown**  
**Sustainable Places Planning Advisor**

Direct e-mail [planningSSD@environment-agency.gov.uk](mailto:planningSSD@environment-agency.gov.uk)