creating a better place
for people and wildlife

Environment Agency

Horsham District Council
Planning team
Park House
North Street
Horsham
West Sussex
RH12 1RL

Our ref: HA/2025/126500/01
Your ref: DC/25/0029

Date: 04 February 2025

Dear Planning team (FAO: Meg Bayliss),

REPLACEMENT OF EXISTING FUEL TANKS, FILLS, PIPEWORK AND FORECOURT WITH ALTERATIONS TO EXISTING PARKING ARRANGEMENTS.

TESCO EXPRESS, REDKILN WAY, HORSHAM, WEST SUSSEX, RH13 5QH.

Thank you for 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 these conditions be submitted and approved by the Local Planning Authority.

Condition 1 – Underground storage tanks – further details

The development hereby permitted may not commence until such time as a scheme to install underground tanks has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipework and monitoring system.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the local planning authority.

Reasons for condition 1

Underground storage of polluting substances poses particular risks to groundwater because of the problems of leak detection. Groundwater is particularly sensitive in this location because the proposed development site is located upon Secondary Aquifer A.

The submitted Preliminary Risk Assessment (by WSP, dated October 2024, reference: UK0028658.8970 - UK-PRA) provides us with confidence that it will be possible to suitably manage the risks posed to groundwater resources by this development. Further detailed information will however be required before any development is undertaken. It is our opinion 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 submission and subsequent agreement of further details as set out above. Without this condition we would object to the proposal in line with paragraph 187 of the National Planning Policy Framework because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.

Condition 2 – 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.

Reasons for condition 2

The existing use of the proposed development site as a petrol filling station and previous use as a car wash 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 Secondary Aquifer A.

The submitted Preliminary Risk Assessment (by WSP, dated October 2024, reference: UK0028658.8970) demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however 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 196 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 187 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 - 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.

Reasons for condition 3

To ensure that the site does not pose any further risk to 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 187 of the National Planning Policy Framework.

Condition 4 - 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 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 4

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 paragraph 187 of the National Planning Policy Framework.

Cont/d..

Please notify us immediately if you are unable to apply our suggested conditions to allow further consideration and advice.

Advice to the Applicant

Petrol filling station/fuel distribution in secondary aquifer

Good practice should be followed in the location, design, construction and maintenance of petrol stations and other fuel dispensing facilities. Due regard should be given to 'The Environment Agency's approach to groundwater protection' document, in particular the position statements and guidance in the section on the storage of pollutants (chapter D).

You should also refer to the following pollution prevention and mitigation guidance including:

- Guidance on Environmental Management at Petrol Filling Stations – Energy Institute
- Design, construction, maintenance and decommissioning of filling stations (also known as the Blue Book (APEA/EI) – Energy Institute – 2011
- Groundwater Protection Code – Petrol stations and other fuel dispensing facilities involving underground storage tanks – Defra Code of Practice
- CIRIA C736:Design of Containment Systems for the Prevention of Water Pollution

The Blue Book provides detailed information on the decommissioning (and investigation) of redundant tanks, risk assessment, the design and construction criteria and maintenance procedures which we expect to be implemented. Please note that our comments are only in relation to environmental issues. Others may need to be consulted with respect to Health and Safety or amenity issues.

If you have any queries regarding the above information, please do not hesitate to contact the advisor identified below.

Yours faithfully,

Environment Agency – Solent & South Downs

Sustainable Places Advisor: Anna Rabone
[redacted]

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