

Rother District Council  
Development Control  
Town Hall London Road  
Bexhill-on-Sea  
East Sussex  
TN39 3JX

**Our ref:** KT/2018/125091/02-L01  
**Your ref:** RR/2017/1778/P

**Date:** 12 February 2019

ROTHER DISTRICT COUNCIL	
PLANNING DEPT	
REC'D	13 FEB 2019
REFERRED TO:	
REPLY REQUIRED:	
ACK CARD DATE SENT:	

Dear Sir/Madam

**Demolition of Queen Adelaide public house and erection of 65 residential dwellings comprising 38 houses and 27 flats with associated landscaping, car parking and other infrastructure**

**FORMER THOMAS PEACOCKE SCHOOL SITE, FERRY ROAD, RYE, TN31 7DJ**

In accordance with the National Planning Policy Framework (paragraph 158), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. We understand this site is allocated for residential development within the Local Plan and therefore under guidance within NPPF, the sequential test can be considered to be met.

We have no objection to the above development; however it will only meet the National Planning Policy Framework's requirements if the following planning condition is included;

**Condition**

The development shall be carried out in accordance with the submitted flood risk assessment (ref 208805 Fourth Issue 23/11/18) and the following mitigation measures it details:

- Finished floor levels for all living accommodation shall be set no lower than 3.99m above Ordnance Datum (AOD) for all living accommodation and 4.29m ODN for all sleeping accommodation.
- Surface water run-off generated by shall be limited so that it will not exceed the run-off from the undeveloped site. **Flooding will not be increased off-site.**

NB We note that the flood risk assessment states floor levels to be set a minimum of 300mm above the design flood level of 3.69m ODN. However, where ground floor apartments and sleeping accommodation are proposed, we will require the floor

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levels to be set a minimum of 600mm above this level.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason** - To reduce the risk of flooding to the proposed development and future occupants.

### **Emergency Access and Egress**

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The FRA states that a dry pedestrian escape route will be provided at 3.69m ODN (at the design flood level) and that the spine road carriageway will be set at 3.49mODN. The FRA concludes that this will provide a 'dry escape route' with a 'Low Hazard' route from the site exit to the Rye Community Centre in Conduit Hill during the residual risk event.

Whilst we accept the modelled flood levels and that depths should be shallow this does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your emergency planners and the emergency services to confirm the adequacy of the evacuation procedures proposed in the Flood Response Plan.

### **Contamination**

The proposed development is located upon the Ashdown beds which are designated as a Secondary aquifer A. Groundwater is therefore sensitive in this location. The Geoenvironmental Desk Study by Jomas Associates Ltd dated August 2014 carried out for the proposed development has identified a moderate to low risk from contamination is present at the site. This contamination could be mobilised during construction and migrate to pollute controlled waters.

Further detailed information will be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, 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, unacceptable levels of water pollution.

### **Condition**

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** - 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.

### **Note to LPA**

We feel the Geoenvironmental Desk Study by Jomas Associates Ltd has been carried out in line with relevant guidance and has therefore satisfied part one of the above condition. The assessment of risk and recommendation for further investigation made in this report are agreed in principle. We now look forward to receiving the relevant reports in due course.

### **Condition**

Prior to any part of the permitted development being occupied, 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**

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.

### **Drainage**

#### **Surface Water**

The Drainage Strategy by Canham Consulting (ref: 208805 - Rev:P3) dated 14/07/2017 has been reviewed. Surface water is to be discharged to a surface watercourse and storage provided by attenuation tanks. Infiltration SuDs have not been included in the proposed drainage strategy due to the low permeability of the geology. As no discharge to ground has been proposed we have no issues with the proposed surface water drainage strategy from a groundwater protection point of view.

#### **Foul Water**

The proposed development is to dispose of foul water via connection to a newly constructed sewer network. However given the number of dwellings to be constructed as part of this development, in order to prevent groundwater being put at unnecessary risk from pollution, we feel the following planning condition should be included in any planning permission granted. This is to ensure that necessary upgrades to the sewer network are carried out to accommodate the proposed development.

#### **Condition**

The overall development hereby permitted shall not be commenced until such time as a scheme to connect all plots to mains foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

**Reasons** - The National Planning Policy Framework paragraph 170 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 of water pollution.

**Informative**

Developments should not be brought forward until relevant upgrades in main sewer provision are made for new development areas, or existing villages/hamlets where growth is expected. Cess pits and septic tanks pose a risk to water quality in principal and secondary aquifers and cumulative impacts of new developments must be considered. Multiple single discharges to ground cannot fall under the binding rules exemptions and developments of more than one property will not be considered for individual discharges to ground in principle.

**Discharge of Conditions**

Please consult us on the details submitted to your authority to discharge this condition and on any subsequent amendments/alterations.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

Sophie Page

**Mrs Sophie Page**  
**Planning Specialist**

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