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Dear Site

Planning Portal Reference: PP-13759199

Application to Discharge Condition 1 (Contamination Assessment) of DC/23/1906 in respect of Prior Notification Application for Change of Use from an Agricultural Building to 2 Dwellings (C3 Use Class) on land at Thistledown Cottage, Harbolets Road, West Chiltington

I write on behalf of my client, and further to the grant of a Prior Notification application for the change of use of an existing agricultural building to form two residential dwellings (C3 use) on land at Thistledown Cottage Harbolets Road West Chiltington. The decision notice was issued on 08th December 2023, under Local Planning Authority (LPA) reference number DC/23/1906.

Condition one of the decision notice sets out that prior to the commencement of development, further details shall be submitted, and approved, in relation to addressing risks associated with contamination of the site.

This submission comprises an application for approval of details reserved by this condition. In addition to this letter, the application includes a Contamination Risk Assessment prepared by Environmental Assessment Services Limited.

Condition 1 - Contamination Risk Assessment

Condition one of DC/23/1906 states that:

"Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be 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.*

(b) A site investigation scheme based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.

(c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy, giving full details of the remediation measures required and how they are to be undertaken.

(d) A verification plan, providing details of the data that will be collected in order to demonstrate that the work set out in (c) 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 express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and to ensure that any pollution is appropriately addressed in accordance with the National Planning Policy Framework."

Contamination Risk Assessment

The application is accompanied by a Contamination Risk Assessment prepared by Environmental Assessment Services Limited (February, 2025).

This sets out an assessment of the evolution of the site and assessment of relevant planning history. It notes the application site comprises a single building wholly under hardstanding. It notes the surrounding areas is characterised by a mosaic of pastoral and agricultural land with parcels of deciduous woodland; with a residential dwelling to the south and a timber equestrian stable building to the north.

The report notes that the site lies on Weald Clay Formation, beyond any groundwater Source Protection Zone in an area that is not considered to be hydrogeologically sensitive.

The report notes that there are no records of historic landfills within close proximity of the site and there are no current land uses within close proximity that are considered to cause a significant contamination risk to the site. The site is considered to be at negligible-low risk from natural hazards and there are no records of mining within proximity of the site. It is not within a Radon affected area.

In considering potential sources of contamination, the report notes that the land use history comprises agricultural use in and around the site. It thus considers potential contamination arises from agricultural storage (including the keeping of livestock) and storage and maintenance of farm equipment, including potentially fuels and oil. It notes that there was no evidence of vehicle maintenance or fuel storage at the site during a site visit.

The report notes the building is wholly situated on hard standing, which extends to the west and this minimises any risk of contamination of the underlying natural ground.

The report notes that potential Asbestos Containing Materials (ACMs) were identified on site including the roofing materials present on the application building. It notes that whilst these have not been tested, they should be treated as asbestos waste unless and until otherwise confirmed during the redevelopment, in order to minimise the risk of exposure to site workers.

Section 8 of the report set sets out a risk assessment to future site users using the conceptual model (source, pathway and receptor). It considers that there is generally minor potential for contamination associated with historic land use, noting that the site would be subject of a

residential use within a development area comprising the existing building footprint and surrounding hardstanding without soft landscaping garden areas.

It notes that receptors would be site workers during the development, future occupiers and visitors of the proposed development, and buildings and services including underground water mains.

Having regard to this, the report concludes that the risk risk from contamination is low. In particular, it notes the probability of impact from the residential land use is low, as the building and surrounding area will be under hard cover and there will be no garden comprising soft landscaping associated with the scheme.

The report concludes that no further intrusive site investigation is required. It recommends all ACMs be removed from the site as part of the conversion works. It notes that whilst they do not present a significant risk while they remain in place and are undamaged, works to them, including breaking etc should be avoided to prevent the release of hazardous fibres. It recommends no ACMs should be retained on site following completion of the works.

The report recommends all site workers implement appropriate hygiene measures whilst working on site and that the route of the proposed water connection be confirmed to be free of contamination or implemented via the use of barrier pipes to protect pipe work and future supply paragraph.

It concludes that the development can be implemented subject to the recommended precautionary and mitigation measures without the need for detailed onsite investigation, an associated options appraisal and remediation strategy or verification plan.

On this basis, it is submitted that the enclosed contamination risk assessment satisfactorily demonstrates that the risk of contamination arising from the implementation of the development is low and can be satisfactorily mitigated by precautionary measures applied during the implementation of the development. It is therefore requested that condition 1 of DC/23/1906 be discharged.

Summary

This application seeks discharge of condition 1 of DC/23/1906 attached to the decision notice of a prior notification application for the conversion of an existing agricultural building to two residential dwelling units. The condition requires an assessment and appropriate remediation strategy in respect of addressing the risks associated with contamination of the site.

The enclosed Contamination Risk Assessment concludes that, having regard to the risks at the site and the nature of the proposed development, the risk of contamination is low. This is in particular on the basis that the works comprise a conversion scheme and the surrounding curtilage comprising existing hardstanding which will be retained. In light of this, the report concludes that subject to precautionary and mitigatory measures employed during the implementation of the development, there would be no undue contamination risk from the implementation of the development and it can proceed without further detailed investigations and the employment of a remediation strategy.

It is submitted that the on this basis, the condition should be discharged.

I look forward to receipt of confirmation of registration of the application and positive determination as soon as possible. Should you require any further information, please do not hesitate to let me know.

Yours sincerely



Dale Mayhew BA (Hons) BTP MRTPI
Director

Enc: Contamination Risk Assessment - February 2025