

Horsham District Council - Development
Control
NORTH STREET, HORSHAM, RH12
1RL

Reference: PA-0001013/01
Customer reference: DC/26/0355
13 April 2026

Construction of up to 23 residential dwellings, (including 9 affordable homes), including access, parking, landscaping and other associated infrastructure works.

Land To The Rear of The Copse, Worthing Road, Horsham, West Sussex RH13 9AT

Dear Planning Officer,

Thank you for consulting us on the above application, on 24 March 2026.

We have reviewed the submitted information that is relevant to our remit and set out our position and comments below.

Environment Agency Position

The proposed development will be acceptable, if the following **two planning conditions** are included.

Without the following conditions we would object to the proposed development in line with paragraph 187 of the National Planning Policy Framework (NPPF) because it cannot be guaranteed that the development will contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate or will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition – 1

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 further investigation and a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the LPA. The remediation strategy shall be

implemented as approved. This should be carried out by a competent person in line with paragraph 196 of the NPPF.

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 LPA. This is required prior to commencement of the development.

Reasons – 1

The previous demolition on the proposed development site presents a risk of contamination that may mobilise during site works and 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 and includes an abstraction.

This condition is 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 NPPF.

Condition – 2

A scheme for managing any borehole on site shall be submitted to and approved in writing by the LPA. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring or abstraction purposes will be secured, protected and inspected. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the LPA.

Reasons – 2

If not decommissioned or maintained correctly, boreholes can provide preferential pathways for contaminant movement which poses a risk to groundwater quality. Groundwater is particularly sensitive in this location because the proposed development site provides a preferential pathway through an aquitard to the underlying principal aquifer.

This condition is to ensure that boreholes are safe and secure, and do not pose an unacceptable risk of groundwater pollution or loss of water supplies in line with

paragraph 187 of the NPPF and Position Statement N5 of [‘The Environment Agency’s approach to groundwater protection’](#).

Advice to applicant

New abstraction

The development includes an abstraction for human consumption. All groundwater abstractions intended for human consumption or food production purposes have a default Source Protection Zone 1 with a minimum radius of 50 metres. In some cases, depending on the volumes abstracted, a default Source Protection Zone 2 with a minimum radius of 250 metres applies.

Activities within these source protection zones should not put at risk the abstraction. For more details we would like to refer the applicant/enquirer to our groundwater position statements in ‘The Environment Agency’s approach to groundwater protection’. Careful consideration should be made to Table 1. Summary of the position statements that apply to developments and activities in SPZ1.

Abstraction Licence

If you intend to abstract more than 20 cubic metres of water per day from a surface water source e.g. a stream or from underground strata (via borehole or well) for any particular purpose, then you will need an abstraction licence from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.

Waste on-site

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the environmental 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 [waste management](#) page on GOV.UK.

We will consider any queries in relation to the use of [Definition of Waste: Development Industry Code of Practice \(DoWCoP\)](#) (which is to be updated) through our environmental permitting enhanced pre-application advice service, considering site conditions, the materials that are proposed to be used, and the potential for harm to the environment and to human health. We can also provide advice as to whether an environmental permit is required.

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 the total quantity of hazardous waste material produced or taken off site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on GOV.UK for more information.

Final Comments

Please note that this response is based on the information provided at this time and if this changes in the future, we would need to consider our position again.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me using the email below.

Please re-consult us if further relevant information is submitted. We will aim to provide comments within 21 days of re-consultation.

Yours sincerely,

Jo Purvis,
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