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**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

APPLICATION FOR DISCHARGE OF PLANNING CONDITION

REFERENCE: DM/26/1727

DESCRIPTION: DISCHARGE OF PLANNING CONDITIONS NO'S 4, 5 AND 7
RELATING TO PLANNING APPLICATION DM/24/3051.

LOCATION: HIGHFIELDS, WEST HILL, EAST GRINSTEAD, WEST SUSSEX

DECISION DATE: 5 AUG 2026

CASE OFFICER: JOANNE FISHER - JOANNE.FISHER@MIDSUSSEX.GOV.UK

I refer to your application for approval of details reserved by condition received 15th July 2026.

The Authority has considered your application, and I can confirm the following:-

Conditions:

5. The revised Highways and Logistics Plan (Rev 4) and the Construction Environmental Management Plan (Rev 1c) is considered acceptable. I hereby discharge condition 5 attached to planning reference DM/24/3051.

Unfortunately, I am unable to formally discharge the following condition(s) for the reason(s) below:

7. The Council's Contaminated Land Officer has considered the submitted Phase 2 Ground Investigation and Contamination Assessment and has provided the following comments:

'The investigation identified an elevated concentration of arsenic within made ground, with a reported concentration of 63 mg/kg, exceeding the assessment criterion adopted within the report. The consultant concludes that further assessment is

required to determine whether this represents a localised hotspot and recommends additional investigation.

Condition 7(a) requires a site investigation that provides sufficient information for a detailed assessment of risk to all receptors. In this case, the consultant's own conclusions indicate that further work is necessary before the significance and extent of the arsenic contamination can be properly understood. As a result, I do not consider the contamination to have been fully characterised and therefore do not consider the requirements of Condition 7(a) to have been met.

Until the extent and significance of the arsenic contamination have been established, it is not possible to determine whether remediation is required or what form any remediation should take. Consequently, it would be premature to assess compliance with Condition 7(b), which requires an options appraisal and remediation strategy based on the completed site investigation and risk assessment.

I therefore recommend that the applicant undertakes further assessment of the identified arsenic hotspot as the report suggests. If unacceptable risks are identified, an appropriate remediation strategy should also be submitted for approval.'

In light of the above I am currently **unable** to discharge condition 7 attached to planning reference DM/24/3051 and further information is required.

I would appreciate your attention to the above matter, please submit the outstanding requirements as soon as possible, in order that this matter can be given further consideration.

INFORMATIVES

1. The submitted Construction Environmental Management Plan submitted in respect of condition 4 also refers to condition 3. No application to discharge condition 3 has been submitted nor has it been included within this discharge of condition application. A separate application to consider condition 3 will need to be submitted for consideration.



Eric Owens
Interim Assistant Director Planning and Sustainable Economy

SPDCOZ

APPEALS TO THE SECRETARY OF STATE

Notes for Applicants

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

However, if

- (i) this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or
- (ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
 - 28 days of the date of service of the enforcement notice, or
 - within 12 weeks in the case of a householder appeal of the date of this notice, whichever period expires earlier.

If you want to appeal, then you must do so using a form which you can get from The Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.