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Development Management
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21 October 2026

For the attention of: Sophie Moore (Case Officer) — please also consult Kevin Beer, Environmental Health and Licensing

Dear Sir or Madam,

Application for approval of details reserved by condition – Conditions 3 and 4 (and the duplicate Condition 44)
Planning permission DC/26/1292 – Denver Storage, Okehurst Lane, Billingshurst, RH14 9HR

Planning permission DC/26/1292 was granted on 2 October 2026 under Section 73, removing the water neutrality conditions of DC/22/1458. Conditions 3 and 4 (contaminated land) were carried forward unchanged, and Condition 44 repeats the wording of Condition 4. This application seeks approval of the details required by Condition 3 (parts a, b and c) and the pre-commencement element of Conditions 4 and 44.

Under DISC/26/0059 (decision 5 June 2026) Conditions 3 and 4 were not discharged because the further information requested by Environmental Health on 16 April 2026 could not be provided within the determination period. EAS Ltd's addendum of 5 May 2026 recommended that a Remediation Strategy be prepared under Condition 3(c). That strategy has now been completed and is submitted here for the first time, with the earlier reports, so the Council has the full package in one place.

Documents submitted

No.	Document	Condition
1	EAS Ltd, Preliminary Contamination Risk Assessment, April 2021, ref 427/ECE/DenverComm/PCRA (already listed as an approved document under Condition 1)	3(a)
2	EAS Ltd, Contamination Risk Assessment, December 2024, ref 752/ECE/DenverComLLP/CRA2024 (with i2 Analytical certificate 24-052879 and trial pit logs)	3(b)
3	EAS Ltd, Contamination Risk Assessment Addendum, 5 May 2026, ref PR/DenverStorage/CRAaddendum (responds to EH comments of 16 April 2026)	3(b)
4	EAS Ltd, Remediation and Testing Strategy, May 2026, ref 752a/ECE/DenverComLLP/RemStrat, including sample location plan (Appendix B) and verification evidence schedule (Table 4.1)	3(c), 4, 44

Response to the Environmental Health comments of 16 April 2026

EH point	How it is addressed
1. Generic assessment criteria for benzo(a)pyrene (380 mg/kg, TP3)	Addendum, points 1–3: results compared with DEFRA C4SL and LQM/CIEH S4UL (commercial land use). BaP threshold 35/36 mg/kg (SOM dependent). The exceedance at TP3 is acknowledged.
2. Depth of the second TP3 sample recorded as unknown	Addendum: the sample was taken at 0.2 m bgl at the topsoil / clay interface (logged as ‘mix’). The upper sample was 0.05–0.15 m bgl. BaP falls from 380 to 130 mg/kg with depth, consistent with contamination held in the topsoil above the clay.

3. TP3 area now soft landscaping: lateral extent of PAH contamination	Remediation Strategy §3.1.7: the topsoil at the former rainwater tank location (TP3, north-west corner of the western building) is to be excavated and removed off site by a licensed waste contractor. The surrounding retained soils are then tested to confirm that all contaminated soil has been chased out, and only then is clean imported topsoil placed. The extent is therefore defined by excavation and validation testing, with results reported in the Verification Report.
4. Trial pit logs insufficiently detailed	Addendum, point 4: the made-ground hatching did not print to PDF. Made ground was recorded only at TP8 (clayey soil with brick fragments to 0.4 m bgl) and TP10 (clayey soil with waste incl. carpet underlay to 0.55 m bgl). Undisturbed natural clay was found beneath the topsoil in all other pits.
5. Raised ground in the southern part of the site (TP9)	Addendum, points 5–6 accepts that further investigation is warranted. Remediation Strategy §3.1.7 and §3.2: all surfacing and made ground in soft landscaping areas (including the southern area and pond) are to be removed to undisturbed natural ground or 0.6 m, whichever comes first. A contaminated land consultant then inspects the excavations and takes a minimum of 10 samples from retained surface soils (SL1–SL10, Appendix B, including SL4–SL6 towards the south of the site). Any exceedance means removal and a second round of testing. A geotextile membrane is used where made ground is deeper than 0.6 m.
6. Raised ground south of the retained building (TP11)	As for point 5. Where this land falls under permanent hard cover, soils may be retained beneath it with a geotextile separating them from adjoining soft landscaping (§3.2, §3.3.1). Where it falls in soft landscaping, it is cleared, inspected and validation-tested (e.g. SL6).

Condition 3(c) – remediation and verification plan

The Remediation and Testing Strategy sets out how the work will be done in stages: site clearance, soil removal, consultant inspection and validation testing, then placement of clean topsoil and geotextile. The testing suite is banded TPH, speciated PAH, heavy metals and metalloids, and asbestos, assessed against S4UL commercial values. The Strategy also covers water main protection and what happens if unexpected contamination is found. Table 4.1 lists the evidence to be collected for the Verification Report, including disposal and WAC certificates, photographs, consultant records, laboratory certificates, membrane specification and topsoil certificates. The Verification Report will be submitted under Condition 13 before occupation.

Conditions 4 and 44 – soils re-used or imported

Re-used surface soils will be tested at a minimum of ten locations, using the suite and criteria above, before they are accepted for soft landscaping (Strategy §3.2). Imported topsoil will come only from a traceable, uncontaminated source, supported by topsoil certificates (§3.3.1 and Table 4.1). We ask the Council to approve these details as the pre-commencement element of Conditions 4 and 44. The written verification report required by those conditions will be submitted before first occupation.

Points of clarification

• Paragraph 1.3 of the Strategy refers to DISC/26/0059 as the permission. The permission is DC/22/1458 as varied by DC/26/1292, and the layout assessed is the approved Proposed Master Plan 2.02 Rev E.
• Paragraph 1.6 refers to the Verification Report under ‘Condition 4’. Under DC/26/1292 the verification requirements are in Conditions 4/44 (soils) and 13 (remediation).
• The asbestos removal method statement referred to in §3.1.1 will be submitted separately under Condition 5. Removal of asbestos-containing materials will be completed before site clearance and soil works begin.

EAS Ltd (Lucy Monday, Director, 01444 882552, info@easltd.co.uk) is happy to discuss any of the above directly with Environmental Health if that would help. We would be grateful if the Council could confirm that Condition 3 and the pre-commencement element of Conditions 4 and 44 of DC/26/1292 are discharged.

Yours faithfully,

Nick Plank
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