Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/24/0299
Oreham Manor Farm , Oreham Common, Henfield, West Sussex, BN5 9SB

DESCRIPTION:
Approval of details reserved by condition 3 to approved application DC/22/2092

RELEVANT PLANNING HISTORY:

DC/22/2092	Removal of existing dwelling known as 'The Stables' and other buildings on site and erection of a replacement single storey dwelling.	Application Permitted on 01.06.2023
DISC/23/0203	Approval of details reserved by condition 3,4 and 5 to approved application DC/22/2092	Split Decision issued on 19.09.2024

PLANNING ASSESSMENT

Planning Application ref: DC/22/2092 granted consent for the demolition of an existing dwelling and associated buildings and the erection of a replacement single dwelling on 01.06.2023. Planning permission was granted subject to conditions, with an approval of details reserved by Condition 3 now sought.

Condition 3

Condition 3 states:-

> *"**Pre-Commencement Condition:** With the exception of works of demolition 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 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.*
> *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, based on (a) 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.

Reason: As this matter is fundamental to ensure that no unacceptable risks are arise to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is appropriate redressed with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015)."

In response to the above condition the applicant has provided a Preliminary Contamination Risk Assessment (Environmental Assessment Services Ltd, dated February 2023), a Contamination Risk Assessment (Environmental Assessment Services Ltd, dated July 2023, revised August 2024), and a Remediation Method Statement (Environmental Services Ltd, dated October 2024).

The submitted Preliminary Risk Assessment and subsequent Contamination Risk Assessment were considered previously by the Council pursuant to ref: DISC/23/0203 and deemed insufficient to satisfy the requirements of Condition 3.

The response of the Council's Environmental Health team received in conjunction with the current submission references a previous response made in conjunction with ref: DISC/23/0203 and advises that the details now available do not address previous concerns. Those concerns, as raised in respect of DISC/23/0203, were that submitted trial-pit photography appeared to show greater variation than that represented on the submitted trial logs and that sampling was not conducted to reflect the variability of surveyed strata. Second, previous comments raised concern with the number of samples, their relationship with trial pits and amount of time which passed between sampling and testing. As the Preliminary Risk Assessment and Contamination Risk Assessment are identical to those previously reviewed it is not considered that there is any change in circumstance which would warrant an alternative conclusion being reached. The submitted detail, therefore, is not considered sufficient to provide an adequate understanding of contamination risk to future occupiers such as to satisfy the requirements of Parts A and B of Condition 3.

Further to the Council's previous determination a Remediation Method Statement has, however, been provided. This Statement suggests that existing soils can be retained under existing buildings and hardstand where surfaces are expected to be impermeable, with soils removed to a depth of 0.6m or clean underlying soils where garden areas are to be provided. Contaminated soils to be removed from the site are suggested to be removed from the site subject to Waste Acceptance Criteria (WAC) and backfilled with clean soils.

Verification is suggested to take the form of photographs records of remediation works, independent examination of the works in progress, the collection of WAC records and tickets for imported/exported soils together with analysis of clean topsoils confirming suitability for use.

The Statement, however, does recognise that a full remediation report would need to be prepared subsequent the completion of remediation works to confirm the successful completion of remediation. Figure 2 to the Statement indicates the extent of land requiring mediation, though, with a caveat that this is to be confirmed on-site.

In response to the Remediation Method Statement the Council's Environmental Health team have responded to advise that they consider the Statement insufficiently detailed. Concern, in particular, has been raised in respect of the lack of detail on intended testing rates for imported soils, acceptance criteria (for import) and how clean cover systems would be validated. Additional concerns have been raised surrounding the lack of certainty regarding the proposed remediation measures introduced by the use of language and by flexibility implied by annotations made on Figure 2 of the Statement.

In light of the concerns raised by Environmental Health it is not considered that the Council can have confidence that the proposed remedial measures would sufficiently redress the risk of contamination posed to future occupiers of the approved development. This conclusion, further, is inevitable in light of

the Council's earlier conclusion that contamination risks to future occupiers have not been fully and sufficiently characterised. It is, therefore, recommended that the details submitted in respect of Condition 3 be refused accordingly.

Other Matters:

The Council's initial determination pursuant to ref: (DC/22/2092) included a screening assessment in respect of the likelihood of significant effects upon the Arun Valley SAC, SPA and Ramsar where it was determined that the likelihood of effect upon the integrity of the Arun Valley designations could be 'screened out'. The Council's ability to approve details reserved by condition, therefore, is not considered to be in conflict with the Authority's duties pursuant to the Conservation of Habitats and Species Regulations (2017) (as amended), and with particular regard to the principles established by the High Court within *Fry* [2023].

Recommendation: Application Refused

Reason for Refusal:

1. It has not been demonstrated to the satisfaction of the Local Planning Authority that the details submitted pursuant to Condition 3 are sufficient to establish the risk of contamination posed to future occupiers of the approved development and that proposed remedial measures would sufficiently and suitably address any risk to future occupiers such as to satisfy the requirements of Condition 3.

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/24/0299
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	Preliminary Contamination Risk Assessment		02.12.2024
Supporting Docs	Remediation Method Statement		02.12.2024
Supporting Docs	Remediation Method Statement		02.12.2024

DELEGATED

Case Officer sign/initial Giles Holbrook Date: 13.02.2025

Authorising Officer sign/initial J Hawkes Date: 17.02.2025