

Mid Sussex District Council
Planning Policy
Oaklands Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

Our ref: HA/2025/126516/01-L01
Your ref: DM/25/0016

Date: 17 February 2025

Dear Planning Team,

OUTLINE PLANNING APPLICATION (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED) FOR THE ERECTION OF UP TO 150 DWELLINGS, A 65 BED CARE HOME, AND COMMUNITY FACILITY, AND ASSOCIATED INFRASTRUCTURE INCLUDING NEW ACCESS POINTS OFF OF WYCHWOOD WITH ASSOCIATED SPINE ROAD AND CAR AND CYCLE PARKING, TOGETHER WITH PROVISION OF OPEN SPACE, PLAY FACILITIES, UTILITIES INFRASTRUCTURE, SURFACE WATER DRAINAGE FEATURES, AND ASSOCIATED WORKS.

LAND WEST OF TURNERS HILL ROAD AND NORTH OF HUNTSLAND TURNERS HILL ROAD, CRAWLEY DOWN, WEST SUSSEX

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 condition be attached to any planning permission granted**, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.

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 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

The previous use of the proposed development site as agricultural land 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 application's Desk Study Report (Geo-Environmental, ref GE21953/DSR/DEC23, version 1.0, dated December 2023) 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 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 be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Advice to the Applicant

Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the 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 [position statement](#) on the Definition of Waste: Development Industry Code of Practice
- The [waste management](#) page on GOV.UK

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 you receive (or reject) any hazardous waste, you must send a report to the Environment Agency. These are known as 'returns'. If you dispose of hazardous waste at the premises where it's produced you may also need to send returns. You should follow the guidance provided here: [Hazardous waste: consignee returns guidance](#)

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

Yours faithfully,

Alexandra Jackson
Sustainable Places Advisor

Direct dial 07810832371

Direct e-mail alexandra.jackson@environment-agency.gov.uk