Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/25/0156
Duckmoor Farm , Wooddale Lane, Billingshurst, West Sussex, RH14 9DZ

DESCRIPTION:
Approval of details reserved by condition 4 (contamination) to approved application DC/20/2607.

DETAILED DESCRIPTION:

Planning Application DC/20/2607 was Allowed at Appeal on 18th January 2023. This Allowed outline permission for the development of 83 residential units, landscaping, access, parking and associated infrastructure on land at Duckmoor, East Billingshurst with all matters reserved except access.

Approval is now sought for details pursuant to condition 4 (contamination). The details submitted comprise a Phase II site investigation report.

RELEVANT PLANNING HISTORY:

DC/20/2607	Outline Application for the development of 83 residential units, landscaping, access, parking and associated infrastructure on land at Duckmoor, East Billingshurst with all matters reserved except access.	ALLOWED at appeal 18-01-2023

REPRESENTATIONS

Consultant Environmental Health: *No Objection*
The Phase II Site Investigation prepared by RSK Environment Limited trading as Leap Environmental, project number 3750859 R01 (00) dated 07 April 2025 has not identified any significant ground contamination at the development site. Accordingly it is recommended that condition 4 can be discharged.

Representations: None received.

Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

The application seeks to discharge the details submitted pursuant to condition 4 only.

Condition 4 (Contamination) reads:

4) No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site has been submitted to and approved, in writing by the Local Planning Authority:

(a) 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 - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The scheme shall be implemented as approved.

Any changes to these components require the consent of the local planning authority. 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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

The applicants have submitted the results of site investigation, reported in the submitted Phase II Site Investigation prepared by RSK Environment Limited trading as Leap Environmental, project number 3750859 R01 (00) dated 07 April 2025.

In accordance with parts (a) and (b) of condition 4, the results of this site investigation are that a geo-environmental risk assessment has been carried out. Contamination testing of the soils identified no exceedances above the selected generic assessment criteria for the proposed residential with homegrown produce land use. Therefore, no requirements are given for remediation at the site (and no requirement to progress to parts (c) and (d) of condition 4).

The Council's Environmental Health Officer has considered the evidence in the submitted site investigation report and does not raise issue with the methodologies employed to reach the conclusions that no significant ground contamination at the development site is identified. Accordingly, the Environmental Health Officer recommends that condition 4 be discharged.

Therefore, Condition 4 has been satisfied and so the condition can now be fully discharged.

Water Neutrality Note: No further Habitat Regulations Appropriate Assessment (HRA) is required at conditions discharge stage if a scheme has already undertaken HRA for Water Neutrality prior to being granted. The permitted scheme (DC/20/2607) was judged water neutral under the Habitat Regulations and the details pursuant to condition 4 will not require re-assessment of that outcome as there is no change in water usage previous assessed arising from the details pursuant.

Recommendation: Application Permitted

NOTE TO APPLICANT

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DISC/25/0156

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	Report Reference: 3750859 R01 (REV 00) Report Date: 07 April 2025 Phase II Site Investigation by LEAP Environmental Duckmoor, Land off Wooddale Lane, Billingshurst, West Sussex, RH14 9DA		14.05.2025

DELEGATED

Case Officer sign/initial Matthew Porter Date: 23-05-2025

Authorising Officer sign/initial Adrian Smith Date: 23/05/2025