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Sent: 12 December 2024 11:04:25 UTC+00:00
To: "Joanne Fisher" <joanne.fisher@midsussex.gov.uk>
Subject: Mid Sussex DC - Online Register - Consultee Comments for Planning Application DM/24/2970

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 12/12/2024 11:04 AM from Oliver Benson on behalf of Contaminated Land.

Application Summary

Reference:	DM/24/2970
Address:	Capital Hair And Beauty Unit A Consort Way Burgess Hill West Sussex RH15 9TJ
Proposal:	Construction of new commercial building within classes E(g), B2 and B8.
Case Officer:	Joanne Fisher

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Comments Details

I have reviewed the Phase 1 Contamination Assessment prepared by Land Science, reference LS7961, dated 17th of October 2024.

Comments: The report identifies a high level of risk associated with the proposed development, stemming from several significant contamination sources. The widespread presence of Made Ground exceeding 1 metre in depth is concerning, as it may contain various contaminants such as metals, non-metals, organic compounds, and asbestos. Additionally, the site's previous use for manufacturing hair and beauty products, combined with the presence of an electrical substation, increases the likelihood of hydrocarbon and heavy metal contamination. The 2023 fire incident has further exacerbated contamination risks, with firefighting runoff likely introducing a range of pollutants into the soil and groundwater. Offsite commercial activities are also noted as contributing to potential groundwater contamination, though these risks are

generally less severe.

The assessment highlights the need to address contamination risks from soil, groundwater, vapours, and ground gases. The report suggests that the depth and composition of the Made Ground may generate ground gases and leach contaminants into groundwater. Furthermore, the fire damage and associated firefighting runoff represent a significant source of contamination that requires thorough investigation and mitigation.

As such, a detailed intrusive ground investigation will be required to evaluate the nature and extent of contamination across the site. The report notes that this should include soil sampling to assess the composition and depth of the Made Ground, with particular focus on areas impacted by the fire and the former electrical substation. Groundwater monitoring should also be conducted to determine the potential migration of contaminants. Additionally, monitoring wells should be installed, especially in areas where Made Ground exceeds 1 metre in depth, to assess hydrocarbon impacts and ground gas risks.

I concur with the assessment that, based on these findings, further investigation of the site is necessary to ensure it is safe for its intended end use. This requirement should be conditioned, along with the requirement that, if necessary, based on the findings of the intrusive investigation, a remediation strategy should be completed, and a further validation report submitted once the works are done.

Furthermore, I recommend the conditioning of a discovery strategy, ensuring that if yet unidentified contamination is encountered during groundworks, operations cease until a thorough assessment is conducted, and the Local Planning Authority (LPA) is promptly informed.

Recommendation: Approve with the following conditions.

1) The development hereby permitted shall not be occupied/brought into use until the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, have each been submitted to and approved, in writing, by the local planning authority:

a) A site investigation report, based on the Phase 1 Contamination Assessment prepared by Land Science, reference LS7961, dated 17th of October 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.

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