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Sent: 01 April 2025 16:37:01 UTC+01:00
To: "planninginfo" <planninginfo@midsussex.gov.uk>
Subject: Mid Sussex DC - Online Register - Consultee Comments for Planning Application
DM/25/0827

Consultee comments

Dear Sir/Madam,

A consultee has commented on a Planning Application. A summary of the comments is provided below.

Comments were submitted at 01/04/2025 4:36 PM from Oliver Benson on behalf of Contaminated Land.

Application Summary

Reference:	DM/25/0827
Address:	Land East Of Lunce's Hill Fox Hill Haywards Heath West Sussex
Proposal:	Outline planning application for the erection of up to 130 dwellings, together with the change of use of an existing barn for a flexible community and/or commercial use, along with associated outdoor space and landscaping, drainage infrastructure, hard and soft landscaping, parking, access and associated works (all matters reserved except for access).
Case Officer:	Steven King

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Comments Details

Comments:	<p>I have reviewed the phase 1 desk study contaminated land report by GRM, ref: GRM/P10681/DS.1/Rev. A, dated the September 2024, submitted with the outline planning application for the erection of up to 130 dwellings, change of use of an existing barn for a flexible community and/or commercial use, and associated infrastructure on Land East of Lunce's Hill, Fox Hill.</p> <p>The report includes a Preliminary Risk Assessment (PRA) and Conceptual Site Model (CSM), which identify several plausible pollutant linkages. The preliminary risk rating for the majority of these linkages has been classified as low or very low, with a potential moderate risk from made ground in certain places, such as the bank-filled pond, coming into contact with future residents.</p>
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While the potential pollutant linkages identified in the desk study are not considered to prevent development, they may require remediation or risk mitigation measures to reduce risks to key receptors.

To progress the application, in line with the report, it is recommended that an intrusive investigation and associated testing be undertaken to confirm if there is a risk posed by the made ground on site and whether remediation works are required.

A phased contaminated land condition should be attached to the application. This will require an intrusive investigation, followed by remediation and validation if necessary. Additionally, a discovery condition should be attached to address any contamination found during ground works that was not identified during the investigation stage. Given that intrusive investigations can only take place in specific locations, there is always a risk that contaminants may exist between test points.

Recommendation: Approve with the following conditions:

1) Prior to the commencement of development approved by this planning permission (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:

a) A site investigation, based on the phase 1 desk study contaminated land report, by GRM, ref: GRM/P10681/DS.1/Rev. A, dated the September 2024, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;

and, unless otherwise agreed in writing by the LPA,

b) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

In addition, the following precautionary condition should be applied separately:

3) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Kind regards