

Mr James Neave  
County Planning  
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DATE: 18<sup>th</sup> February 2020  
MSDC REF: DM/20/0362

Dear Mr Neave

**YOUR REF: WSCC/004/20**

**DESCRIPTION: RESTORATION OF THE FORMER STANDEN LANDFILL SITE WITH A WOODLAND AND PASTURE LANDFILL CAP SYSTEM.**

**LOCATION: EVERGREEN FARM, WEST HOATHLY ROAD, EAST GRINSTEAD, RH19 4NE.**

Further to your consultation regarding this application. I note that a previous application was submitted last year at this site for a similar description of works, under your ref WSCC/061/19, to which this Council responded on 16<sup>th</sup> August 2019, and I draw your attention to the attached letter and its contents. Please find the comments of this Council below regarding the current application WSCC/004/20.

The site lies within the countryside (identified by the Mid Sussex District Plan as countryside area of development restraint), the High Weald Area of Outstanding Natural Beauty (AONB) and within the 7km zone of influence in respect of the Ashdown Forest SPA/SAC.

Regarding this application I have sent on the comments that I have received to date from Oliver Benson (MSDC Contaminated Land and Environmental Protection Officer), and I repeat these here, for your assistance:

*"I have now had the opportunity to assess the application. I note that three reports have been submitted with relation to the contamination onsite. These are:*

- *A desktop study prepared by Ged Duckworth Limited, dated May 2018*
- *A ground Investigation report, by Geo-Environmental Services Limited, reference GE17326/GIR/SEPT18, dated September 2018*
- *A Geotechnical Design Report for Landfill Cap, by The Environmental Protection Group, reference EPG/AMV/EGF/2019/GDR/V3, dated February 2019*

*The desktop study and ground investigation report were previously assessed and therefore my comments in relation these remain principally the same.*

*The desktop study developed a conceptual site model based on the history of the site and site walkover, and suggests that “the site currently has the potential for a high risk to human health from landfill gas and groundwater leachate emissions to controlled waters”.*

*Due to finding of the Ged Duckworth Limited report, Geo-Environmental were contracted to undertake a preliminary ground investigation. Section 4.1 of the report states that “the intrusive investigation works did not encounter conditions that warranted a revision of the preliminary Conceptual Site Model”. I would note section 4.1 also makes reference to a section 2.7, that does not appear to exist within the report. The rest of section 4 then does appear to go on to risk assess the impact of the intrusive findings at the time.*

*The Geo-Environmental report analysis supports the assessment that the contaminants within the waste mass on the site are mobile, leaching, and impacting controlled waters, as such It is considered that remediation measures are required. It suggests that after capping has be undertaken, that the site be re-investigated to ensure controlled waters are no longer impacted.*

*In terms of ground gas, methane was recorded on site in the range of 0.0% – 53.0% v/v, whilst carbon dioxide was present in the range 0.0% – 11.1% v/v. However the report indicates that the finding at the time suggested that ground gases are not currently migrating off the site at concentrations which could pose a risk to adjacent land uses which comprise a mix of open space, residential housing, road network. The current risk to human health does not appear to have been updated based on this however, and that may be because the report goes onto suggests that further ground gas monitoring should be undertaken on the site prior to remediation in order that the site can be fully characterised.*

*Ultimately the site contains contaminates and we would want to encourage and support the voluntary remediation that is proposed.*

*I would note that the Environmental Protection Group report makes reference to there being an updated and completed ground Investigation report by Geo-Environmental Services Limited, dated January 2019. However this does not appear to be present and a condition will need to be attached requiring that evidence be submitted to show the report has been adequality analysed.*

*As I do not have access to the completed ground investigation report it is not possible to be certain that the presented remediation design is acceptable. However, based on the information subtitled to date the overall design does appear satisfactory for remediating the site. I would however caveat that I do not have the knowledge or expertise to comment on the detailed design of the venting system specified or the geotechnical information relating to cohesion and stability analysis.*

*Given the venting may need permitting for emission to air, the EA may have further comment as to the acceptability of the specific design of the venting system. Alternatively you may wish to seek to seek further advise.*

*In terms of the stability analyses for the proposed remediation work, the report outlines the risk of deep seated failures occurring is acceptable, but as above this is not an area I have experience in and you may wish to seek to seek further advise.*

*The Environmental Protection Group report also outlines the risks of the capping creating preferential pathways for gas going off site. It is for this reason that they have recommended that continues gas monitoring be put in place two moths prior to works starting, and to remain in place while the capping work is undertaken. This is to establish a baseline for the continues gas monitoring, and to then monitor if any migration of gas off site may be occurring due to the installation of the capping. If this occurs then works will have to stop while a the remediation plan is reconsidered. This may delay and increase the time of works.*

*I have been previously asked if all the work to remediate the site strictly necessary. This is very difficult question as it is preferred to go beyond the bare minimum in terms of breaking potential linkages from contamination sources to receptors. That said, part of the reason for a minimum of two meters of soil above the clay cap is to allow room for tree roots. If it was stipulated that trees or plants with deep roots could not be planted on the remediated area, then it may be possible to reduce the level of soil being brought to site.*

*Based on the reports, I would suggest the following conditions are attached to the application in order to ensure the site is fully investigated before remediation is put in place, and to ensure that all works are verified afterwards to ensure all pathways to receptors have been severed:*

1) *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 site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;*

*and, unless otherwise agreed in writing by the LPA,*

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

*2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.*

*Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

*In addition, the following precautionary condition should be applied separately:*

*3) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.*

*Please don't hesitate to give me a call if you wish to discuss the site further. Kind regards, Oliver"*

I have also received comments from Jane Cooper, Environmental Health Officer, as follows:

"I don't think I will be able to get my comments to you in time for you to submit your report today. I will send them direct to James Neave on Monday but can you make it clear in your report that Environmental Protection has concerns regarding noise, dust and site lighting and that I will make comments directly to WSCC planners", dated 14.02.2020.

"I don't think I will be able to get my comments to you in time for you to submit your report today. I will send them direct to James Neave on Monday but can you make it clear in your report that Environmental Protection has concerns regarding noise, dust and site lighting and that I will make comments directly to WSCC planners", dated 13.02.2020.

On this basis the Council raises a continued objection to the proposed works unless and until the above matters have been satisfactorily resolved.

If you require any further information or clarification please let me know.

Yours sincerely

Ms Anna Tidey  
Planning Officer



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DATE: 16 August 2019

Dear Mr Neave,

**Planning Application Reference WSCC/061/19**  
**Restoration of former Standen landfill site with a woodland and pasture landfill cap system**  
**Evergreen Farm, West Hoathly Road, East Grinstead. RH19 4NE**  
**Our Ref DM/19/3216**

Further to your consultation please find the comments of this Council.

The site lies within the countryside (identified by the Mid Sussex District Plan as countryside area of development restraint), the High Weald Area of Outstanding Natural Beauty (AONB) and within the 7km zone of influence in respect of the Ashdown Forest SPA/SAC.

Part of the site appears to be currently being used as a campsite (Evergreen Farm Woodland Campsite), a use which is unauthorised and which the council has advised the owner should be the subject of the submission of a planning application to seek permission for retention.

Whilst such a submission should not be pre-judged if an application were submitted it would be considered in terms of the impact upon the countryside/AONB, the surrounding highways network, bio diversity of the site, impact upon an ancient woodland within which it appears the campsite is located, any contribution towards the rural economy, benefits in terms of sustainable tourism, impacts upon the Ashdown Forest SPA/SAC and any impact upon nearby residents.

Policy DP19 of the District Plan - Sustainable Tourism – encourages the provision of tourism related development in the countryside provided it supports the sustainable growth of the rural economy and maintains and where possible enhances the quality of the rural and landscape character of the district. Policy DP14 sustainable Rural Development and the Rural Economy supports new small scale economic development, including tourism related development where it supports sustainable growth/the vitality of the rural economy and where possible utilises previously developed sites.

A potential concern were this use proposed as a permanent use would be the impact upon the ancient woodland. Having looked through the website and images of the camp/descriptions and reviews of the campsite, I would be concerned about the impact upon the woodland and its bio diversity. The use of clearings for camping, camp fires, use of trees for swings, climbing and

## PLANNING SERVICES DIVISION

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Development Manager

general levels of recreational activity is likely to be harmful to the woodland and its bio diversity. That would be a matter that would need close scrutiny.

A permanent permission would be reliant upon the demonstration of acceptable impacts upon all the relevant criteria.

Furthermore since the site lies within the 7km zone of influence of the Ashdown Forest SPA/SAC there are likely to be impacts that would need consideration and potential mitigation, in accordance with the relevant policy guidance. This approach would be applicable to any type of holiday accommodation on the site.

I understand however that should permission be granted for the application you have under consideration, that the camping activities would cease. Any attempt to resurrect such a use, or similar, after completion of the landfill works would be subject to the same assessments as outlined above.

It is noted that the Arboricultural Report at page 13 refers to post development pressures and at paragraph 13.1 refers to “fenestration configuration” and “internal layout to living rooms”. It is assumed that this is a general comment not aimed specifically at this site since this Council is not aware of any proposals to build residential accommodation on the site.

This Council has received the following comments from the East Grinstead Town Council:

“Committee are supportive of the application but are concerned and somewhat confused as to the intentions of routes within the traffic movements plan. The transport levels will affect other properties on the road with noise and congestion. The bus and transport routes towards the site and the length of time of the movements coupled with the number of movements and the access and exit routes from the town will cause significant detrimental affect to the existing congested traffic and the proximity of the schools and nursery along the main route, in the town. The traffic plan is asked to be reconsidered with liaison through both the County, but also the Town Council.”

In terms of the proposed landfill I have consulted with the Councils Environmental Health officer and can provide the following comments:

“Environmental Protection has concerns that the proposed activities at this site will have a significant adverse effect on neighbouring noise sensitive properties namely a specialist care home with nursing for young adults with learning and physical differences, a primary school and residential properties.

The acoustic report submitted by Anderson Acoustics dated August 2019 cites Technical Guidance contained within the National Planning Policy Framework to be taken into account when setting appropriate noise limits for on-site works such as those being proposed for this site. The acoustic consultants have however calculated a noise limit using LAeq measurements taken on site rather than using LA90 data as specified in the Technical Guidance, i.e. the consultants have measured the current ambient noise level at this site rather than the background noise level. It is therefore likely that the noise limit for proposed on-site works has been set too high by the acoustic consultants and, as a consequence, the potential adverse effect on neighbouring

noise sensitive receptors may have been under estimated. In addition, the acoustic report states that the noise impact on residents living more than 330m away from the site will be negligible. These receptors have not therefore been considered in the report and I would question this decision.

Environmental Protection also has concerns that the acoustic report does not address tonal or impulsive noise from the proposed works at this site. The Technical Guidance states that where the site noise has a significant tonal element, it may be appropriate to set specific limits to control this aspect. The Technical Guidance goes on to state that peak or impulsive noise, which could include some reversing beepers, may also require separate limits that are independent of background noise.

In order to accommodate noisy works close to the school and the nursing home, the acoustic consultants have suggested adopting a temporary noise limit of 70dB LAeq for a period of 8 weeks. Although the Technical Guidance mentions the possibility that increased noise limits can temporarily be allowed, it states that this should only be considered to allow specific works "where it is clear that this will bring longer-term environmental benefits to the site or its environs" i.e. not purely because it is convenient for the operator. In addition, with regard to the suggestion in the report that works likely to exceed the site limit be carried out in the school holidays, it should be noted that the Trefoil Montessori Farm School organises activities for children during the holidays and that the Beechcroft Care Centre is a residential establishment in constant use throughout the year.

Environmental Protection also has concerns that the proposed works for this site will generate dust emissions likely to adversely affect nearby residents in the care home and a school. The issue of dust has not been assessed in the application and I would expect to see an assessment of the potential dust impacts and details of any mitigation measures proposed" .

On this basis the Council raises objection to the proposed works unless and until the above matters have been satisfactorily resolved.

If you require any further information or clarification please let me know.

Yours sincerely,

*L Westphal*

Lesley Westphal  
Senior Planning Officer  
Development Management