

Horsham District Council  
Development Control  
Park House North Street  
Horsham  
West Sussex  
RH12 1RL

**Our ref:** HA/2025/126689/01  
**Your ref:** DC/25/0403  
**Date:** 24 April 2025

Dear Planning team (FAO: Amanda Wilkes),

**FULL PLANNING APPLICATION TO FORM A COMPREHENSIVE MASTERPLAN INCLUDING: 1. RATIONALISATION AND ENHANCEMENT OF EXISTING COMMERCIAL FACILITIES (USE CLASSES E(G) B2 AND B8 AT STONEHOUSE BUSINESS PARK INCLUDING DEMOLITION OF TWO BUILDINGS AND THEIR REPLACEMENT WITH NEW CLASS E(G), B2 AND B8 FACILITIES. EXTENSION OF EXISTING BUILDING TO FORM A NEW OFFICE AND WARDENS' ACCOMMODATION. EXISTING MOBILE HOME REMOVED. 2. DECOMMISSIONING OF THE ANAEROBIC DIGESTER AND RE-USE OF THE EXISTING 2NO BUILDINGS FOR STORAGE AND OFFICE USES (CLASS E (G) AND B8) AND THE DIVERSION OF A PUBLIC FOOTPATH. 3. RESIDENTIAL REDEVELOPMENT OF THE JACKSONS FARM SITE INCLUDING THE DEMOLITION OF EXISTING BARNs TO PROVIDE 3NO. DWELLINGS WITH ACCESS, PARKING, AND LANDSCAPING.**

**STONEHOUSE FARM, HANDCROSS ROAD, PLUMMERS PLAIN, WEST SUSSEX, RH13 6NZ.**

Thank you for the 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 proposal 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.

### **Condition 1 – Remediation strategy**

**Prior to each phase of development approved by this planning permission no development 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 local planning authority. This strategy will include the following components:**

1. A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors; and
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site, and to include works once demolition has opened access to currently inaccessible areas.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority.

The scheme shall be implemented as approved.

#### Reasons for condition 1

The previous use of the proposed development site as agricultural land and storage 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 submitted 'Preliminary Ground Contamination Risk Assessment Reports' (report references: R16575 28/02/25, R16577 28/02/25, R16576 28/02/25) demonstrate that it will be possible to manage the risks posed to controlled waters by this development, despite it not recognising the underlying Secondary Aquifer A as a Receptor. 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.

#### Condition 2 - Verification report

**Prior to each phase of development being occupied or 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 local planning authority. 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.**

#### Reasons for condition 2

To ensure that the site does not pose any further risk to the 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 National Planning Policy Framework.

#### **Condition 3 - 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 for condition 3

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 National Planning Policy Framework.

#### **Advice to the Applicant**

##### Decommissioning of anaerobic digester

The AD unit may still contain digestate (i.e. the by-product of the digestion process). This material will need to be safely removed and spread to land for agricultural benefit in compliance with the Nitrate Pollution Prevention Regulations 2015 and the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018. It is not deemed as a waste as the AD plant did not use waste as a feedstock (crop only fed), therefore a waste permit is not required for this land spreading activity (Mobile plant No 4 SR 2010 and subsequent deployments). If it cannot be safely spread for agricultural benefit (similar to farm yard manure or slurry,) it will become a waste and will need to be disposed of accordingly at an authorised waste facility (Wastewater treatment works if it has a high liquid composition, or another AD plant/incinerator if it has high dry matter content) and Waste Transfer Notes will need to be retained for this disposal operation. If there is any surplus silage feedstock this too will need to be safely disposed of. If you have any queries, please contact our National Customer Contact Centre on **03708 506 506** (Monday to Friday 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

##### 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, please contact us for advice at an early stage to avoid any delays (contact details for our National Customer Contact Centre are above).

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, please contact us for advice at an early stage to avoid any delays (contact details for our National Customer Contact Centre are above).

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](#).

#### Requirement for an environmental permit

The foul drainage associated with this development may require an environmental

permit or variation of an existing permit from us under the Environmental Permitting (England & Wales) Regulations 2016, unless an exemption applies. The applicant is advised to contact us for further advice and to discuss the issues likely to be raised (contact details for our National Customer Contact Centre are above). You should be aware that there is no guarantee that a permit will be granted.

Additional 'Environmental Permitting Guidance' can be found at:

<https://www.gov.uk/environmental-permit-check-if-you-need-one>.

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

Yours faithfully,

**Environment Agency – Solent & South Downs**

Sustainable Places Advisor: Anna Rabone

[Redacted signature]

[Redacted contact information]