

Mid Sussex District Council
Development Control
Oaklands Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

Our ref: HA/2025/127096/01-L01
Your ref: DM/25/1753

Date: 13 October 2025

Dear Sir/Madam

REMOVAL OF ABOVE GROUND OIL TANK AND REPLACEMENT WITH BELOW GROUND LPG TANK, REPLACEMENT OF CESS PIT WITH NEW BELOW GROUND WATER TREATMENT PLANT, REPLACEMENT RETAINING WALL AND STEPS.

TANYARD MANOR, HORSTED LANE, SHARPTHORNE, EAST GRINSTEAD, WEST SUSSEX, RH19 4HY.

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 proposed development as submitted, 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.

Underground storage tank – further information

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. Further detailed information will however be required before any development is undertaken.

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 below. Without this condition we would object to the proposed development in line with paragraph 187 of the NPPF because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.

Condition (Underground storage tank – further information)

The development hereby permitted shall not commence until such time as a scheme to install the underground tank has been submitted to, and approved in writing by, the LPA.

The scheme shall include the full structural details of the installation, including details of: excavation, the tank, 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 LPA.

Reason

To ensure that the underground storage tank does not harm the water environment in line with paragraph 187 of the NPPF.

On site contamination

The previous use of the proposed development site as tanning yard presents a medium risk of contamination that could be mobilised during site works and 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.

Further detailed information is however required before built development is undertaken.

In light of the above, the proposed development will be acceptable, if a planning condition is included requiring the submission of a detailed land contamination management strategy. This should be carried out by a competent person in line with paragraph 196 of the NPPF.

Without the following condition we would object to the proposed development in line with paragraph 187 of the NPPF because it cannot be guaranteed that the development will contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate or will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition (Remediation of previously developed land)

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 LPA. This strategy will include the following components:

1. Up to date Preliminary Risk Assessment (PRA) and conceptual model following

- the results of an exploratory investigation
2. A detailed site investigation scheme, based on the results from (1) to provide information for a detailed risk assessment to all receptors that may be affected, including those off-site.
 3. A tiered risk assessment using the results of the site investigation referred to in (2).
 4. An options appraisal including sustainability and treatability studies of the remediation measures required and how they are to be undertaken.
 5. A remediation strategy and verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, mitigation, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the LPA. The scheme shall be implemented as approved.

Reason

- 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 in line with paragraph 187 of the NPPF.
- To ensure the development will contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate in line with paragraph 187 of the NPPF.

Condition (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 LPA. 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 the land and 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 NPPF.

Condition (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 LPA) shall be carried out until further investigation and a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the LPA. The remediation strategy shall be implemented as approved.

Reason

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 NPPF.

Advice to applicants

Discharge of treated sewage effluent to ground

The discharge of domestic sewage associated with this development may require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016 from the Environment Agency. You can find more information online at [Septic tanks and sewage treatment plants: what you need to do: Overview - GOV.UK](#) or contact us on 03708 506506 for an application form and guidance. You should be aware that the permit may not be granted. A permit will only be granted where the risk to the environment is acceptable.

Deep infiltration systems are not normally an appropriate disposal option. See groundwater position statement G9 in [The Environment Agency's approach to groundwater protection](#).

Waste on-site

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the environmental permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to the [waste management](#) page on GOV.UK.

We will consider any queries in relation to the use of [Definition of Waste: Development Industry Code of Practice \(DoWCoP\)](#) (which is to be updated) through our environmental permitting enhanced pre-application advice service, considering site conditions, the materials that are proposed to be used, and the potential for harm to the environment and to human health. We can also provide advice as to whether an environmental permit is required.

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of, is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with [British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan'](#) and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on GOV.UK for more information.

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

Yours faithfully

Mr John Fanning
Planning Advisor

Direct e-mail: John.Fanning@environment-agency.gov.uk