dowsettmayhew
Planning Partnership

EMAIL ONLY

Development Management
Horsham District Council

planning@horsham.gov.uk

Mocatta House
Trafalgar Place
Brighton
BN1 4DU

☏ 01273 671174
Email dale.mayhew@dowsettmayhew.com
URL www.dowsettmayhew.com

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Dear Sir/ Madam,

Application to Discharge Condition 13 (Verification Report) in respect of Planning Permission DC/23/1653 for the Removal of Condition 14 of previously approved application DC/18/1063 (Creation of slurry lagoon incorporating the importation of material) Relating to retention of access track for agricultural use, on Land at Brighthams Farm, Bines Road, Partridge Green, West Sussex

I write on behalf of my clients, R.G. Nash & Sons, and further to the grant of a Section 73 planning application in relation to works to create a slurry lagoon at Brighthams Farm, Bines Road, Partridge Green (Local Planning Authority (LPA) reference DC/23/1653).

The planning permission approved the removal of condition 14 attached to DC/18/1063, to enable the permanent retention of a construction access track and its use for agricultural purposes in relation to the agricultural operations on the unit.

Condition 13 of the most recent planning permission requires a Verification Report to be submitted to the LPA within 6 months of the completion of the slurry lagoon to demonstrate that no contaminated material or wastes have been deposited at the site.

This condition is a repeat of Condition 13 attached to DC/18/1063.

Background

Planning permission for the construction of the slurry lagoon was granted in a decision notice dated 29th March 2019.

Following this approval, details pursuant to Condition 3 (Method Statement for the material importation) were approved on 12 September 2019 (LPA reference DISC/19/0124), and details pursuant to Condition 4 (Construction Environment Management Plan) were approved on 12th August 2019 (LPA reference DISC/19/0154).

Works on construction of the approved slurry lagoon began on site in late September 2019. This commenced with the construction of a temporary construction access, running from the main access drive to the farm holding, to a point close to the site of the new slurry lagoon.

This route was utilised by HGV trucks importing the material required to construct the lagoon.

Condition 14 of the planning permission stated that within 6 months of the completion of the slurry lagoon, the construction access and associated works should be removed and the land restored.

Following the creation of the access route, it was used by both construction traffic and, increasingly, by agricultural traffic associated with the farming operations at Brighthams Farm.

The access had a number of benefits over the original access for use by agricultural vehicles. This included better width and alignment, siting away from other land uses (including houses, businesses and camping site), and its route was not also a Public Right of Way.

In light of these benefits a Section 73 application was submitted in September 2023, for removal of Condition 14, which required removal of the track following completion of the lagoon construction works.

Planning permission for removal of this condition was granted in a Decision Notice dated 05 December 2023. This was the subject of a number of conditions, including Condition 13 which requires a Verification Report to be submitted to the LPA within 6 months of the completion of the slurry lagoon to demonstrate that no contaminated material or wastes have been deposited at the site.

This submission comprises an application for approval of details reserved by this condition.

In addition to this cover letter, the application submission documents comprise:

- Application form; and
- CL:AIRE Verification Report (produced by Matthews (Sussex) Ltd; dated 21 June 2022)

Condition 13 - Verification Report

Condition 13 of DC/23/1653 states that:

> *"Within 6 months of the completion of the slurry lagoon and associated land raising, a verification report prepared by an appropriately qualified consultant shall be supplied to demonstrate that no contaminated material or wastes have been deposited at the site.*
>
> *Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works in accordance with Policy 24 of the Horsham District Planning Framework (2015).*"

Verification Report

The submitted Verification Report was produced in June 2022 by Matthews (Sussex) Ltd, following the creation of the slurry lagoon.

Prior to commencement of the works, and as confirmed at Section 2.3 of the report, the scheme contractors reviewed site investigation reports prepared for candidate donor sites, comprising the sites' background information, borehole logs and chemical analysis data. This identified five candidate donor sites which were able to provide suitable, clean, inert and naturally occurring materials for use in the implementation of the development.

The site investigation reports for each donor site were then submitted with the Materials Management Plan (MMP) to the CL:AIRE Qualified Person (QP), Mr Ged Duckworth. The QP submitted the updated MMP and site reports to CL:AIRE, who issued Declarations for each of the five donor sites.

During the development, and upon receipt of material on the application site, a trained and competent operative reviewed the quality of the material to confirm the absence of contamination. Regular site visits by Senior Managers were also conducted, which included undertaking visual and olfactive assessments of the imported materials.

A total of four spot check soil samples were collected by the appointed Environmental Compliance Manager on ad hoc site visits. These four soil samples were sent to a UK Accredited Service (UKAS) and Monitoring Certification Scheme (MCERTs) accredited independent laboratory for analysis. The results of this indicated that no compounds of potential concern were detected.

Upon completion of the works, further verification tests were undertaken. This comprised the excavation of five trial pits, with samples collected and analysed from these. This results of these tests confirmed the imported material used in the implementation of development is free of contamination and inert (Certificates presented at Appendix 3 of the Verification Report).

In light of the enclosed Verification Report, it is submitted that the materials imported and used in the implementation of the development are evidentially free from contamination and contain no wastes. The development does not therefore pose undue risks to humans, controlled waters or the wider environment and is thus in accordance with Policy 24 of the Horsham District Planning Framework.

Summary

This application seeks Discharge of Condition 13 attached to the grant of planning permission for DC/23/1653 on land at Brighthams Farm. Whilst this relates to proposals for the retention of an access track for agricultural use, it comprises a Section 73 application of an earlier planning permission for the construction of a slurry lagoon, involving the importation of material.

Post-completion Condition 13 requires the submission of a verification report to the LPA to confirm that material imported in the implementation of the development is not contaminated and is free of waste.

It is submitted the details provided within the enclosed Verification Report evidence that no contaminated materials or waste have been deposited on site, and therefore there is no unacceptable risks to humans, controlled waters of the wider environment.

On this basis, it is requested that Condition 13 of DC/23/1653 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: Application Form
CL:AIRE Verification Report 2022 (produced by Matthews (Sussex) Ltd; dated 21 June 2022)