

Public Document Pack

Tony Kershaw
Director of Law and Assurance

If calling please ask for:

Tracey Guinea on 033 022 28679
Email: tracey.guinea@westsussex.gov.uk

www.westsussex.gov.uk

County Hall
Chichester
West Sussex
PO19 1RQ
Switchboard
Tel no (01243) 777100



1 July 2019

Planning Committee

A meeting of the committee will be held at **10.30 am on Tuesday, 9 July 2019** at **County Hall, Chichester**.

Tony Kershaw
Director of Law and Assurance

The meeting will be available to view live via the Internet at this address:

<http://www.westsussex.public-i.tv/core/portal/home>

Agenda

1. **Declarations of Interest**

Members and officers must declare any pecuniary or personal interest in any business on the agenda. They should also make declarations at any stage such as an interest becomes apparent during the meeting. Consideration should be given to leaving the meeting if the nature of the interest warrants it. If in doubt please contact Democratic Services before the meeting.

2. **Minutes of the last meeting of the Committee** (Pages 5 - 14)

The Committee is asked to agree the minutes of the meeting held on 26 March 2019 (cream paper).

3. **Urgent Matters**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances.

4. **Planning Application: Waste** (Pages 15 - 50)

Report by Head of Planning Services.

To consider and determine the following application:

WSSC/004/19/RW Extension to the restoration of the former claypit, including the remodelling of the existing landform to enable a change of use to agricultural land (permanent pasture), internal

traffic management improvement measures and a proposed scheme of landscaping improvements and ecological enhancement. Rudgwick Brickworks, Lynwick Street, Rudgwick, Horsham RH12 3DH.

5. **Planning Application: Waste** (Pages 51 - 88)

Report by Head of Planning Services.

To consider and determine the following application:

WSCC/037/19 **Proposed Inert Waste Recycling Facility, with new building, hardstanding, car parking, boundary treatment and re-aligned access to the agricultural unit. Includes variation to approved site landscaping and use of internal spaces within the existing Materials Recovery Facility. Envirowaste (Southern) Limited, Burndell Road, Yapton, West Sussex, BN18 0HR**

6. **Planning Application: Waste** (Pages 89 - 116)

Report by Head of Planning Services.

To consider and determine the following application:

WSCC/050/18/BK **Erection of replacement dwelling, including acoustic bunds along east, west and side boundaries. Dan Tree Farm, London Road, Bolney, West Sussex, RH17 5QD.**

7. **Development Management Performance (1 April 2018 - 31 March 2019)**
(Pages 117 - 122)

Report by Head of Planning Services.

To note the following:

Report on Development Management Performance (1 April 2018 – 31 March 2019)

8. **Update on Mineral, Waste and Regulation 3 Planning Applications**
(Pages 123 - 126)

Report by Strategic Planning, County Planning Manager.

To note the schedule of County Matter applications and the schedule of applications submitted under the Town and Country Planning General Regulations 1992 – Regulation 3.

9. **Report of Delegated Action** (Pages 127 - 130)

Report by Strategic Planning, County Planning Manager.

To note the report of applications approved subject to conditions under the Town and Country Planning Act 1990 and Regulation 3 of the Town and Country Planning General Regulations 1992 since the Planning Committee meeting on 26 March 2019.

10. **Date of Next Meeting**

The next meeting of the Planning Committee will be held at 10.30 a.m. on Tuesday, 10 September 2019.

To all members of the Planning Committee

Webcasting

Please note: this meeting may be filmed for live or subsequent broadcast via the County Council's website on the internet - at the start of the meeting the Chairman will confirm if all or part of the meeting is to be filmed. The images and sound recording may be used for training purposes by the Council.

Generally the public gallery is not filmed. However, by entering the meeting room and using the public seating area you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

This page is intentionally left blank

Planning Committee

26 March 2019 – At a meeting of the Planning Committee held at 10.30 am at County Hall, Chichester.

Present: Mr Crow (Chairman)

Mrs Kitchen, Lt. Cdr. Atkins, Mr Barrett-Miles, Mr Jupp*, Ms Lord, Mr S. J. Oakley, Mr Patel*, Mr Quinn, Mrs Russell* and Mr McDonald

Apologies were received from Lt Col Barton and Mrs Duncton

Substitute: Mr McDonald

* Mr Jupp, Mr Patel and Mrs Russell left the meeting at 11.47 a.m.

Part I

95. Declarations of Interest

95.1 In accordance with the County Council's Code of Conduct, the following interests were declared:

- Mr Patel declared a personal interest in planning application: WSCC/049/18/LY because he is Councillor for Arun District Council.

96. Minutes of the last meeting of the Committee

96.1 Resolved - That the minutes of Part I of the meeting of the Committee held on 5 February 2019 be agreed as a correct record.

97. Urgent Matters

97.1 There were no urgent matters.

98. Part II Matters

98.1 Resolved – That no Part II matters should be brought into Part I of the meeting.

99. Planning Applications: Regulation 3

WSCC/049/18/LY Creation of a 1.1km highway, with shared cycleway and footway, Pegasus crossing, viaduct, culvert, wetland areas, balancing pond and swales, street lighting and associated works on Land East of Lyminster village & between Toddington Nurseries & A284 Lyminster Road, Lyminster, Littlehampton.

99.1 The Committee considered a report by the Head of Planning Services, as amended by the agenda update sheet (copy appended to the

signed copy of the minutes). The report was introduced by Jane Moseley, County Planning Team Manager, who gave a presentation on the proposals, details of the consultation and key issues in respect of the application.

99.2 Mr Rob Huntley of Rob Huntley Planning Consultancy, representing Mrs R Andrew a resident of Lyminster and Hargreaves Properties Ltd., spoke in objection to the application. They don't object in principle but are concerned about highway safety. The 2015 proposal was considered unsafe and withdrawn. The objectors' offer to work with the County Council was refused. The current proposal is "near identical". It has the same design defects that encourage high speeds, and safety issues remain with the northbound tie-in to the A284. This could be overcome using the objectors' proposed alignment (shown to the Committee). The design does not meet requirements in the Design Manual for Roads and Bridges. Requests to see the terms and conditions for the Road Safety Audit and details of the Departures from Standard have been declined, so the assertion that the Council has "provided a compliant solution for the bypass" cannot be verified. The WSCC Highways Officer asked for a condition requiring further design and road safety details. Due to the tighter bend and high speeds, accidents at the tie-in will occur. Littlehampton Town Council, Lyminster and Crossbush Parish Council and others have raised safety-related concerns, including the design deficiencies mentioned.

99.3 Mr Dan Montagnani, Chairman, Lyminster and Crossbush Parish Council spoke on the application. The Parish Council supports the principle of a bypass but has some concerns. The existing road is unable to cope with the traffic volumes resulting in gridlock; HGVs straddle the road around the tight bends; Speedwatch has recorded high numbers of vehicles speeding through Lyminster, and there are weekly accidents and countless near misses. The tie-in south of the Crossbush Junction will present significant safety risks to cyclists, pedestrians and residents due to the high specification highway linking to narrow road with a single footpath, and there are health and wellbeing concerns for these residents due to noise, vibration and air quality deterioration. Planning conditions should include more mitigation. Lack of plans to upgrade or modify the Crossbush Interchange at the A27 will result in worse congestion: there is no joined up thinking with Highways England on the Arundel Bypass plans. A condition should be included that traffic calming and safety measures be put in place on the A284 through Lyminster village to avoid it becoming a rat-run and prevent traffic backing up.

99.4 Sara McKnight, Project Manager, Major Projects, West Sussex County Council, the applicant, spoke in support of the application. The proposed road connects with the privately delivered southern section to provide a north-south route with improved access between Littlehampton and the A27. The development has been in the Arun Local Plan since 2003. It will deliver on strategic economic aims. Proposals for the Crossbush junction would lie with Highways England and are outside the scope of this application. The bypass will improve safety, reduce congestion, improve journey time reliability and reduce pollution in Lyminster village. The current route, with its sharp bends and high traffic volumes is a recognised hazard. Extensive consultation has been undertaken

with all stakeholders. The design enables flood risk to be managed. Mitigation measures will be put in place to protect flora and fauna. Traffic flows will increase due to new housing developments and because this will be a more attractive route. Assessment of pollution levels shows that some areas will be high but not unacceptable.

99.5 In response to certain points raised by speakers, Planning Officers provided clarification as below. Other points raised by speakers were covered during the debate by the Committee:

- In relation to the matter of the WSCC Highways Officer's request for a condition requiring further design and road safety details, this relates to detailed design and can be satisfied at the second stage of the audit (design stage).
- Highways England's plans for the Crossbush junction at the A27 are unknown at this time.

99.6 During the debate the Committee raised the points below and clarification was provided by the Planning Officers:

Compliance with the Design Manual for Roads and Bridges

Points raised – Does the proposal meet the requirements in the Design Manual for Roads and Bridges, especially regarding Departures from Standard.

Response –The Manual sets out design criteria. A design may not meet the 'optimum standard', but it is still compliant with the standard required by the Manual.

Safety of cyclists and pedestrians

Points raised – Safety for cyclist and pedestrians was queried, particularly in relation to the tie-in to A284 at the northern end of the bypass. The Committee's points were as follows:

- Would cyclists have to stop to join the old road at the tie-in?
- There is no cycleway on the old A284 which has only has a single narrow footpath; was this assessed during the Road Safety Audit?
- What is the purpose of providing a cycleway along the new bypass when there is no cycleway on the old A284?
- Can a recommendation be included that the applicant should continue the cycleway to the Crossbush junction?
- Why is the foot/cycleway split across two sides of the bypass and were cycling groups consulted about this?
- Why is this a shared foot/cycle way; would separation be better for safety and will the unlit sections be safe?

Responses – As follows:

- Cyclists and pedestrians will need to give way at the northbound tie-in.
- Risks to cyclists and pedestrians have been assessed and in looking at the Departures from Standard it was agreed that installing signage, anti-skid surfacing for 200 m on the old road and lighting would be appropriate - final details will be approved during the design stage.

- The proposed shared foot/cycle way is betterment on existing provision.
- Any plans for a cycleway north beyond the new bypass is outside the remit of this proposal; it should be noted that there is no cycleway to link with at or beyond the Crossbush junction.
- The foot/cycle way is split across the bypass because at the southern end it will join a planned new cycleway on the southbound side, at the northern end the existing footpath on old A284 runs alongside the northbound carriageway. Three cycling groups responded to the application.
- Shared foot/cycle ways are considered better for the safety of users including where paths are unlit.

Traffic calming through Lyminster village

Point raised – Traffic calming should be considered for Lyminster village to prevent the old A284 becoming a rat-run.

Response – This is beyond the scope of the application but should the Committee wish to propose this then it can be included as an informative.

Pegasus Crossing

Points raised – Use of the Pegasus Crossing will bring the road to a standstill, and involve idling vehicles.

Response – The Pegasus Cross is necessary to maintain access to bridleway 2163 and also to allow safe access to the whole foot/cycle way.

Noise barrier

Points raised – Who will have responsibility to maintain the noise barrier? Will planting in front interfere with maintenance?

Response – This noise barrier become a WSCC Highways 'asset', and responsibility for maintenance will lie with the County Council. The area by the noise barrier will be laid to grass.

Flood Risk

Point raised – Flood risk in relation to the '1 in 200 years (tidal) event' for the viaduct over Black Ditch is good, reassurance was sought that the '1 in 100 years plus 40% climate change' risk was taken into account?

Response – Drainage proposals have been approved by the Environment Agency and the WSCC Drainage Officer, subject to relevant conditions as set out in Appendix 1 of the Committee report.

Landscape

Points raised – Could condition 7 – Detailed Landscaping Scheme - be amended to correct discrepancies in wording which refers to "prior to first use of the road" and "following commencement of the development", by use of only the latter phrase. Similarly, with condition 8 – Landscape and Ecological Management Plan. In

condition 7 replacement of planting should be changed from 5 years to 10 years.

Response – Officers did not consider a landscaping scheme was necessary prior to commencement, but should the Committee wish to propose this, and other amendments, then this would be reasonable.

Wick level crossing

Point raised – Are there any plans to close Wick level crossing?

Response – Network Rail have no plans to close Wick level crossing and this does not form any part of these proposals.

99.7 Mr S. J. Oakley proposed an amendment to condition 7 to correct discrepancies in wording which refers to “prior first use of the road” and “following commencement of the development” by use of only the latter phrase throughout the condition, and also to amend the requirement for replacement of planting from 5 years to 10 years. This was seconded by Mr Quinn, and put to the Committee and approved by a majority. Delegated power was granted to the County Planning Team Manager to agree this amended pre-commencement condition with the applicant

99.8 Mr S. J. Oakley proposed that a new Informative be added as follows:

6. The applicant is asked to investigate traffic calming measures on the old A284 though Lyminster village.

This was seconded by Mr Barrett-Miles, and put to the Committee and approved unanimously.

99.9 The substantive recommendation, as amended by the agenda update sheet and changes to conditions and informatives as set out in Appendix 1 and as agreed by the Committee, was proposed by Mr McDonald and seconded by Mr Barratt-Miles and was put to the Committee and approved unanimously.

99.10 Resolved – That planning permission be granted subject to amended conditions and informatives set out in Appendix 1 of the report, as agreed by the Committee, including the Secretary of State not calling in the application.

99.11 The Committee recessed at 11.47 a.m. and Mr Jupp, Mrs Russell and Mr Patel left the meeting. The Committee reconvened at 11.54 a.m.

100. Planning Applications: Minerals

WSCC/044/18/SR Continuation of working the mineral (sand extraction), but with an enhanced restoration scheme for nature conservation and informal recreation involving the importation of 1.8 million tonnes of inert material over a period of eleven years. Sandgate Park Quarry,

**Water Lane, Sullington, Storrington, West
Sussex, RH20 4AS**

100.1 The Committee considered a report by the Head of Planning Services, as amended by the agenda update sheet (copy appended to the signed copy of the minutes). The report was introduced by Chris Bartlett, Principal Planner, who gave a presentation on the proposals, details of the consultation and key issues in respect of the application.

100.2 A statement in objection to the application from Mr and Mrs Lawrence, residents of Storrington, was read out. They dread the proposed landfilling, but support the plans for Sandgate Country Park. They have concerns about how the Country Park will be delivered; the planning application should set out how it will be implemented. The proposals for the grassland areas are in conflict with the existing S.106 agreement with Horsham District Council, which requires public paths and open access. However, the application scheme is superior, but land must be free of people and dogs to allow wildlife to thrive. The Committee Report does not provide details of existing background noise levels, being based on noise level conditions from some years ago. Noise readings were taken in the middle of the day; there is no assessment of the impact during noise sensitive hours (early hours until 7.30 a.m.). Staff often arrive before the 7 a.m. start of site operating hours. The 70 dBh level, which has not been consulted on, will have a harmful effect; a noise expert should advise the County Council on the impacts. Mr and Mrs Lawrence also have concerns about vibration, air pollution and ecology.

100.3 Helen Hudson of Hudson Planning, agent for the applicant, spoke in support of the application. The application seeks to change the existing approved restoration plan and deliver an improved scheme in terms of environment and community benefits; it will greatly improve biodiversity; provide more interesting and connective footpaths, and overall there will be a softer shaped restored landform with additional features and it will extend the area of Sandgate Country Park. Extraction the remaining 1.4 million tonnes of sand is permitted until 2042, but at a rate of 140,000 tonnes per annum this should finished in approximately 10 years. 1.8 million tonnes of inert material would be imported at a rate of 250,000 to 350,000 tonnes per annum over an 11 year period, slowing towards the end, resulting in an additional 134 vehicle movements per day - a worst case scenario. A proposed S.106 routing agreement will mean vehicles would travel south on Water Lane and east on the A283 to the A24. Number plate recognition technology will be used. There will be no adverse impact on the environment or community. Mitigation measures are built in. The applicant is in discussion with Horsham District Council about the future of Sandgate Country Park.

100.4 A statement from Mr Paul Marshall, member for Storrington was read out. In principle, he has no objections to the application because it will enhance the site for local use on completion. A clear traffic plan should be in place to avoid increasing pollution levels particularly through Storrington Air Quality Management Area (AQMA). All HGVs should use the wheel washer. The concrete crusher should be located where it minimises environmental noise; relocation should be agreed with the Planning Authority. Hours of use should be restricted to 9 a.m. to 4 p.m.

weekdays only. Due to safety concerns about mature trees on Water Lane being at risk from HGV movements and vibrations, a S.106 should be secured to monitor the trees and provide for tree work to be undertaken.

100.5 In response to certain points raised by speakers, Planning Officers provided clarification as below. Other points raised by speakers were covered during the debate by the Committee:

- Regarding the future responsibility for Sandgate Country Park, condition 5, the Ecological Management and Aftercare Plan allows for "provision of biodiversity and habitat management details for the 5 year period after restoration", but the future ownership and responsibility for the Country Park is outside the remit of this application and not a material consideration.
- Regarding the claim of conflict with the S.106 agreement with Horsham District Council, updated plans (shown to the Committee) are tied into the existing S.106 agreement.
- Regarding noise, the Environmental Health Officer is satisfied with the assessment that has been carried out and also with the recommended conditions, which allow for enforcement action should there be an issue with noise.

100.6 During the debate the Committee raised the points below and clarification was provided by the Planning Officers, where applicable:

Highway capacity, routeing and Storrington AQMA

Points raised – Will HGVs be required to use the A24 and will there be a sign at the entrance directing HGVs towards the A24? What will prevent HGVs from travelling through Storrington and causing an adverse impact on the AQMA, and what assessments have been carried out in this respect? Does the routeing agreement apply to HGV movements for sand extraction? Would HGV movements of loads of rejected materials be included in the routeing agreement, and what numbers would this involve?

Response –A S.106 routing agreement, which only applies to HGV movements for the infilling operations, will require HGVs to use Water Lane (an advisory HGV route), the A283 and the A24. It will ensure HGVs do not travel north along Water Lane or through the centre of Storrington, thereby avoiding the AQMA. The routeing agreement would not apply to existing HGV movements for sand extraction, meaning these HGV's could travel through Storrington village. However, all HGV's associated with the sand extraction operation are Euro VI compliant (a European emissions standard). A sign will be placed at the site entrance. There is no limit on HGV movements, but average movements for both operations have been provided. Loads of rejected materials would be very small in number and, therefore, would have little impact on HGV movements.

Air Quality - other

Points raised – To protect air quality a condition should be included restricting burning at the site. Reassurance was sought that the proposals will not fall foul of air quality legislation.

Response –Condition 19 – Permitted Restoration Materials states that imported and on-site materials should be inert, so there would be very little flammable material on site. The Environmental Health Officer did not raise any concerns that the proposals would breach any air quality legislation.

Noise

Points raised – Concerns were raised in relation noise, with reference to Paul Marshall's statement: can the wheel wash be moved and can concrete processing be mitigated further through more restricted hours?

Response – Expected noise levels are based on the use of all equipment at the same time and are a worst case scenario. The requirements in condition 6 – Noise Management Plan plus the additional noise bund and noise level limits will be sufficient to manage noise emissions.

Public Right of Way

Point raised – Will walkers be restricted by the proposed new footpath entrance to the public right of way?

Response – The proposals should not affect access for walkers. The new footpath will be put in place once the sand extraction and infilling operations have ceased.

100.7 The substantive recommendation, as amended by the agenda update sheet and changes to conditions, as agreed by the Committee, was proposed by Lt. Cdr. Atkins and seconded by Mr Quinn and was put to the Committee and approved unanimously.

100.8 Resolved – That planning permission be granted subject to amended conditions and informatives set out in Appendix 1 of the report, as agreed by the Committee.

101. Update on Mineral, Waste and Regulation 3 Planning Applications

101.1 The Committee received and noted a report by the Head of Planning Services on applications awaiting determination (copy appended to the signed minutes) detailing the schedule of County Matter applications and the schedule of applications submitted under the Town and Country Planning General Regulations 1992 – Regulation 3.

102. Report of Delegated Action

102.1 The Committee received and noted a report by the Head of Planning Services (copy appended to the signed minutes) applications approved subject to conditions under the Town and Country Planning Act 1990 and Regulation 3 of the Town and Country Planning General Regulations 1992 since the Planning Committee meeting on 5 February 2018.

103. Date of Next Meeting

103.1 The following scheduled meeting of Planning Committee will be on Tuesday, 21 May 2019 at 10.30 a.m. at County Hall, Chichester.

104. Exclusion of Press and Public

104.1 Resolved – That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings as defined in Part I of Schedule 12A of the Act by virtue of the paragraph specified under the item, and in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

104.2 The Committee continued its discussions in Part II, for which a Part II summary is available, below. The Part II discussion took place from 12.38 p.m. to 12.42 p.m.

105. Part II Minutes of the Meeting held on 5 February 2019

105.1 Resolved – That the minutes of Part II of the meeting of the Committee held on 5 February 2019 be agreed as a correct record.

The meeting ended at 12.43 pm

Chairman

This page is intentionally left blank

Planning Committee**9 July 2019****County Matter Waste Application**

Extension to the restoration of the former claypit, including the remodelling of the existing landform to enable a change of use to agricultural land (permanent pasture), internal traffic management improvement measures and a proposed scheme of landscaping improvements and ecological enhancement

Rudgwick Brickworks, Lynwick Street, Rudgwick, Horsham, RH12 3DH

Application No: WSCC/004/19/RW

Report by Head of Planning Services

Local Member: Christian Mitchell

District: Horsham

Executive Summary

Rudgwick Brickworks has an existing planning permission to import some 394,000m³ (590,100 tonnes) of inert waste over four years to restore the former clay extraction pit to an agricultural use. Planning permission is sought to infill a parcel of land north of the claypit with an additional 85,000m³ (127,200 tonnes) of inert waste over a 19 month period, with the stated intention of providing a 'smoother transition' between the restored claypit and neighbouring agricultural land

The proposed extension area, which would be used for agriculture, would necessitate a change in profiles to the northern section of the existing restoration area to 'tie in' with the proposed new landform. It would also require the removal of a belt of mature woodland, which the applicant proposes to mitigate through a number of ecological enhancements. As with current operations, waste materials/soils would be placed utilising a tracked excavator, dump truck and bulldozer. The existing site compound and vehicular access to the site would remain as with the extant operations, and no change to existing operational practices (e.g. working hours, noise/dust management, screening/crushing operations, wheel washing) or HGV numbers/routing, is proposed.

The report provides a generalised description of the site and a detailed account of the proposed development, and appraises it against the relevant policy framework from national to local level.

The main policies of relevance to this application are Policies W1, W8, W9, W11, W12, W14, W15, W16, W19, W20, W21 of the West Sussex Waste Local Plan (WLP April 2014), and Policies 1, 10, 24, 25, 26, 31, 32, 33, 34 and 40 of the Horsham District Planning Framework (November 2015).

Horsham District Council does not consider the proposal favourable in landscape terms, and Surrey County Council question whether the proposed development would constitute landraising rather than restoration. Rudgwick Parish Council supports the application. All other consultees raise no objection to the proposal subject to delivery of proposed agricultural/ecological benefits, the proposals being

completed in the suggested timeframe, and all existing operational controls being taken forward.

Two representations have been received from third parties, one in support highlighting the benefit of restoring the site, and one from the Rudgwick Preservation Society, who are broadly content with the proposed development.

Consideration of Key Issues

The main material planning considerations are whether the proposal:

- is acceptable in principle with regard to waste planning policy;
- is acceptable in terms of impacts on landscape/character;
- is acceptable in terms of highway capacity and road safety; and
- has an acceptable impact on local amenity and the local environment.

Acceptable in Principle with regard to Waste Planning Policy

Policy W8 of the WLP supports recovery operations involving the deposition of inert waste to land where it would meet the relevant criteria. The proposed infill of the area north of Rudgwick claypit is not considered to meet these criteria, because although it would have some benefit, the applicant has not demonstrated that there is a 'genuine need' to use the waste material, or that the amount of waste material to be used is no more than is necessary to deliver the benefit. Further, the site would not be restored to a high quality standard due to its unacceptable impacts on a rural landscape. The proposal is therefore contrary to WLP Policy W8. As the proposal is not considered to represent a 'recovery' operation, it must be considered a waste 'disposal' operation against Policy W9. The proposal is considered to be 'disposal' rather than 'recovery' and it would not move the management of waste up the hierarchy. Therefore, the proposal is contrary to Policies W1 and W9 of the WLP.

Impacts on Landscape/Character

It is considered that the proposed development would have an unacceptable impact upon the locality by introducing an unnatural landform into a rural landscape that would not maintain or enhance the countryside or landscape character of the area. Therefore, the proposal is contrary to Policies W11 and W12 and W20 of the West Sussex Waste Local Plan (2014), Policies 25, 26 and 33 of the Horsham District Planning Framework (November 2015), and Paragraphs 127 and 170 of the National Planning Policy Framework.

Impact on Highway Capacity and Road Safety

The routing and number of HGV movements to/from the site would not change from that which result from the current restoration operations, albeit that the works would continue for an additional 19 month period. The Highway Authority raises no objection to the proposals, subject to existing controls being continued. Therefore, it is considered that the proposed development would be acceptable in terms of impacts on highway capacity and road safety.

Impact on Local Amenity and the Local Environment

The proposed development would result in a further 19 month period during which impacts arising from earthmoving operations could affect existing receptors in the locality and give rise to cumulative impacts. Further, the proposed northern extension would bring activities closer to a residential property to the north and immediately alongside a public footpath. All existing operational controls would be applied to the proposed northern extension, which, to date, have satisfactorily mitigated any potential impacts upon amenity/environment. The proposed development would give rise to no discernible change to the water environment in the context of the restoration already permitted. Although there would inevitably be some disturbance in the locality as a result of the proposed development, this would be temporary and limited in nature. Subject to continued implementation of operational mitigation measures, it is considered that the development is acceptable in terms of impacts on local amenity and the local environment.

Conclusion

Rudgwick Brickworks has an existing planning permission to import some 394,000m³ (590,100 tonnes) of inert waste over four years to restore the former clay extraction pit to an agricultural use. Planning permission is sought to infill a parcel of land north of the claypit with an additional 85,000m³ (127,200 tonnes) of inert waste over a 19 month period, with the intention of creating a 'smoother transition' between the restored claypit and neighbouring agricultural land.

The proposal is considered acceptable in terms of impacts on the local highway capacity and road safety. Although there is the potential for some adverse impacts on local amenity and the local environment associated with these activities, they would (with the exception of impacts on landscape and character) be limited, mainly temporary activities during the construction period, and are not considered unacceptable, subject to conditions and/or planning obligations.

Although the proposal would have some benefit, the applicant has not demonstrated that there is a 'genuine need' to use the waste material, or that the amount of waste material to be used is no more than is necessary to deliver the benefit. The site would not be restored to a high quality standard due to its unacceptable impacts on a rural landscape. Further, the benefits are not sufficient to outweigh the adverse impact of the proposed development on the landscape and character of the area.

Therefore, taking into account all material matters and information provided by the applicant, it is concluded that the proposed development would constitute a waste disposal operation, rather than a recovery operation, contrary to national and local planning policy. Furthermore, it would result in an artificial landform that would have an unacceptable impact upon the landscape and character of the area.

In considering the application, the County Council has, through consultation with the appropriate statutory bodies and having regard to the Development Plan and all other material considerations, considered the objectives of protection of human health and the environment and self-sufficiency and proximity as required by Article 18 of the Waste (England and Wales) Regulations 2011. The County Council has also considered the provisions of Article 20 of these Regulations which relates to location of landfill and avoiding serious environmental risk and nuisance.

Recommendation

It is **recommended** that planning permission be refused for the reasons set out in **Appendix 1** of this report.

1. Introduction

- 1.1 Rudgwick Brickworks has an existing planning permission to import some 394,000m³ (590,100 tonnes) of inert waste over four years to restore the former clay extraction pit to an agricultural use. Although the works are well-advanced, full restoration should have been completed by May 2019. A separate planning application has been submitted to extend this timescale to end August 2019 (ref. WSCC/040/19).
- 1.2 This report concerns a new proposal to infill a parcel of land north of the Brickworks clay pit with an additional 85,000m³ (127,200 tonnes) of inert waste by end December 2020. The applicant states that the infill, which would be used for agriculture, is required to provide a 'smoother transition' between the restored claypit and neighbouring agricultural land.

2. Site and Description

- 2.1 The application site comprises land both within Rudgwick Brickworks and agricultural land immediately to the north. It is situated within Rudgwick Parish in Horsham District at the very northern extent of West Sussex, with Surrey County (and Waverley Borough Council) immediately adjacent to the site's northern boundary (see **Appendix 2 - Location Plan**). The site is situated immediately north of Lynwick Street, from which vehicular access is taken. The village centre of Rudgwick is situated approximately 800m to the south-east of the site.
- 2.2 The application site extends to 7.25 hectares including agricultural land and part of the claypit. The applicant also owns an extensive agricultural holding surrounding the application site, which supports an extensive dairy herd (1,100 cows) and cheese-making business.
- 2.3 The former claypit area has now been largely filled as permitted by WSCC/029/16/RW. At present, the claypit site comprises a large sloping open area of bare earth, with two balancing ponds and numerous stockpiles of materials ready for placement. To the south of the current fill area is a processing area (for inert waste receipt/checking and periodic crushing) and wheel wash/temporary site office.
- 2.4 The proposed new northerly extension area currently comprises sloping agricultural land with a significant mature wooded belt along the southern extent, separating it from the current restoration area.
- 2.5 Neither the current restoration area nor the proposed northerly extension is likely to be visible from Lynwick Street because it is screened from view by the large former-brickwork buildings that front the road. These large buildings now have planning permission for various office, storage, and general industrial uses, and also include a café (the Milk Churn Café) (See **Appendix 3 - Industrial Estate Masterplan**).

- 2.6 A former railway line, now a bridleway (PROW 1389 and 3569), abuts the site to the west, extending in a north-south direction along its boundary. Mature woodland (Hobbs Copse) fills the cutting in this area, which at its northern end extends into Baynards Tunnel Site of Nature Conservation Interest (SNCI). Public footpath (PROW 1388_2) forms the northern boundary of the application site and runs east to west splitting the agricultural field and defining the extent of the proposed land raising.
- 2.7 There is a row of residential properties on either side of Lynwick Street to the east of the former brickwork buildings, two of which (Brambledean and Hillside) back onto the claypit's south-eastern corner boundary. There are also dwellings to the west of the site, including two abutting the old railway, and several beyond the railway west of this, within the applicant's ownership. To the north of the proposed extension area (within Surrey) is Park Farm, approximately 200m over the brow of the hill.
- 2.8 Lynwick Street, from which the site is accessed, links to the A281 some 1.2km south-west of the site, and to the B2128 some 700m to the north-east. Rudgwick village is situated either side of the B2128, which runs parallel to Lynwick Street joining the A281 at its southern end.
- 2.9 There are no statutory landscape, ecological or historic designations within the application site. Some areas of the claypit are designated as a Regionally Important Geological Site (RIGS) as they provide exposures of geological sequences. The site is not within an area identified as being at increased risk of flooding. It is not within a groundwater source protection area.

3. **Relevant Planning History**

- 3.1 The application site includes the wider Rudgwick brickworks, a former clay extraction and brick production site understood to have been in existence since World War One, and which ceased operations in 2012. Accordingly, there are a number of historic permissions relating to the site. However, the key permission for clay extraction and manufacturing operations is WSCC/043/09/RW, a Review of Minerals Planning Permission (ROMP) that consolidated the various minerals permissions at the site.
- 2.10 Following cessation of clay extraction and brick making operations in 2012, planning permission was granted in March 2015 by the County Council for a revised restoration of the clay extraction void, through infill with inert waste materials, to enable restoration to agriculture (WSCC/038/14/RW). This permission allowed the import of some 394,000m³ (590,100 tonnes) of inert waste over four years (see **Appendix 4 – Extant claypit restoration scheme and landform**).
- 3.2 In September 2016, planning permission was granted to vary the conditions of this permission to allow for increased HGV movements to/from the site (WSCC/029/16/RW). As a result, this is the current and relevant permission for restoration of the site through infill with inert waste. This permission required restoration to be completed by May 2019; however, due to delays in commencing these operations, this permission is subject of a current planning application (WSCC/040/19) that seeks an extension in time until end August 2020 to complete the approved restoration (that is, an additional 15 months).

- 3.3 In addition to County Matter applications since the cessation of brick manufacturing operations in 2012, Horsham District Council have approved a number of applications that permit the retention and use of the former brickworks buildings for alternative uses, including B1, B2, B8 (business, general industrial, storage/distribution) and café/farmshop. In October 2016 the District Council also granted permission for a new building for B1, B2, and B8 uses, immediately to the north west of the existing buildings (DC/19/2059).
- 3.4 The proposed infill extension area to the north of the claypit has no planning history and is considered greenfield agricultural land.
4. **The Proposal**
- 4.1 Planning permission is sought to infill a parcel of agricultural land north of the claypit by importing an additional 85,000m³ (127,200 tonnes) of inert waste over a period of 19 months (see **Appendix 5 – Proposed Restoration**).
- 4.2 Owing to the rise in the land north of the claypit, the infill of this area would also necessitate a change in profiles of the northern section of the existing restoration area to 'tie in' with the proposed new landform. At its deepest point, the proposed fill would be some 8m in depth (see **Appendix 6 – Sections**), becoming increasingly shallow as it 'feathers' into the approved landform to the south and east.
- 4.3 The proposals would require the removal of a belt of mature woodland along the boundary of the agricultural land with the claypit. To mitigate this, the applicant proposes a number of ecological enhancements including new woodland edge planting, bat and dormouse boxes, shallow ponds, wildflower seeding of a woodland glade, and a series of intermittent planted 'islands' ('micro shaws') to provide a replacement link/'bat corridor' between woodlands.
- 4.4 The overall purpose of the final claypit restoration would remain the same as the extant permission, with open fields gently sloping from the north-east to the south-west for an agricultural after-use (grazing/silage). The additional infill area would be returned to agricultural use once completed. The applicant does not intend a significant change to the approved claypit restoration phasing, with the new extension area (and associated 'feathering' in) becoming an additional and final phase of the overall infill/restoration programme.
- 4.5 A modest change to the required wildlife ponds within the south/southwest of the claypit site is also proposed, which would facilitate the delivery of a circular access within the business park (see **Appendix 7 – Proposed planting and ecological enhancements**).
- 4.6 As with current operations at the claypit site, waste materials/soils would be placed utilising a tracked excavator, dump truck and bulldozer. The existing site compound and vehicular access to the site would remain as with the extant operations, and no change to existing operational practices is proposed (e.g. working hours, noise/dust management, screening/crushing operations, wheel washing).
- 4.7 The number of HGV movements to/from the site would not change, although they would continue for an additional 19 month period over that currently

permitted for the claypit restoration. If this application is granted, the proposed works would be carried out concurrently with extant restoration works, albeit with a final end date of December 2020, some four months beyond the end date of August 2020 currently sought for the main claypit restoration (under planning application WSCC/040/19).

- 4.8 HGVs would continue to enter the site from the existing entrance on the northern side of Lynwick Street. They would travel east around the group of former brickworks buildings, before travelling north into the claypit. HGV routing would also remain as exiting.

5 **Environmental Impact Assessment (EIA)**

- 5.1 The development falls within Part 11(b) of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment Regulations 2017 as it relates to an 'installation for the disposal of waste', and relates to a development area of more than 0.5 hectare. It could also be considered to fall within Part 13(b) of Schedule 2, which relates to changes to or extensions of EIA development where that development is already authorised or executed
- 5.2 The County Council provided a Screening Opinion on 20 June 2018 confirming that, having regard to the selection criteria in Schedule 3 of the EIA Regulations, the proposal is considered to have the potential for significant effects on the environment so requires an Environmental Impact Assessment.
- 5.3 The County Council subsequently issued a Scoping Opinion on 12 July 2018, setting out its views as to what main/significant areas would need to be considered within the EIA. An Environmental Statement has been submitted with the application.

6. **Policy**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise. For the purposes of this application, the statutory development plan is considered to comprise the West Sussex Waste Local Plan (2014), and the Horsham District Planning Framework (2015).
- 6.2 The Parish of Rudgwick has been designated as a Neighbourhood Development Plan Area. While a Neighbourhood Plan is in preparation, it has not progressed to an extent that it can be given any weight.
- 6.1 The key policies in the development plan which are material to the determination of the application, are summarised below. In addition, reference is made to relevant national planning policy guidance and other policies that guide the decision-making process and which are material to the determination of the application.

West Sussex Waste Local Plan (April 2014)('the WLP')

- 6.2 Policy W1 relates to the need for waste management facilities and seeks to prevent waste landfill/disposal operations, with an objective of zero waste to landfill in West Sussex by 2031.

- 6.3 Policy W8 of the WLP relates to recovery operations involving the deposition of inert waste to land. These are supported providing a number of criteria are met, and are considered in Section 9 of this report. These are:
- "(a) the proposal results in clear benefits for the site and, where possible, the wider area;*
 - (b) the material to be used is only residual waste following recycling and/or recovery or it is a waste that cannot be recycled or treated;*
 - (c) there is a genuine need to use the waste material as a substitute for a non-waste material that would otherwise have to be used;*
 - (d) the material to be reused is suitable for its intended use;*
 - (e) the amount of waste material to be used is no more than is necessary to deliver the benefits identified under (a);*
 - (f) there would be no unacceptable impact on natural resources and other environmental constraints;*
 - (g) the proposal accords with Policy W13 (Protected Landscapes);*
 - (h) any important mineral reserves would not be sterilised; and*
 - (i) restoration of the site to a high quality standard would take place in accordance with Policy W20."*
- 6.4 Proposals which are not determined to be genuine recovery operations (i.e. fail to meet the above criteria) will be considered to be disposal and assessed against Policy W9.
- 6.5 Policy W9 of the WLP relates to proposals for the disposal of waste to land. Waste 'disposal' is the least preferred form of waste management and the policy seeks to prevent disposal of waste other than at allocated or existing landfill sites.
- 6.6 Policy W11 and W12 of the WLP support waste development provided there are no unacceptable impacts on the character of the area and would constitute high quality development that has regard to local context.
- 6.7 Policy W14 seeks to ensure that biodiversity and geodiversity is protected and the benefits of the development clearly outweigh any impacts.
- 6.8 Policy W15 seeks to ensure that features of historic or archaeological importance are conserved and enhanced.
- 6.9 Policy W16 supports waste development provided there are no unacceptable impacts on the intrinsic quality and, where appropriate, the quantity of air, soil and water resources. Policy W17 supports waste development provided that flood risk is not increased and surface water run-off is properly controlled. Policy W18 relates to transport, supporting waste development where (in summary) transport links are adequate, where there is a safe and adequate access to the highway, there would be no adverse impact on road users and where vehicle movements are minimised.

- 6.10 Policy W19 supports waste development provided "*lighting, noise, dust odours and other emissions, including those from transport, are controlled to the extent that there will not be an unacceptable impact on public health and amenity*"; and the amenities of public rights of way are safeguarded.
- 6.11 Policy W20 seeks to ensure that temporary waste development makes provision for high quality and practicable restoration at the earliest opportunity and to ensure, management and aftercare which maximises benefits taking into account local landscape character, the historic environment, biodiversity and wider environmental objectives.
- 6.12 Policy W21 seeks to prevent an 'unreasonable level of disturbance' to the environment and local communities through the cumulative impact of waste uses and other uses.

Horsham District Planning Framework (November 2015)

- 6.13 The relevant policies are: Policy 1 –Sustainable Development, Policy 10 – Rural Economic Development, Policy 24 – Environmental Protection, Policy 25 – The Natural Environment and Landscape Character, Policy 26 – Countryside Protection, Policy 31 –Green Infrastructure and Biodiversity, Policy 32 – The Quality of New Development, Policy 33 – Development Principles, Policy 34 – Cultural and Heritage Assets, Policy 40 – Sustainable Transport.

National Planning Policy Framework (2019)

- 6.20 The National Planning Policy Framework (NPPF) promotes, wherever possible, the use of waste as a resource and the movement of waste management up the 'waste hierarchy', thereby only supporting the disposal of waste as a last resort. It also sets out the approach waste authorities should take to determining applications.
- 6.21 The paragraphs in the NPPF of greatest relevance to the present proposal are:

Paragraph 11 (presumption in favour of sustainable development, and approving development that accords with the development plan); paragraph 17 (contributing to/enhancing the natural environment); paragraphs 54 -56 (planning conditions and obligations), paragraph 83 (supporting a prosperous rural economy), 108 (promoting sustainable transport), 118 (making effective use of land), 127 (well-designed places), 163 (ensuring flood risk is not increased elsewhere); 170 (contribute to and enhancing the natural environment), 175 (protect and enhance biodiversity and geodiversity), 178 (ground conditions and pollution), 180 (ensuring new development appropriate for location taking into account impact of pollution on health and the environment).

National Planning Practice Guidance

- 6.22 This web based resource provides national planning guidance and is regularly updated. Of particular relevance to the development proposals are 'waste' (October 2015), 'Noise' (6 March 2014), 'Natural environment' (21 January 2016).

National Planning Policy for Waste (2014)

6.22 Paragraph 7 of the National Planning Policy for Waste (NPPW) relates to determining waste planning applications. In summary, sections of key relevance to this application require planning authorities to:

- *"Consider the likely impact on the local environment and amenity against the locational criteria set out in Appendix B (see below); and*
- *Ensure that facilities are well-designed, contributing positively to the character and quality of the area; and*
- *Concern themselves with implementing the strategy in the Local Plan and not control of processes which are a matter for pollution control authorities, on the assumption that such regimes are properly applied and enforced."*

Appendix B to the NPPW sets out locational criteria for testing the suitability of sites, namely the protection of water quality and resources and flood risk management; land instability; landscape and visual impacts; nature conservation; conserving the historic environment; traffic and access; air emissions including dust; odours; vermin and birds; noise, light and vibration; litter; and potential land conflict.

EU Council Directives 2008/98/EC and 1999/31/EC

6.23 By virtue of the Waste (England and Wales) Regulations 2011 when determining any application for planning permission that relates to waste management (article 18), or landfill (article 20), the planning authority is required to take into account EU Council Directives; 2008/98/EC (which sets out the objectives of the protection of human health and the environment and self-sufficiency and proximity) and; 1999/31/EC (which sets out which sets out the key considerations for the location of a landfill and requirement to prevent serious environmental risk and nuisance). Case law has confirmed that these are objectives at which to aim. As objectives they must be kept in mind whilst assessing the application and provided this is done, any decision in which the furtherance of the objectives are not achieved, may stand.

7. Consultations

7.1 **Horsham District Council:** Note that the proposal "is not considered favourably in landscape terms". Support the principle of infilling the former clay pit and restoring the land to an undulating landform, but raise concerns over the loss of the woodland shaw which they note is an important characteristic of the landscape, and proposed planting of compensation woodland would not overcome the landscape character and visual harm from the loss of a green link.

7.2 **Horsham District Council – Environmental Health:** Accept the conclusions of the submitted noise and air quality reports. Recommend that controls over noise, dust and operating hours are taken forward from the existing permission.

7.3 **Rudgwick Parish Council:** Positively support the application, but note the importance of final deadlines being adhered to.

7.4 **Environment Agency:** No objection.

- 7.5 **Natural England:** Standing advice provided raising no objection.
- 7.6 **Waverley Borough Council** (neighbouring authority): No objection.
- 7.7 **Surrey County Council** (neighbouring authority): Question whether this is actually a restoration proposal, or a land raising extension. Note that the determining authority will need to be satisfied that the agricultural benefit outweighs the loss of woodland and change in the natural landform.
- 7.8 **WSSC Archaeology:** No objection subject to a planning condition to secure archaeological mitigation measures through a Written Scheme of Investigation for archaeological investigation, recording, and reporting.
- 7.9 **WSSC Drainage:** No objection.
- 7.10 **WSSC Ecology:** No objection subject to conditions to secure all biodiversity mitigation and enhancement measures under the supervision of an ecologist and maintenance of proposed bat and hazel dormouse boxes.
- 7.11 **WSSC Tree Officer:** No objection provided mitigation and enhancement proposals are implemented. Ash Dieback (ADB) is more evident this year so unsurprising ash trees along the wooded boundary are affected. The combination of benefits proposed plus a phased approach to tree removal is welcomed as it does not sever habitat all at once. Proposed ponds should avoid root protection areas and details of planting will be required to ensure their suitability for the site and surrounding landscape.
- 7.12 **WSSC Highways:** No objection subject to conditions/S106 agreement for identical HGV numbers and routing arrangements.
- 7.13 **WSSC Public Rights of Way:** No objection. Note that the applicant will be required to maintain a 2.5m width of the footpath for public use, and that proposed separation fencing is of a type that would not prevent views being enjoyed.

8. Representations

- 8.1 The application was publicised in accordance with Schedule 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 involving the erection of six site notices located around the application site, an advertisement in the local newspaper, and neighbour notification letters.
- 8.2 Two representations have been received from third parties, one in support highlighting the benefit of restoring the site, and one from the Rudgwick Preservation Society who are broadly content that the development can go ahead. The Preservation Society note that operations to date have been run 'very professionally and disturbance has been kept to a minimum'. They also highlight the need to maximise and manage ecological/arboricultural benefit, protect the public footpath, ensure the duration of operations does not exceed 12 months, and conforms to current operational arrangements.

9. Consideration of Key Issues

9.1 The main planning matters to consider in relation to this application are whether it:

- is acceptable in principle with regard to waste planning policy;
- is acceptable in terms of impacts on landscape/character;
- is acceptable in terms of highway capacity and road safety; and
- has an acceptable impact on local amenity and the local environment.

Acceptable in principle with regard to waste planning policy

9.2 Policy W8 of the WLP supports recovery operations involving the deposition of inert waste to land where they meet various criteria. For the proposed additional area of fill to be considered a recovery operation, and thus acceptable in principle in accordance with Policy W8, these criteria must be satisfied. Consideration of each of these is set out below.

(a) *the proposal results in clear benefits for the site and, where possible, the wider area.*

9.3 The applicant has outlined a number of benefits the project would bring. They assert that the principle objective of the proposal is to "*allow for the restoration to achieve a more consistent landform topography when connecting the extant restoration area to the agricultural land immediately to its north*" which they state would be beneficial for the agricultural after-use.

9.4 Essentially, the applicant considers that the proposed fill area would result in a final topography that would provide a smoother transition and more gentle slope between the restored former clay pit and neighbouring agricultural land to the north (also in the applicant's ownership), improving access for farming equipment (both in terms of gradient and by facilitating access from the north), and ensuring efficient farming practices (improved 'field craft').

9.5 The proposed change to the approved wildlife pond at the south of the site would, they state, facilitate the delivery of a circulatory access road within the business park, which they consider to be beneficial as it would avoid the use of a small section of Lynwick Street and the business park.

4.9 As already noted, the applicant also proposes a series of ecological enhancements (see **Appendix 7 – Proposed planting and ecological enhancements**).

9.6 In terms of agricultural benefits, it is accepted that the proposed development could, to some degree, improve the efficiency of farming practices by resulting in a small area of farmland being less steep and thus less challenging to farm with larger machinery, reducing the number of turns, improving efficiency and safety. It is also understood that the proposed development could facilitate access from northern farmland into the restored claypit, thus avoiding the need for farm vehicles to access the site through the business park and a small section of the public highway.

- 9.7 However, areas of unaffected slope immediately north of the proposed extension would remain similarly steep, only a small area of existing farmland (approximately 1 hectare) would likely become more useable. This is considered to be of limited significance in the context of the applicant's wider landholding or generally in agricultural terms.
- 9.8 The provision of a northern access into the permitted restoration area may offer some operational benefits to the applicant in avoiding the need to access farmland through the business park and a small section of Lynwick Street. However, these agricultural movements would be typical of the rural locality, would already have been considered compatible when planning permission was granted for the extant claypit restoration and development within the business park, and are arguably better than the 'off road' alternative route which would be along a well-used public bridleway. As such, the benefits of any revised access arrangements are considered limited at best.
- 9.9 Overall, it is considered that there would be some agricultural benefit but it would be limited.
- 9.10 In terms of ecological benefits, the proposed development would result in the loss of an 80m belt of mature woodland (a 'shaw') that provides connectivity between local woodland habitats and is an important bat flight/foraging corridor for the adjacent Hobbs Copse and Baynards Tunnel SSSI. However, the applicant has included a detailed phased methodology for the removal of the woodland that would minimise any impact and avoid total habitat severance.
- 9.11 Further, upon completion, the proposed package of planting and enhancements would provide an improved habitat in the long term, and compensate for loss of mature trees. It is of further note that the existing woodland shaw is predominantly comprised of Ash (some 17 of the 20 trees to be felled), which is likely to be at risk of ADB, known to be prevalent in the area, including some of the trees to be removed. Although the potential impacts of ADB upon the woodland shaw are difficult to predict, it would affect its long-term viability. Overall, it is considered that the proposed development could deliver some ecological benefit, particularly in the long-term.
- 9.12 Overall, it is agreed that the proposed development would result in some agricultural and ecological benefits. Although the benefits would be limited to the site and not the wider area, the latter is a desirable but not essential requirement under Policy W8. The proposal is therefore considered to accord with this criterion.
- (b) *the material to be used is only residual waste following recycling and/or recovery or it is a waste that cannot be recycled or treated.*
- 9.13 The imported inert wastes would comprise construction and demolition wastes as well as earth, clay, soils and subsoils. Material that could be recycled or otherwise put to use would have been removed by the waste operator prior to coming to the site, particularly as the financial returns for recycling are greater than for waste deposit. The proposal is, therefore, considered to accord with this criterion.
- (c) *there is a genuine need to use the waste material as a substitute for a non-waste material that would otherwise have to be used.*

Agenda Item 4

- 9.14 The development would make use of inert waste rather than 'virgin' soils to create a revised landform which the applicant asserts is necessary to improve agricultural practices. The applicant asserts that the current slope of the proposed infill area does not allow large farm machinery to turn safely at the base of the slope when harvesting, nor access the new restoration area to the south.
- 9.15 However, agricultural land immediately north of the proposed extension has similar sloping characteristics and has been farmed for pasture for many years. It is considered that there is a range of alternatives that are available to the applicant to provide the desired connectivity for farm machinery that would not require the volume of fill material proposed. For example, it could be achieved through creating breaks in the woodland shaw, provision of a small bridge/link, or a lesser scheme requiring a smaller volume/depth of waste.
- 9.16 There is not, therefore, considered to be a 'genuine need' to use the waste material to create a revised landform such that non-waste would have been used for the works. Accordingly, the proposed development does not accord with this criterion.

(d) the material to be reused is suitable for its intended use.

- 9.17 The imported inert wastes would comprise construction and demolition wastes as well as earth, clay, soils and subsoils, all typical materials used in land raising, engineering and restoration projects. As has been the case for the permitted restoration to date, some further processing of waste may take place on site to ensure its suitability for use; an Environmental Permit would be required that would ensure incoming waste is checked by trained operatives.

- 9.18 The proposal is, therefore, considered to accord with this criterion.

(e) the amount of waste material to be used is no more than is necessary to deliver the benefits identified under (a).

- 9.19 As noted in relation to (c) above, it is considered that the agricultural benefits could be delivered without the need to import the amount of waste proposed. The scheme is not therefore considered to be the minimum required to deliver the suggested agricultural benefits.
- 9.20 In terms of ecological/biodiversity benefits, proposed new planting and habitat creation would predominately be located outside the proposed fill area; therefore, it would not come forward as a direct result of the proposed land raising. Furthermore, although a condition could ensure that the woodland shaw is managed into the future to maximise ecological benefits, the applicant could achieve this without a requirement for land raising. There may be a financial link to the import of waste that would make the provision of ecological enhancements more viable, but the applicant has not demonstrated any such link and it is unlikely that this would warrant the volume of waste infill proposed.
- 9.21 Taking into account the above, it is not considered that the applicant has satisfactorily demonstrated that the amount of fill material proposed (85,000m³ or 127,200 tonnes) is the minimum required to ensure the delivery of the

benefits described in (a) above. Therefore, the proposal does not accord with this criterion.

(f) there would be no unacceptable impact on natural resources and other environmental constraints.

9.22 The proposed restoration scheme would, subject to conditions, not result in any unacceptable impact upon wider amenity, air quality, ecology or the water environment. However, with reference to paragraphs 9.29-9.41, it is considered to give rise to result in an unacceptable impact upon a rural landscape that would not maintain or enhance the countryside or landscape character of the area. The proposal, therefore, does not accord with this criterion.

(g) the proposal accords with Policy W13 (Protected Landscapes)

9.23 No 'protected landscapes' are situated near this site.

(h) any important mineral reserves would not be sterilised

9.24 Although the proposed development could potentially make any remaining underlying clay reserve uneconomic to extract in the future, it is not considered that there would be any unacceptable sterilisation of mineral reserves. This view is based on the limited overall size of the infill area and noting that during the last years of the brickwork's operation, clay was imported as the clay extracted was not of useable quality. The proposal is, therefore, considered to accord with this criterion.

(i) restoration of the site to a high quality standard would take place in accordance with Policy W20

9.25 The impacts on the landscape and character of the area that Policy W20 seeks to protect are considered below in paragraphs 9.29 - 9.41, concluding that the development is unacceptable in this regard. This criterion is not therefore met.

Overall conclusion

9.26 Policy W8 of the WLP supports recovery operations involving the deposition of inert waste to land where it would meet the above criteria. As set out above, although the proposed infill of the area north of Rudgwick claypit would have some benefit, the applicant has not demonstrated that there is a genuine need to use the waste material, or that the amount of waste material to be used is no more than is necessary to deliver the suggested benefit. Further, once completed, the scheme would result in unacceptable impacts on a rural landscape, so cannot be considered to result in high quality restoration. The proposal is therefore contrary to WLP Policy W8.

9.27 Accordingly, the proposed development must be considered against WLP Policy W9 as a waste disposal operation, rather than a recovery operation. In this regard, the National Planning Policy for Waste and Policy W9 of the WLP address the disposal of waste to land. Disposal of waste falls at the bottom of the waste hierarchy and is the last resort for waste that cannot be recovered, re-used or recycled. Development that prejudices the movement of waste up the waste hierarchy should not be permitted. The applicant has not

demonstrated an identified need for disposal of inert waste or that it could not be managed through genuine recovery operations.

- 9.28 *Policy W8 of the WLP supports recovery operations involving the deposition of inert waste to land where it would meet the relevant criteria. The proposed infill of the area north of Rudgwick claypit is not considered to meet these criteria, because although it would have some benefit, the applicant has not demonstrated that there is a 'genuine need' to use the waste material, or that the amount of waste material to be used is no more than is necessary to deliver the benefit. Further, the site would not be restored to a high quality standard due to its unacceptable impacts on a rural landscape. The proposal is therefore contrary to WLP Policy W8. As the proposal is not considered to represent a 'recovery' operation, it must be considered a waste 'disposal' operation against Policy W9. The proposal is considered to be 'disposal' rather than 'recovery' and it would not move the management of waste up the hierarchy. Therefore, the proposal is contrary to Policies W1 and W9 of the WLP.*

Impacts on Landscape/Character

- 9.29 The development has the potential to result in two main types of landscape and visual impact: temporary changes to views during the land raising operations; and permanent changes to the landscape character through the creation of a raised landform and partial loss of a mature woodland shaw.
- 9.30 The site is located within a rural area with few residential properties in the immediate area, none of which would be likely to have direct views of the proposed new landform upon completion. As is the case for the current claypit restoration proposals, the proposed infill is also unlikely to be visible from the street scene in Lynwick Street, being screened from view by the large former-brickwork buildings that front the road.
- 9.31 Views of the proposed development are predominantly likely to be either distant, occasional or glimpse views through woodland from the Bridleway 3569 and footpath 1389_1 to the west. The exception to this is close range, open views from the footpath (PROW 1388_2) that forms the northern boundary of the application site.
- 9.32 In terms of temporary impacts during construction, it is not considered that the construction activities would give rise to any unacceptable impact upon views for the temporary period sought. This view takes account of the relatively limited viewpoints of the site, the potential ongoing restoration works to the south, and the fact that any impact of temporary land raising operations upon the adjacent footpath would be both transitory and temporary in nature.
- 9.33 With regard to the permanent impact of the scheme, the applicant claims that the permitted restoration of the former clay pit to the south would result in a landform, at its northern extent, that is not in keeping with the landscape. They state that, upon completion, the proposal would remedy this, bringing forward a landform broadly matching the character of the surrounding area and allowing for a more cohesive connection to the northern fields.
- 9.34 The restoration of the claypit to the south with imported inert waste (WSCC/029/16/RW), involves the infill of a void. In approving this development, the County Council noted that the applicant's intention was to

return the site to pre-extraction landform, with a gently inclined landform sloping from north-east to south-west (see **Appendix 4 & 6 – Extant restoration & Sections**).

- 9.35 In contrast, the proposed new extension area would entirely be land raising and, therefore, it cannot be considered to result in a natural landform/topography. Contrary to the applicant's assertions, the approved final landform to the south is considered to represent a gradual and natural landform that would mimic the historic pre-extraction landform and be entirely characteristic of the area (as confirmed through the granting of that permission).
- 9.36 Furthermore, the now-proposed landform (see **Appendix 5 – Proposed Restoration**) would result in steep and somewhat unnatural slopes at the eastern edge of existing woodland shaw, and the submitted plans do not demonstrate that the northern extent of the proposed landform would sympathetically tie into the existing landform.
- 9.37 Although the site is not within a protected landscape, it is in the open countryside. Paragraph 170(a) of the NPPF requires decisions to "*contribute to and enhance the natural and local environment by:*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*"
- 9.38 It is not considered that the scheme would recognise the intrinsic character and beauty of the countryside and the benefits it brings. Rather, it would introduce an unnatural landform to it, which is out of keeping with its surroundings.
- 9.39 With regard to the woodland shaw, significant reduction/loss in the short term is unfortunate. However, taking into account the proposed sensitive and phased management of its removal (in combination with the proposed ecological enhancements) and the likely impacts of ADB on the trees, it is considered that there would be minor landscape benefits in the long-term.
- 9.40 Overall, although it is not considered that the temporary construction operations or the loss of the woodland shaw would result in significant impacts on the landscape, it is considered that, upon completion, the proposed development would result in an unnatural landform, particularly at its northern margins, where the connection to existing topography would be somewhat incongruous with the natural landscape. Accordingly, the impact on the landscape character of the area is not considered to be acceptable.
- 9.41 *It is considered that the proposed development would have an unacceptable impact upon the locality by introducing an unnatural landform into a rural landscape that would not maintain or enhance the countryside or landscape character of the area. Therefore, the proposal is contrary to Policies W11 and W12 and W20 of the West Sussex Waste Local Plan (2014), Policies 25, 26 and 33 of the Horsham District Planning Framework (November 2015), and Paragraphs 127 and 170 of the National Planning Policy Framework.*

Impact on Highway Capacity and Road Safety

- 9.42 During the construction operations, the proposed hours of operation and maximum number of HGV movements to/from the site would remain the same at that of the restoration operations approved under planning permission WSCC/029/16/RW, as follows:

"There shall be no more than 120 daily HGV movements (60 HGVs entering and leaving the site) between Monday and Friday, up to a maximum of 440 weekly HGV movements (220 HGVs entering and leaving the site). There shall be no HGV movements on Saturdays, Sundays or Bank/Public Holidays."

- 9.43 The applicant has also confirmed that they are willing to amend the current HGV routing agreement (S106) to ensure the current arrangement for waste importation activities would not change, i.e. all HGVs to access the site via the existing entrance on the northern side of Lynwick Street, with a minimum 85% of vehicles routed to the west (to the A281) and 15% to the east (to the B2128).
- 9.44 Although there has been some change in baseline HGVs flows to/from the wider site resulting from the various approvals and uses within the business park, these have been considered within the applicant's Transport Assessment, and are not considered to alter the overall acceptability of the vehicle numbers proposed.
- 9.45 As a result, the main material difference in highways terms between the ongoing restoration operations permitted under WSCC/029/16/RW, and this proposal, is a 19 month extension in the temporary period during which HGVs associated with inert waste importation would operate. If approved, the works would take place concurrently with extant restoration works, albeit with a final end date of December 2020, some four months beyond the end date of August 2020 currently sought for the main claypit restoration (under planning application WSCC/040/19).
- 9.46 The Highway Authority raises no objection to the proposal subject to conditions/S106 agreement for identical HGV numbers and routing arrangements.
- 9.47 *The routing and number of HGV movements to/from the site would not change from that which result from the current restoration operations, albeit that the works would continue for an additional 19 month period. The Highway Authority raises no objection to the proposals, subject to existing controls being continued. Therefore, it is considered that the proposed development would be acceptable in terms of impacts on highway capacity and road safety.*

Impact on Local Amenity and the Environment

- 9.48 By its nature, the importation of waste in HGVs, and restoration operations involving plant and machinery has the potential to result in noise, vibration and dust and impacts, which have the potential to adversely affect local amenity and the local environment. Further, the proposed development has the potential to result in cumulative impacts with the adjacent claypit restoration. Accordingly, potential impacts on the amenity of local residents, adjoining land

uses and on the local environment must be considered. Landscape impacts and the agricultural benefits of the proposal are considered elsewhere in this report.

9.49 However, in this case both historic clay extraction and ongoing site restoration operations form important context to the proposed development. At present, ongoing inert waste importation activities utilise a compound and vehicular access to the south of the site, and a number of established operational controls are in place to minimise potential impacts upon the locality. As required by WSCC/029/16/RW, in summary this includes:

- Restriction in use of plant to one bulldozer and one excavator at any one time, both of specified noise outputs and to be silenced in accordance with manufacturers specifications;
- Use of only white noise reversing alarms on vehicles plant and machinery;
- No external lighting;
- Hours of operation 07:30-17:00 Monday to Friday and 08:00-13:00 Saturdays;
- Restricted maximum HGV numbers (60 in and 60 out Monday-Friday);
- Enclosed Loads;
- Noise Management Plan;
- Dust Management Plan;
- Vehicle Cleaning Plan;
- Limitation of crushing and screening operations, and requirement for prior notification of such activities;
- Local Liaison Group

9.50 The existing waste importation/restoration operations are not known to have given rise to any substantive complaints over the four years since operations commenced. Further, the applicant continues to host a regular liaison group in the locality, which has not resulted in any significant impacts having been highlighted.

9.51 The main potential difference in impacts resulting from the proposal are: a 19 month extension in the temporary period for inert waste importation; and the location of the infill further north than is currently the case.

2.11 In this regard, it is noted the proposed infill area falls in a largely rural location with limited additional receptors in close proximity. Notable additional receptors resulting from the proposal, compared with the claypit infill are; Park Farm, approximately 200m to the north (within Surrey); users of public footpath (PROW 1388_2) which forms the northern boundary of the application site; and woodland habitats (including Baynards Tunnel SNCI).

9.52 With regard to noise, the applicant has submitted a noise impact assessment, which demonstrates that predicted noise levels at Park Farm would be within guideline limits as identified within Planning Practice Guidance: Noise (paragraph 021 dated 06 03 14). Residential properties to the south in Lywick Street, some of which share a boundary with the claypit's south-eastern corner, would also remain within guideline noise limits. This is because the existing

Agenda Item 4

noise bund at the south east of the site would be retained and because the extant permitted restoration operations are considerably closer than the proposed northern extension. HGVs travelling to/from the site also have the potential to give rise to noise; however, it is noted that the proposed development would not increase the current number of HGVs or their route to the site.

- 9.53 With regard to air quality, the applicant has submitted an air quality assessment, which concludes that the closest and most susceptible receptors for dust arising from operations are generally upwind of the works. Taking into account the separation distance, and continued implementation of dust mitigation measures (e.g. vehicle speed limits/wheel washing/bowser and dust suppression), the proposed development is unlikely to result in dust impacts/nuisance. In terms of emissions from vehicles, existing air quality in the locality is good and proposed traffic generated is low in terms of typical air quality thresholds for assessment.
- 9.54 With regard to noise/air quality impacts upon the adjacent public footpath, no detailed assessment has been provided by the applicant. It is noted that a fence would be provided to maintain separation from the works. Given the proximity of the footpath to proposed earthmoving operations, there would inevitably be some disturbance to footpath users. However, taking into account the temporary and transitory nature of any noise impacts, it is not considered this would be unacceptable. With regard to impacts upon adjacent habitats, again whilst there would be some disturbance, it is not considered that any such impacts would be unacceptable, taking account of historic and ongoing permitted operations, and subject to continued implementation of operational mitigation measures.
- 9.55 The impact on habitat and biodiversity is not considered to be significant, and the County Ecologist has raised no objection to the proposal, taking into account the mitigation measures proposed.
- 9.56 The Environmental Health Officer, County Ecologist and WSCC Public Rights of Way Officer raise no objection to the proposals, subject to suitable conditional controls consistent with those imposed on existing restoration operations.
- 9.57 In terms of the water environment, the application site is located in Flood Zone 1 (at a low risk of flooding). As is the case with the current permitted restoration landform, the revised proposals would direct surface run-off to the south west into peripheral ditches and waterbodies, via a number of 'wildlife' attention ponds incorporated in to the final restoration. The proposed development would result in minor changes to proposed attenuation ponds, with the reduction in the southernmost pond within the business park, to facilitate a circulatory access, and the addition of new ponds within the woodland glade alongside the proposed extension area.
- 9.58 WSCC Drainage Officers raise no objection to the proposals and are satisfied that the proposed drainage arrangements for the extension are fit for purpose and would not exacerbate the potential for flooding off site.
- 9.59 Taking into account historic operations, the limited additional 19 month period required to execute the works, and noting similar activities over the last four years have not given rise to any known significant impacts, the proposed

development is considered acceptable in terms of impacts on local amenity and the local environment, subject to continued mitigation being secured by condition.

- 9.60 *The proposed development would result in a further 19 month period during which impacts arising from earthmoving operations could affect existing receptors in the locality and give rise to cumulative impacts. Further, the proposed northern extension would bring activities closer to a residential property to the north and immediately alongside a public footpath. All existing operational controls would be applied to the proposed northern extension, which, to date, have satisfactorily mitigated any potential impacts upon amenity/environment. The proposed development would give rise to no discernible change to the water environment in the context of the restoration already permitted. Although there would inevitably be some disturbance in the locality as a result of the proposed development, this would be temporary and limited in nature. Subject to continued implementation of operational mitigation measures, it is considered that the development is acceptable in terms of impacts on local amenity and the local environment.*

10. Overall Conclusion and Recommendation

- 10.1 Rudgwick Brickworks has an existing planning permission to import some 394,000m³ (590,100 tonnes) of inert waste over four years to restore the former clay extraction pit to an agricultural use. Planning permission is sought to infill a parcel of land north of the claypit with an additional 85,000m³ (127,200 tonnes) of inert waste over a 19 month period, with the intention of creating a 'smoother transition' between the restored claypit and neighbouring agricultural land.
- 10.2 The proposal is considered acceptable in terms of impacts on the local highway capacity and road safety. Although there is the potential for some adverse impacts on local amenity and the local environment associated with these activities, they would (with the exception of impacts on landscape and character) be limited, mainly temporary activities during the construction period, and are not considered unacceptable, subject to conditions and/or planning obligations.
- 10.3 Although the proposal would have some benefit, the applicant has not demonstrated that there is a genuine need to use the waste material, or that the amount of waste material to be used is no more than is necessary to deliver the benefit. The site would not be restored to a high quality standard due to its unacceptable impacts on a rural landscape. Further, the benefits are not sufficient to outweigh the adverse impact of the proposed development on the landscape and character of the area.
- 10.4 Therefore, taking into account all material matters and information provided by the applicant, it is concluded that the proposed development would constitute a waste disposal operation, rather than a recovery operation, contrary to national and local planning policy. Furthermore, it would result in an artificial landform that would have an unacceptable impact upon the landscape and character of the area.
- 10.5 In considering the application, the County Council has, through consultation with the appropriate statutory bodies and having regard to the Development

Plan and all other material considerations, considered the objectives of protection of human health and the environment and self-sufficiency and proximity as required by Article 18 of the Waste (England and Wales) Regulations 2011. The County Council has also considered the provisions of Article 20 of these Regulations which relates to location of landfill and avoiding serious environmental risk and nuisance.

- 10.6 It is **recommended**, therefore, that planning permission be refused for the reasons set out in **Appendix 1** of this report.

11. **Crime and Disorder Act Implications**

- 11.1 This decision has no implications in relation to crime and disorder..

12. **Equality Act Implications**

- 12.1 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

13. **Risk Management Implications**

- 13.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise. If this is not done, any decision could be susceptible to an application for Judicial Review.

14. **Human Rights Act Implications**

- 14.1 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 14.2 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

- 14.3 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

Michael Elkington

Head of Planning Services

Background Papers

As set out in Section 6.

List of Appendices

Appendix 1 – Reasons for refusal

Appendix 2 - Location plan

Appendix 3 – Industrial estate masterplan

Appendix 4 – Extant claypit restoration and landform

Appendix 5 – Proposed restoration

Appendix 6 - Sections

Appendix 7 – Proposed planting and ecological enhancements

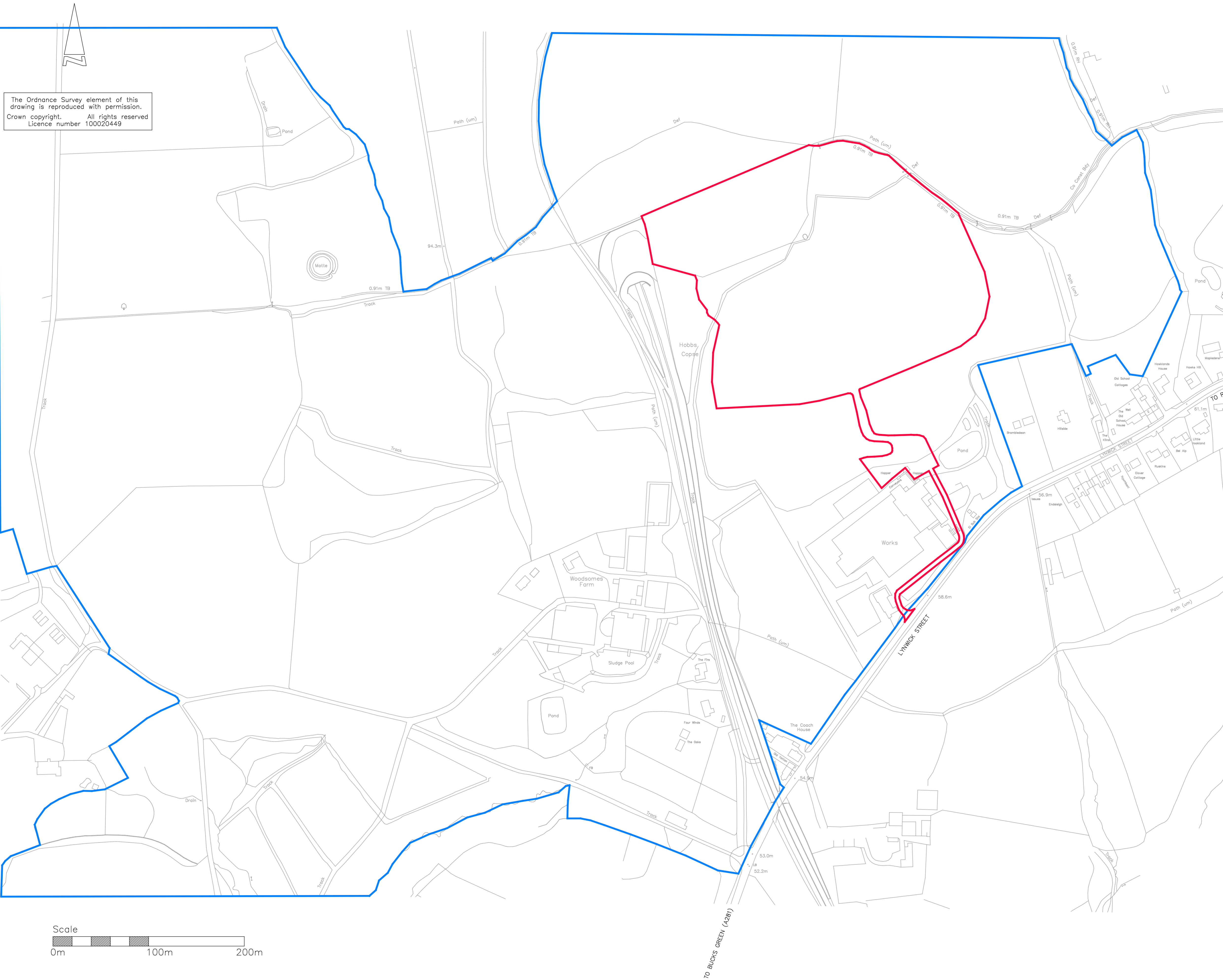
Contact: James Neave, ext. 25571

Appendix 1 – Reasons for Refusal

1. It has not been demonstrated that there is a genuine need to use the waste material, or that the amount of waste material to be used would be no more than is necessary to deliver the suggested benefits. The site would not be restored to a high quality standard due to its unacceptable impacts on a rural landscape. The development is therefore contrary to Policy W8 of the West Sussex Waste Local Plan (2014).
2. The development is considered a waste disposal operation which would compromise the movement of waste, which could otherwise be recovered, up the waste hierarchy. It would thereby be contrary to Policies W1 and W9 of the West Sussex Waste Local Plan (2014) and National Planning Policy for Waste (2014).
3. The proposed development would have an unacceptable impact upon the locality by introducing an unnatural landform into a rural landscape that would not maintain or enhance the countryside or recognise its intrinsic value, or the landscape character of the area, contrary to Policies W8, W11 and W12 and W20 of the West Sussex Waste local Plan (2014), Policies 25, 26 and 33 of the Horsham District Planning Framework (November 2015), and Paragraphs 127 and 170 of the National Planning Policy Framework.

INFORMATIVES

The County Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and consultee responses, and giving the applicant opportunities to overcome the concerns raised about the development. In general the Council will seek to approve applications and work proactively with applicants that will improve the economic, social and environmental conditions of the area. However in this case, the Council has found the development to be contrary to the Development Plan.



The Ordnance Survey element of this drawing is reproduced with permission. Crown copyright. All rights reserved. Licence number 100020449

Notes

All information contained in this drawing (including digital data) should be checked and verified prior to any fabrication or construction.

- Application area
- Other land in applicants ownership

Grid co-ordinates and levels are based upon the Ordnance Survey

A	Application area revised	18/12/18
Rev	Amendment	Date

Hill House Farm Partnership

Highfield Lane
Thursley
Surrey

01252 702454

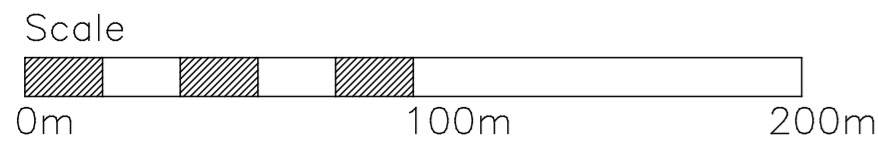
Client
R Harrison & Sons Ltd

Site
Rudwick Brickworks

Drwg title
Site Location Plan

Date : 19/8/2013
Scale 1:2000 (A1)

Drwg No.
130402/08A

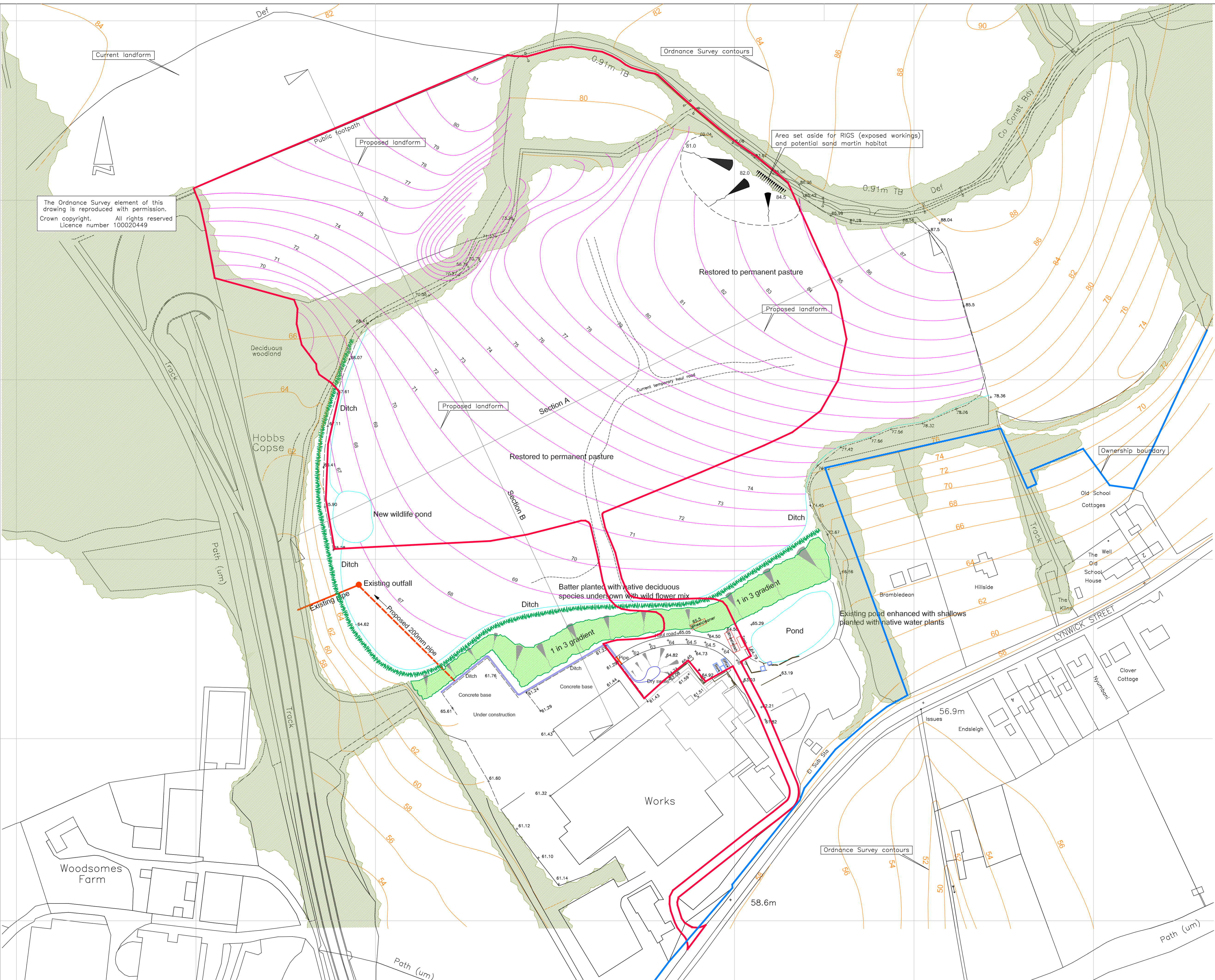


This page is intentionally left blank

This page is intentionally left blank

This page is intentionally left blank

The Ordnance Survey element of this drawing is reproduced with permission. Crown copyright. All rights reserved. Licence number 100020449



Notes

All information contained in this drawing (including digital data) should be checked and verified prior to any fabrication or construction.

All proposed levels are post settlement. Pre-settlement levels not to exceed plus one metre.

- Existing vegetation
- Proposed woodland screen planting
- Proposed hedging
- Proposed surface drainage

Planting Schedule for New Hedges

Hawthorn	30%
Blackthorn	20%
Field Maple	15%
Common Dogwood	15%
Guelder Rose	10%

Planting Schedule for New Woodland

Oak	40%
Birch	20%
Field Maple	15%
Holly	15%
Hornbeam	10%

Planting Schedule for Wetland Areas

- Phragmites Astralis
- Juncus
- Carex
- Iris

Grid co-ordinates and levels are based upon the Ordnance Survey

F	RIGS area added	13/5/2019
E	Minor boundary changes	18/12/18
D	Revised boundary to application area	29/11/18
	cross-sections added and detail revisions	
C	Revised landform extension and detail	25/9/2018
B	Existing contours added	12/7/2013
A	Planting schedules added	27/6/2013
Rev	Amendment	Date

Restoration to Agriculture Ltd

Highfield Lane
Thursley
Surrey
01252 702454

Client
R Harrison & Sons Ltd

Site
Rudgwick Brickworks

Drwg title
Proposed Restoration

Date : 16/5/2013
Scale 1:1000 (A1)
Drwg No. 130402/03F

This page is intentionally left blank

This page is intentionally left blank

All information contained in this drawing (including digital data) should be checked and verified prior to any fabrication or construction.

A	RIGS area added	13/5/19
Rev	Amendment	Date

Restoration to Agriculture Ltd

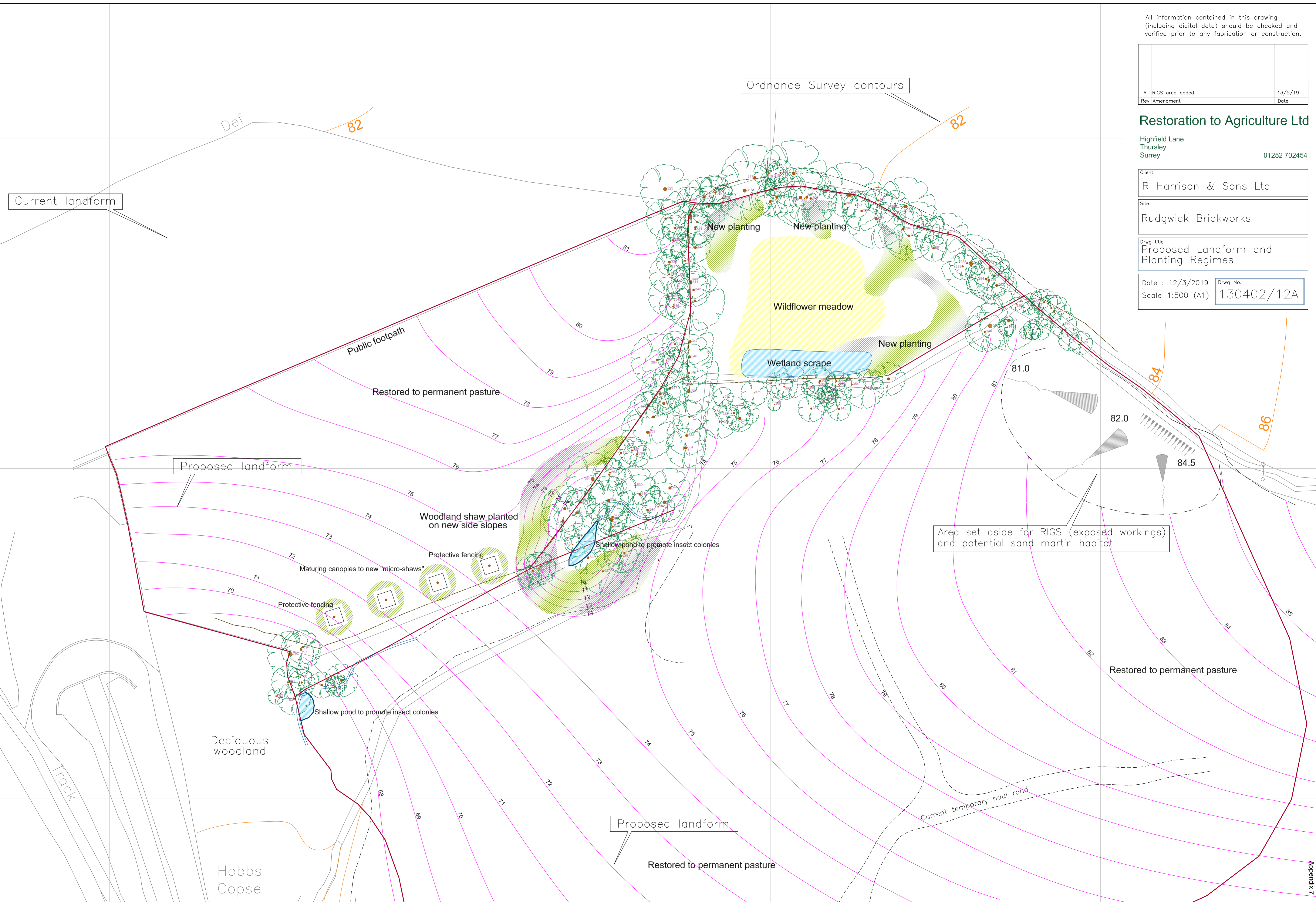
Highfield Lane
Thursley
Surrey
01252 702454

Client
R Harrison & Sons Ltd

Site
Rudgwick Brickworks

Drwg title
Proposed Landform and Planting Regimes

Date : 12/3/2019
Scale 1:500 (A1)
Drwg No. 130402/12A



This page is intentionally left blank

Planning Committee

9 July 2019

County Matter Waste Application

Proposed Inert Waste Recycling Facility, with new building, hardstanding, car parking, boundary treatment and re-aligned access to the agricultural unit. Includes variation to approved site landscaping and use of internal spaces within the existing Materials Recovery Facility

Envirowaste (Southern) Limited, Burndell Road, Yapton, West Sussex, BN18 0HR

Application No: WSCC/037/19

Report by Head of Planning Services

Local Member: Jacky Pendleton

District: Arun

Executive Summary

This report concerns a planning application to construct an additional materials recycling building at an existing waste management site at Northwood Farm, Yapton. The proposal seeks to regularise the use of the existing materials recycling facility, alter the layout and boundary arrangement, and redesign the access. The report provides a generalised description of the site and a detailed account of the proposed development, and appraises it against the relevant policy framework from national to local level, along with other material considerations.

Yapton and Clymping Parish Councils object to the proposal, as does the local member. The main concerns relate to potential impacts on residential amenity (through potential noise and dust emissions from the site and vehicles), highway capacity and safety, the location of the site outside of any built up area, and the lack of information to demonstrate that no better alternative sites are available. No other consultees have raised objections subject to the imposition of suitable conditions.

Representations have been received from 166 people, 164 of which object to the proposal raising concerns about noise and dust emissions, increased traffic and pollution along Burndell Road, and loss of greenfield land in the countryside.

Consideration of Key Issues

The main material planning considerations are whether the proposal:

- meets an identified need;
- is suitably located;
- has an acceptable impact on the landscape and visual amenity;
- has an acceptable impact on highway capacity and road safety; and
- has an acceptable impact on residential amenity.

Need for the Development

The proposal is considered to meet an identified need for inert waste recycling capacity because it will to replace some of the capacity lost due to the closure of the facility at Portfield Quarry in Chichester.

Site Location

The proposed development would replace the loss of inert recycling capacity from Portfield Quarry in Chichester, thereby meeting an identified need for a facility. While the development would extend development into land identified as being in the open countryside, it would be a relatively small intrusion, immediately adjacent to an existing waste site, on land which is already severed from the surrounding agricultural land. The location is therefore considered acceptable, and the capacity provided would meet an identified need.

Landscape and Visual Amenity

The proposed materials recycling building has the potential for impact upon the surrounding landscape and the visual amenity of surrounding residents and visitors. However, given the siting of the structure among industrial buildings of a similar scale, and its distance from surrounding dwellings and public viewing points, it is not considered it would have an unacceptable impact on the visual amenity of the surrounding area or the wider landscape. Other features proposed on the site would be small in scale with limited impact beyond the site.

Highway Capacity and Road Safety

The proposed development would increase the average number of HGVs travelling to/from the site each day by six (12 HGV movements/day), so the overall number of HGVs travelling to/from the site would, on average, be 22 (44 HGV movements/day). It is not considered that this increase would result in a 'severe' residual impact on the highway network or an unacceptable impact on highway safety. Furthermore, the relocation of the inert processing site would reduce overall vehicle movements on the network.

Residential Amenity

The scheme has the potential to result in impacts on residential amenity, primarily through the emissions of dust and noise. Dust emissions would be controlled primarily by enclosing operations within the building, and through operational controls such as the closing of doors during crushing, and the use of a dust suppression system to be secured through the imposition of a condition requiring a dust suppression scheme. It is considered that these measures, along with the controls through the Environmental Permit, would ensure that the dust is contained within the site. Noise levels for the closest affected properties would increase by only 1dB on average and so would not be perceptible. This is subject to the implementation of attenuation measures included within the design of the material recycling facility, the site layout and boundary treatment, which would be secured by condition. The hours in which the crushing of materials can occur would be controlled to further protect residential amenity. On this basis, the development is considered acceptable in terms of its potential noise and dust emissions.

Conclusion

The principle of the use of the wider site for waste management purposes is established following the historic development of the site. The proposed development would slightly increase the physical size of this site onto a greenfield site, providing additional inert recycling capacity to the applicant to replace capacity lost elsewhere in the County. Both the need for the development and the location accord with planning policy.

Although a new building would be introduced to the area, it would be sited adjacent to the existing MRF and be contained within the site without a significant impact on the visual amenities of surrounding sensitive receptors. Landscaping of the boundaries would help assimilate the structure and use into the wider surroundings.

The proposal would result in an additional 12 HGV movements per day (on average) that can be accommodated without any unacceptable impact upon highway capacity or road safety.

The proposal has the potential to give rise to some negative impact upon the amenity of residents, in particular those in close proximity to the site. However, the processing operations would be enclosed within the building as to secure a negligible increase in noise levels. Given the identified market need, suitability of the site, and location away from sensitive receptors, on balance and subject to conditions, it is considered that the development is acceptable.

In considering the application, the County Council has, through consultation with the appropriate statutory bodies and having regard to the Development Plan and all other material considerations, considered the objectives of protection of human health and the environment and self-sufficiency and proximity as required by Article 18 of the Waste (England and Wales) Regulations 2011.

Recommendation

It is recommended that planning permission be granted subject to:

- (a) the conditions and informatives set out in Appendix 1;
- (b) the applicant entering into a legal agreement under section 106 and s106A of the Town and Country Planning Act 1990 ('the Act') to maintain agreed routing of traffic to/from the south, avoiding Yapton village.

1. Introduction

- 1.1 This report concerns a planning application to construct an additional materials recycling building at an existing waste management site at Northwood Farm, Yapton. The proposal seeks to regularise the use of the existing materials recycling facility, alter the layout and boundary arrangement, and redesign the access to the adjoining private track.

2 Site and Description

- 2.1 The application site is an existing waste site at Northwood Farm on the southern side of Burndell Road in Yapton (see **Appendix 2 – Site Location**), together with an area of land to the south onto which it is proposed to expand.

- 2.2 The site is operated as a Materials Recovery Facility (MRF) processing skip waste in a large building and in the associated yard area, as approved under planning permission WSCC/014/09/CM. Although the rear third of the building was to be retained for agricultural use under the permission, it has been incorporated into the waste operation. Furthermore, the adjoining land to the south has already been sealed and used for site parking. It should be noted that the retrospective nature of these elements is not a material consideration in determining this application.
- 2.3 The application site, including the access road linking east with Burndell Road, covers an area of 1.33 hectares (see **Appendix 3 – Application Boundary**). The site is in the parish of Clymping, but borders both Yapton and Ford parishes.
- 2.4 The existing MRF includes the main reclamation building in the centre of the site, with a material bay, weighbridge and office to the south of the building, a skip storage area along the western boundary, and a storage building to the north. The site is sealed in its entirety, and separated from the land to the north and south by close-boarded fencing and a chain-link fence respectively (see **Appendix 4 – Existing Site Layout**).
- 2.5 The site is accessed via a 265m long private track that extends from the southern side of Burndell Road. The track will also be used to access a concrete batching plant, some 100m south of the application site, for which Arun District Council has recently granted permission (ADC ref. CM/6/18/PL).
- 2.6 There is a large agricultural building immediately next to the site to the north-west, beyond which are several other smaller farm buildings.
- 2.7 The closest residential properties to the site are on Burndell Road some 120m to the west and north-west of the application site. The wider locality includes residential properties some 180m to the north-east on Rollaston Park (beyond a caravan storage yard on Burndell Road), residential properties on Cinders Lane across fields to the west, and the Ford Rifle Range directly to the south east of the site. Beyond and surrounding this, the land is primarily agricultural and enclosed with hedgerows.
- 2.8 The wider area includes a number of industrial and business parks including Ford Airfield Industrial Estate some 500 metres to the north-east and Rudford Industrial Estate approximately 1km to the east.
- 2.9 The site is not within an area subject to any ecological, landscape or other constraints, nor in a groundwater source protection zone.

3 **Relevant Planning History**

- 3.1 Planning permission was first granted in 2007 to change the use of the site from an agricultural engineer/service centre to a recycling yard for scrap tyres (ref. CM/22/06). The yearly throughput was limited to 5,000 tonnes per annum (tpa) of scrap tyres and 1,500tpa of waste cardboard.
- 3.2 This was amended in 2008 to allow the processing of 1,000tpa of plastics, 1,000tpa of paper and an increase in cardboard processing to 2,500tpa, a total

site throughput of 9,500tpa, though no more than 100 tonnes could be stored on site at any one time.

- 3.3 In June 2010, planning permission WSCC/014/09/CM was granted by the County Council for the construction of a MRF and associated yard area, stockpile area and weighbridge/office. This structure was permitted to handle a maximum throughput of 15,500tpa of construction and demolition/skip waste on top of the 9,500tpa that was currently permitted at the site, a total throughput of 25,000tpa. As part of the permission, the north-eastern third of this building was to be used for agricultural purposes.
- 3.4 This permission is subject to a S106 legal agreement that controls the routing of HGV movements related to the permitted waste treatment facility. It also secured the provision of a landscaping scheme outside the site.
- 3.5 This permission forms the 'fallback' against which the present application must be assessed.
- 3.6 Permission for the new material recycling building was sought earlier this year (2019) under WSCC/002/19/CM. The application included alterations to the site outside of the currently proposed development boundary and a different arrangement of uses on the site. Following discussions with officers, the application was withdrawn so that it could be resubmitted to regularise the whole site.

4 The Proposal

- 4.1 The applicant is seeking planning permission to construct an additional materials recycling building; to regularise the use of the existing materials recycling facility; to alter the boundary arrangement and layout of the application site; and to redesign the access along its north-eastern boundary (see **Appendix 5 - Proposed Site Layout**). As already noted, the principle of the site's use as a waste site with a 25,000tpa throughput has been accepted in the grant of the extant permission.
- 4.2 The proposed materials recycling building would be used to process (screen and crush) up to 50,000 tonnes of inert waste. 35,000tpa would be imported to the site via six HGV deliveries per day (on average), with the remainder (15,000tpa) supplied from the existing MRF building. The remaining 10,000tpa of permitted throughput on the site will be managed as per the existing arrangement, and the total site throughput would therefore be 60,000tpa.
- 4.3 The physical development proposed on the site comprises the following:
 - Construction of a building measuring 43m long by 35m wide and 12m in height (see **Appendix 6 - Proposed Elevations** and **Appendix 7 - Proposed Cross Section**). The building would store and process inert waste that has been imported directly or prior treated by the existing material recycling building and produce secondary aggregates. This structure would be accompanied by an external water tank.
 - The alteration of the layout of the site to include a new access to the proposed MRF building, a total of 22 parking spaces, the removal of the existing material storage area to allow for the creation of an internal access

Agenda Item 5

between structures, and the replacement of the existing bund around the site with a mixture of planting and fencing.

- The relocation of the junction of the existing track along the north-eastern site boundary.

- 4.4 The existing MRF building would be retained and would continue to be used to sort 25,000tpa of skip and demolition/construction waste for onward delivery. The waste managed includes: soils, concrete/bricks, wood, metals, plasterboard, plastic tyres, and glass.

Hours of Operation

- 4.5 The proposed hours of operation would be 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday as per the existing arrangement. The site would not be operational on Sunday or on public/bank holidays.
- 4.6 At present, HGVs are permitted to access the site between 08:00 to 18.00 weekdays and 08.00-13.00 Saturdays. The applicant is seeking to amend this to allow vehicles to leave the site from 07:00 Monday to Friday.

HGV Movements

- 4.7 The applicant states that the use would result in, on average, an additional six HGVs travelling to/from the site each day (12 HGV movements/day). This would be in addition to existing HGV numbers that are unrestricted but, on average, 13 skip lorries and three articulated lorries visit the site each day (16 HGVs travelling to/from the site; that is, 32 existing HGV movements/day). In total, therefore, the increased use of the site would result in, on average, 22 HGVs travelling to/from the site (an average of 44 HGV movements/day).

Lorry Routing

- 4.8 The existing S106 agreement, which requires lorries to enter from the south-east via Burndell Road and to exit in the same direction, would be updated to refer to the new permission via an agreed deed of variation.

5 Environmental Impact Assessment (EIA)

- 5.1 The development falls within Part 11(b) of Schedule 2 to the EIA Regulations as it relates to an 'installation for the disposal of waste', and a development area of more than 0.5 hectare. It could also be considered to fall within Part 13(b) of Schedule 2, which relates to changes to or extensions of EIA development where that development is already authorised or executed.
- 5.2 The County Council issued an EIA Screening Opinion for the present proposal on 28 May 2019. Taking into account the criteria contained in Schedule 3 of the EIA Regulations 2017, it was considered that the proposal would not be likely to result in significant environmental effects within the meaning of the EIA Regulations 2017 and, therefore, an EIA is not required.

6 Policy

Statutory Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise (as confirmed in paragraph 47 of the National Planning Policy Framework - NPPF). For the purposes of the application, the following documents form the statutory development plan: the West Sussex Waste Local Plan (2014), the Arun Local Plan 2011-2031 (July 2018), and the Clymping Parish Neighbourhood Plan (2015-2030).
- 6.2 The key policies in the development plan, which are material to the determination of the application, are summarised below. In addition, reference is made to relevant emerging policy and guidance, and national planning policy that guides the decision-making process and which is material to the determination of the application.

West Sussex Waste Local Plan (WLP - 2014)

- 6.3 Policy W1 relates to the need for waste facilities with (c), stating that facilities for recycling inert waste will be permitted where a market need can be demonstrated; consistent with the principle of net self-sufficiency.
- 6.4 Policy W2 safeguards existing waste sites, such as the application site.
- 6.5 Policy W3 sets out criteria for the location of Built Waste Management Facilities for the transfer, recycling, and recovery of waste, including extensions to existing facilities. Sites within the Areas of Search, as with the application site, are supported where it can be demonstrated the use cannot be delivered on existing or allocated sites, in which case they must:

- "(i) be located within built-up areas, or on suitable previously developed land outside built-up areas; or*
- (ii) be located on a site in agricultural use where it involves the treatment of waste for reuse within that unit; or*
- (iii) only be located on a greenfield site, if it can be demonstrated that no suitable alternative sites are available; and*
- (iv) where transportation by rail or water is not practicable or viable, be well related to the Lorry Route Network; large-scale facilities must have good access to the Strategic Lorry Route."*

- 6.6 In addition:

- "(c) Proposals for new facilities within the boundaries of existing waste management sites to enable the transfer, recycling, and recovery of waste, will be permitted unless:*
- (i) the current use is temporary and the site is unsuitable for continued waste use; or*
- (ii) continued use of the site for waste management purposes would be unacceptable in terms of its impact on local communities and/or the environment."*

- 6.7 Policy W4 relates to inert waste recycling, which is supported provided they are located in accordance with Policy W3; or can be accommodated on temporary landfill/mineral workings.
- 6.8 Policies W11 – W20 relate to development management and are designed to ensure that there would be no unacceptable harm to amenity, character, and the environment or to other material considerations from waste development proposals. Of particular relevance to the proposals are: Character (Policy W11), High Quality Development (Policy W12), Air, Soil and Water (Policy W16), Flooding (Policy W17), Transport (Policy W18), Public Health and Amenity (Policy W19) and Cumulative Impact (Policy W21).

Arun District Local Plan 2011-2031 (July 2018)

- 6.9 Policy C SP1 – Countryside. The site is outside the built-up area boundary so is considered to be in the countryside, with clause (a) of this policy stating *development will be permitted in the countryside where it is for the management of waste as part of a waste site allocation within the West Sussex Waste Local Plan.*
- 6.10 Policy H SP1 identifies a number of strategic sites to deliver new homes during the plan period. The application site is located within a significant proximity to housing allocations at Yapton (SD7, 400 new homes), Ford (SD8, 1,500 new homes) and Clymping (SD10, 300 new homes).
- 6.11 Policy T SP1 – Transport and Development. In summary, development should ensure that growth in the District strengthens Arun's economic base, reduces congestion, works to tackle climate change and promotes healthy lifestyles. The Council will ensure that development provides safe access on to the highway network and contributes to highway improvements and promotes sustainable transport.
- 6.12 Policy WM DM1- Waste Management. Includes a general presumption against any development which may harm or prejudice the operation of existing and allocated waste facilities and infrastructure.
- 6.13 In addition to the above, the following policies are of relevance to the proposed development: Adapting to climate change (Policy ECC SP1), Sites of Archaeological Interest (Policy HER DM6), Flood Risk (Policy W DM2) Noise Pollution (Policy QE DM1), Light Pollution (Policy QE DM2), Air Pollution (Policy QE DM3), Quality of the Environment (Policy QE SP1).

Clymping Neighbourhood Plan 2015-2030 (October 2015)

- 6.14 The Clymping Neighbourhood Plan was 'made' on the 15 October 2015, and was passed by referendum on 3 December 2015.
- 6.15 Of particular relevance to the proposal are policies CPN4 (Protection of Existing Commercial Premises or Land); CPN 7 (Protection of Open Views); CPN 10 (Protection of High Grade Agricultural Land); CPN 11 (Quality of Design); CPN 12 (Reducing the Risk of Flooding); CPN 14 (Traffic and Environment).

Ford Neighbourhood Plan

- 6.16 The Ford Neighbourhood Development Plan was 'made' on 9 January 2019, following a referendum in support of its implementation.
- 6.17 Of particular relevance to the proposals are policies SP1 (Spatial Plan for the Parish); SA2 (Burndell Road); EH4 (Surface Water Management); EH5 (Grade 1, 2 and 3a Agricultural Land); and EE1 (Employment and Enterprise).

National Planning Policy Framework (2019)

- 6.18 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not form part of the development plan but is a material consideration in determining planning applications. It also helps to guide decision-makers as to what matters are material to the decision-making process.
- 6.19 Paragraph 8 sets out the three key roles of the planning system; economic, social and environmental. The supporting text highlights the importance of providing infrastructure to support growth.
- 6.20 The paragraphs of the NPPF of key relevance to this application are: 8 (roles of the planning system), 11 (presumption in favour of sustainable development), 47 (determining applications in accordance with the development plan), 102 (consideration of transport issues), 108-109 (unacceptable impact on the road safety or a severe impact on the road network), 117 (promoting effective use of land to meet the need for homes), 127-132 (achieving well-designed places in decision making), 163 (ensuring flood risk is not increased elsewhere), 170 (conserving and enhancing the natural environment), 175 (protection and enhancement of biodiversity and geodiversity), 178 (avoiding pollution and contamination), 180 (minimising impacts of noise), and 203-205 (Facilitating the Sustainable use of Minerals)

National Planning Practice Guidance (PPG).

- 6.21 The PPG is a web-based resource that sets out Government's planning guidance to be read in conjunction with the NPPF. PPG does not form part of the development plan but is a material consideration in determining planning applications. PPG was published on 6 March 2014 and contains guidance on a range of planning matters, which are independently updated as necessary. The most relevant sections of the PPG to this application are: Air Quality (updated 06/03/2014), Noise (updated 06/03/2014), Travel plans, transport assessments and statements in decision-taking (updated 06/03/2014).

National Planning Policy for Waste (2014)

- 6.22 Paragraph 7 of the National Planning Policy for Waste (NPPW) relates to determining waste planning applications. In summary sections of key relevance to this application
 - Consider the likely impact on the local environment and amenity against the locational criteria set out in Appendix B (see below); and
 - Ensure that facilities are well-designed, contributing positively to the character and quality of the area; and

- Concern themselves with implementing the strategy in the Local Plan and not control of processes which are a matter for pollution control authorities, on the assumption that such regimes are properly applied and enforced.

Appendix B to the NPPW sets out locational criteria for testing the suitability of sites, namely the protection of water quality and resources and flood risk management; land instability; landscape and visual impacts; nature conservation; conserving the historic environment; traffic and access; air emissions including dust; odours; vermin and birds; noise, light and vibration; litter; and potential land conflict.

EU Council Directive 2008/98/EC

- 6.23 By virtue of the Waste (England and Wales) Regulations 2011 when determining any application for planning permission that relates to waste management (article 18) the planning authority is required to take into account EU Council Directive 2008/98/EC which sets out the objectives of the protection of human health and the environment (article 13) and self-sufficiency and proximity (first paragraph of article 16(1), article 16(2) and (3)). Case law has confirmed that these articles are objectives at which to aim. As objectives they must be kept in mind whilst assessing the application and provided this is done, any decision in which the furtherance of the objectives are not achieved, may stand.

7 Consultations

- 7.1 ***Arun District Council - Planning:*** No objection subject to conditions suggested by Environmental Health Officers.
- 7.2 ***Arun District Council - Environmental Health:*** No objection subject to conditions requiring: details of dust mitigation measures; construction limited to between 0800 to 18:00 (weekday) and 08:00 to 13:00 (Saturday) with no noisy operations on Sunday or national holidays, and a Noise Impact Assessment.
- 7.3 ***Clymping Parish Council:*** Objection due to: site not being allocated for waste use, being outside the built-up boundary, and contrary to Clymping Neighbourhood Plan Policy CPN4 (protection of existing commercial premises or land); detrimental to the amenity of residents through the noise, dust and traffic applicant has not demonstrated that the facility could be accompanied in other locations nearby.
- 7.4 ***Yapton Parish Council:*** Objection. Would be a departure from Clymping Neighborhood Plan and the Arun Local Plan as site is outside Built-Up Area boundary and on agricultural land; not allocated in Waste Local Plan; concerns over safety and traffic congestion; lack of demonstration of market need or alternative locations being considered. Noise and dust emissions are of serious concern and should be attenuated through conditions if approved.
- 7.5 ***Environment Agency:*** No objection. Development may require an Environmental Permit.
- 7.6 ***WSCC Archaeology:*** No objection subject to a condition to secure archaeological mitigation measures through a Written Scheme of Investigation for archaeological investigation, recording and reporting.

- 7.7 **WSSC Ecology:** No ecological objection.
- 7.8 **WSSC Drainage and Flooding:** More information required as the site is within a surface flood risk zone 1. A Flood Risk Assessment for the entire site should be submitted (to be updated verbally).
- 7.9 **WSSC Highways:** No objection. Not considered to have a 'severe' impact on the operation of the highway network, therefore it is not contrary to the National Planning Policy Framework (para 108), and that there are no transport grounds to resist the proposal.
- 7.10 **WSSC Tree Officer:** No objection subject to appropriately worded landscaping condition detailing site preparation, dimensions of proposed planting, planting areas and size, species, planting spacing, planting method surface mulching, any soil amelioration / improvement, plant protection and provision for on-going maintenance to ensure successful establishment.
- 7.11 **WSSC Public Rights of Way:** No objection.
- 7.12 **WSSC Councillor Jacky Pendleton:** Objection due to concerns over dust emissions. Conditions proposed should permission be granted, namely: limiting noise levels to 34dBA; acoustic screening of plant; acoustic insulation of building; tree planting to minimise noise and dust; filtered air extraction; no open exit route from plant to outdoors; and use of airlock system.

8 Representations

- 8.1 The application was publicised in accordance with The Town and Country Planning (General Development Procedure) (England) Order 2015. Two site notices were erected around the application site; one outside the facility and the other on the entrance to the site at Burndell Road. An advertisement was placed in the local newspaper and neighbour notification letters sent to properties in the immediate vicinity of the application site, as well as those who had previously commented on the withdrawn application WSSC/002/19/CM.
- 8.2 In response, 166 representations have been received – 164 of which object to the proposal, and two that provide comments rather than objection/support.
- 8.3 No representations in support of the application have been received.
- 8.4 The main issues raised in objection relate to:
- Health impacts as a result of noise and dust emissions from the site and vehicles;
 - Amenity impacts as a result of noise and dust emissions;
 - The appearance of the structure within the countryside location;
 - Highways congestion along Burndell Road;
 - Loss of greenspace/agricultural land;
 - Highway safety concerns;
 - Devaluation of house prices; and,
 - Precedent set for more waste developments on agricultural land.

9 **Consideration of Key Issues**

- 9.1 The main material planning considerations are whether the proposal:
- meets an identified need;
 - is suitably located;
 - has an acceptable impact on the landscape and visual amenity;
 - has an acceptable impact on highway capacity and road safety; and
 - has an acceptable impact on residential amenity.

Need for the Development

- 9.2 The application site is not allocated for waste management uses. Therefore, in accordance with Policy W1 of the WLP, it is necessary to determine whether there is an identified need for the additional waste capacity that it would provide.
- 9.3 The applicant has submitted a Market Appraisal that justifies the need for the proposed MRF as a replacement for an inert management facility that the company used to operate from Portfield Quarry, Chichester, which has been redeveloped. Therefore, it would replace some of the existing capacity that has been lost, rather than the creation of new capacity.
- 9.4 This is backed up by the Annual Monitoring Report for the WLP, which identifies that there has been a decrease in inert waste recycling throughout the County by some 241,875 tonnes, with the Portfield Quarry site identified as having had a 250,000tpa throughout.
- 9.5 *Therefore, the proposal is considered to meet an identified need for inert waste recycling capacity because it will replace some of the capacity lost due to the closure of the facility at Portfield Quarry, in accordance with Policy W1 of the WLP.*

Site Location

- 9.6 With regard to the location of the site, Policy W3 of the WLP requires that within areas of search, sites must:
- "(i) be located within built-up areas, or on suitable previously developed land outside built-up areas; or*
 - (ii) be located on a site in agricultural use where it involves the treatment of waste for reuse within that unit; or*
 - (iii) only be located on a greenfield site, if it can be demonstrated that no suitable alternative sites are available; and*
 - (iv) where transportation by rail or water is not practicable or viable, be well related to the Lorry Route Network; large-scale facilities must have good access to the Strategic Lorry Route."*
- 9.7 In this case, the site is beyond the defined built-up area but on land that is, in the main, previously-developed. Although a small area of greenfield land would be used, it has been severed from the surrounding countryside by the waste site

to the north and access road to the south. It is not, therefore, considered that it could be realistically be used for agricultural purposes. The site is well-related to the Lorry Route Network, namely the A259, which is some 1.3km from the site.

- 9.8 Further, it would not be practical to deliver the use on an allocated waste site as the only one remaining undeveloped is at Goddards Green near Burgess Hill, a significant distance away. The use of the site is, therefore, considered to accord with Policy W3 of the WLP.
- 9.9 The main benefit of the location is that the proposed material recycling building would be situated adjacent to the existing MRF. The extension to the site would receive processed waste from the existing MRF facility and make use of the office area and weighbridge on site. This combination of facilities would reduce the amount of haulage required between facilities in the County, thereby reducing pressure on the highway network and transport-related emissions. Further, it is considered that the intrusion into the 'open countryside', as defined in the Arun Local Plan (2018) would be relatively small in the context of the large existing waste site that it would adjoin.
- 9.10 *It is considered, therefore, that the location of the development is acceptable, and accords with planning policy. Although the proposal would extend development into land identified as being open countryside, it would be a relatively small intrusion, immediately adjacent to an existing waste site and on land severed from the surrounding agricultural land.*

Landscape and Visual Amenity

- 9.11 There is the potential for the new building, in particular, to have a significant visual impact, and impact on the landscape. The structure would be of considerable height and mass, standing 4m taller and with a 50% larger footprint than the existing MRF building.
- 9.12 However, the proposed building would be sited to sit flush with the front and rear of the existing building so that it would appear as a relatable extension to the existing facility. Although it would be within the countryside, as defined in the Arun Local Plan (2018), it would be alongside existing buildings, including those in agricultural use, and would be set back from the road. Therefore, it would have a limited impact on the street scene.
- 9.13 The applicant has proposed a planting scheme and fencing around the application site to replace the existing bund, which would soften the appearance of the structure within its countryside location.
- 9.14 The closest neighbouring residents are some 120m to the north, beyond the existing agricultural complex, and some 180m to the north-east, beyond the Caravan Park and Burndell Road. Given the distance and various structures between the application site and these receptors, it is considered that the building would not be an obtrusive structure or otherwise have a significant visual impact.
- 9.15 Potential views of the structure from public vantage points are limited and would mainly be those travelling along Burndell Road and those at a bus stop opposite

Agenda Item 5

the site entrance. However, views into the site would be at a distance of some 165m and would be transient in nature; therefore, the visual impact would be minimal.

- 9.16 A Public Right of Way (PROW) runs through the countryside to the west of the application site, some 400m away. Given this distance, the proposed structure would not appear prominent within the landscape when viewed from this direction.
- 9.17 It is, therefore, considered that the proposed material recycling building would not have an unacceptable level of visual amenity or the landscape.
- 9.18 The alteration to the access track serving the agricultural buildings to the north would slightly encroach upon the agricultural land to the north-east of the application site. However, this encroachment is considered to be minimal and would not result in the loss of significant levels of agricultural land, nor would it appear incongruent to the landscape (because the development would be at ground level).
- 9.19 Other proposed changes would be well-contained within the site and be obscured from public viewpoints. A condition is proposed requiring that details of any lighting to be installed are approved by the County Council prior to commencement.
- 9.20 *The proposed materials recycling building has the potential for impact upon the surrounding landscape and the visual amenity of surrounding residents and visitors. However, given the siting of the structure among industrial buildings of a similar scale, and its distance from surrounding dwellings and public viewing points, it is not considered it would have an unacceptable impact on the visual amenity of the surrounding area or the wider landscape. Other features proposed on the site would be small in scale, with limited impact beyond the site.*

Highway Capacity and Road Safety

- 9.21 The proposed development involves an increased number of vehicles accessing the site from Burndell Road, from where, in accordance with the legal agreement for the site, they would travel south-east to join the A259. This would be secured via a s106 planning obligation.
- 9.22 The proposed increase in throughput would, on average, be an additional six HGVs travelling to/from the site (12 HGV movements/day). The existing throughput is estimated to result in an average of 16 HGVs/day (32 HGV movements/day). Therefore, the overall total would be 22 HGVs/day (44 HGV movements/day).
- 9.23 The potential for the proposal to be detrimental to traffic along Burndell Road has been mentioned in a number of public representations in objection to the proposal.
- 9.24 Sightlines along Burdell/Yapton Road from the existing private road entry point are considered acceptable and there have been no recorded accidents on this junction within the last three years. Therefore, as confirmed by WSCC

Highways, it is considered that there is no evidence to suggest that the access or local highway network are operating unsafely. Further, the relocation of the inert processing site next door to the existing facility would combine waste movements to reduce overall vehicle movements on the network.

- 9.25 The cumulative impact of the site operating alongside multiple construction works on developments along and around Burndell Road is raised in letters of representation. However, it is considered that these works would be temporary and HGV movements would reduce once the developments are complete.
- 9.26 Overall, it is not considered that the development would result in an unacceptable impact on highway safety or that the residual cumulative impacts on the road network are severe. The development is, therefore, considered to accord with paragraph 109 of the NPPF and to be acceptable in terms of its impact on the highway network.
- 9.27 *The proposed development would increase the average number of HGVs travelling to/from the site each day by six (12 HGV movements/day), so the overall number of HGVs travelling to/from the site would, on average, be 22 (44 HGV movements/day). It is not considered that this increase would result in a 'severe' residual impact on the highway network or an unacceptable impact on highway safety. Furthermore, the relocation of the inert processing site would reduce overall vehicle movements on the network.*

Residential Amenity

- 9.28 The applicant is seeking to process (crush and screen) inert waste, alongside existing waste management operations. Therefore, the proposed development has the potential to be detrimental to residential amenity and health, particularly in terms of noise and dust impacts, as has been raised in representations.
- 9.29 As previously noted, the site is, at closest, some 120m east of residential properties, with other properties to the north-east. The prevailing wind in the area is from the south-west, so the properties most likely to be affected by dust and/or noise are on Rollaston Park, across Burndell Road from the site.
- 9.30 The County Council is not aware of any complaints relating to the existing site operations. As with the existing site, the expanded site would be subject to an Environmental Permit regulated by the Environment Agency.

Dust

- 9.31 It is noted that the crushing of inert waste is already undertaken at the existing MRF, subject to a condition requiring doors to be closed when the operations take place. The site is also subject to an Environmental Permit, which requires that dust does not leave the site.
- 9.32 With the present application, the primary control over dust emissions would be the containment of processing operations within a building. It is considered that this will have significant benefits in ensuring that dust does not leave the site.
- 9.33 Further, the applicant has stated that they would aim to prevent dust from

being released into the environment by housing the plant within an enclosed and treated building; ensuring that all access doors remain closed during crushing operations; and implementing a dust suppression system to collect airborne particulates safely within the building.

- 9.34 It is considered that these measures, along with boundary planting, could be secured by a condition requiring a Dust Management Scheme, the implementation of which would help to minimise the amount of dust escaping from the site. It is considered that, subject to the imposition of such a condition, the scheme is acceptable in relation to dust emissions as confirmed by Arun District's Environmental Health Officer.

Noise

- 9.35 The applicant has proposed measures to mitigate the emission of sound from the site including, on the new building, roof cladding and insulated walls, sound absorptive roof and wall lining, and the closure of the northern door during crushing operations. Operational practices are also proposed including imposing speed limits for vehicles around the site, proper maintenance of the access road, and the use of white noise alarms. An acoustic barrier would be installed along the north-eastern site boundary. It is proposed that full details of these mitigation measures would be secured through the imposition of a condition requiring a Noise Management Plan.
- 9.36 A Noise Assessment Report submitted with the application confirms that with the introduction of the above measures, the crushing operation, when undertaken alongside existing site activities, would increase the perceived background noise in the closest residential properties by only 1dB L_{Aeq} on average, which would have no discernible impact.
- 9.37 In order to minimise the noise impact of the development on residential amenity and the local area, a condition is proposed to limit the crushing of inert materials to between 10.00am and 4.00pm on weekdays, with no crushing operations on Saturdays, Sundays or bank holidays.
- 9.38 Although new residential areas have been allocated on the opposite side of Burndell Road, they would be more distant than existing properties, and not in direct line of the prevailing south-westerly wind. Therefore, the potential impact would not be as significant.
- 9.39 Although concerns have been raised about potential impacts during the construction period, they would be temporary and it is considered these can be addressed through the imposition of conditions restricting the hours of construction.
- 9.40 It is not considered that the increase in HGV numbers would result in a significant impact on either air quality or noise for residential properties, particularly as traffic would be routed south to avoid the main residential areas.
- 9.41 On the basis of the above, and subject to controls through the imposition of conditions, the scheme is considered to be acceptable in terms of impact on residential amenity.

9.42 *The scheme has the potential to result in impacts on residential amenity, primarily through the emissions of dust and noise. Dust emissions would be controlled primarily by enclosing operations within the building, and through operational controls such as the closing of doors during crushing, and the use of a dust suppression system, to be secured through the imposition of a condition requiring a dust suppression scheme. It is considered that these measures, along with the controls through the Environmental Permit, would ensure that the dust is contained within the site. Noise levels for the closest affected properties would increase by only 1dB on average and so would not be perceptible. This is subject to the implementation of attenuation measures included within the design of the material recycling facility, the site layout and boundary treatment, which would be secured by condition. The hours in which the crushing of materials can occur would be controlled to further protect residential amenity. On this basis, the development is considered acceptable in terms of its potential noise and dust emissions.*

Other material considerations

9.43 At the time of writing, the applicant is preparing a Flood Risk Assessment for the application site following the request from WSCC Flooding and Drainage. At this stage, it is considered that the risk of surface water flooding on the site is low' given the extant use of the site and the 0.3ha of area to be developed (i.e. in this context, made impermeable where it is currently permeable). It is, therefore, considered that any issues raised will be sufficiently dealt with by condition, if required.

9.44 The application site is located within a heavily settled prehistoric landscape known to contain significant examples of archaeology dating back 5000 years. As per recommendation from the WSCC Archaeologist, a condition securing archaeological mitigation measures through a Written Scheme of Investigation for archaeological investigation, recording and reporting should be attached, subject to approval.

10 Overall Conclusion and Recommendation

10.1 The principle of the use of the wider site for waste management purposes is established following the historic development of the site. The proposed development would slightly increase the physical size of this site onto a greenfield, providing additional inert recycling capacity to replace capacity lost elsewhere in the County. Both the need for the development and the location accord with planning policy.

10.2 Although a new building would be introduced to the area, it would be sited adjacent to the existing MRF and be contained within the site without a significant impact on the visual amenities of surrounding sensitive receptors. Landscaping of the boundaries would help assimilate the structure and use into the wider surroundings.

10.3 The proposal would result in an additional 12 HGV movements per day (on average) that can be accommodated without any unacceptable impact upon highway capacity or road safety.

10.4 The proposal has the potential to give rise to some negative impact upon the amenity of residents, in particular those in close proximity to the site. However,

the processing operations would be enclosed within the building and the increase in noise levels would be negligible. Given the identified market need, suitability of the site, and location away from sensitive receptors, it is considered that, on balance and subject to conditions, the development is acceptable.

10.5 In considering the application, the County Council has, through consultation with the appropriate statutory bodies and having regard to the Development Plan and all other material considerations, considered the objectives of protection of human health and the environment and self-sufficiency and proximity as required by Article 18 of the Waste (England and Wales) Regulations 2011.

10.6 It is **recommended**, therefore, that planning permission be granted subject to:

- (a) the conditions and informatives set out in Appendix 1; and
- (b) the applicant entering into a legal agreement under section 106 and s106A of the Town and Country Planning Act 1990 to maintain agreed routing of traffic to/from the south, avoiding Yapton village.

11 **Equality Duty**

11.1 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act 2010. Officers considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

12 **Risk Management Implications**

12.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise. If this is not done, any decision could be susceptible to an application for Judicial Review.

13 **Crime and Disorder Act Implications**

13.1 This decision has no implications in relation to crime and disorder.

14 **Human Rights Act Implications**

14.1 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

14.2 For an interference with these rights to be justifiable the interference (and the

means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

- 14.3 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

Michael Elkington
Head of Planning Services

Background Papers

As set out in Section 6.

List of Appendices

Appendix 1 – Conditions and Informatives
Appendix 2 – Site Location
Appendix 3 – Application Boundary
Appendix 4 – Existing Site Layout
Appendix 5 – Proposed Site Layout
Appendix 6 – Proposed Elevations
Appendix 7 – Proposed Cross Section

Contact: Edward Anderson, tel: 28879

Appendix 1: Conditions and Informatives

GENERAL

Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

2. The proposed development shall not take place other than in accordance with the approved plans:
 - Proposed Site Layout (Drawing No. 9150/151, Rev B)
 - Application Boundary (Drawing No. 9150/152, Rev B)
 - Proposed Site Arrangement (Drawing No. 9150/100, Rev B)
 - Floor Plan and Section (Drawing No. 9150/101, Rev B)
 - Proposed Elevations (Drawing No. 9150/102, Rev B)

and supporting information, save as varied by the conditions hereafter.

Reason: To secure a satisfactory development.

PRIOR TO COMMENCEMENT OF DEVELOPMENT

Surface Water Disposal

3. Prior to the commencement of the development a surface water drainage scheme, including the provision and implementation of a surface water regulation system, shall be submitted to and approved in advance and in writing by the County Planning Authority. The scheme shall include:
 - Design for 1:100 year return period;
 - Inclusion of 30% peak run-off and 20% additional volume for climate change;
 - Infiltration rates and groundwater levels shall be determined by site investigation and/or testing during the winter period.
 - Inclusion of a suitable freeboard above the seasonal high groundwater table (minimum 1m unless otherwise agreed by the County Planning Authority).
 - Consideration of overland flows (pluvial impact).
 - Inclusion of pollution/siltation control measures.
 - Details of how the drainage will be maintained throughout the operation of the development.

Thereafter, the surface water drainage details shall be implemented in full as approved and maintained throughout the operation of the development hereby permitted.

Reason: To accord with paragraphs 163 and 165 of the NPPF (2019) to ensure that impacts through flooding and pollution are not caused.

Archaeological Written Scheme of Investigation

4. No development shall be carried out (including any earthworks) within the site

until a Written Scheme of Investigation for a programme of archaeological work has been submitted to and approved by the County Planning Authority. The scheme should include provision for field survey recording the analysis reporting publishing and archiving of the results. Once approved the scheme of archaeological work shall be implemented in full in accordance with a timetable to be agreed within the scheme.

Reason: In order to enable the recording of heritage assets of archaeological interest.

Dust Suppression Scheme

5. Prior to the commencement of this development, a Dust Suppression Scheme shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the approved scheme shall be implemented in full and maintained throughout the operation of the development approved.

Reason: In the interests of the amenity of local residents, and the environment.

Wheel Cleaning Scheme

6. Prior to the commencement of the development hereby permitted, a scheme shall be submitted to the County Planning Authority for written approval detailing the measures to ensure that no vehicle shall leave the site in such a condition that earth, mud and debris adhere to the wheels in a quantity which may introduce hazard or nuisance on the highway, and actions to be taken in the event of earth, mud or debris arising from the development being present on the highway. Thereafter, the approved scheme shall be implemented in full and maintained throughout the approved operation.

Reason: to prevent mud or debris from entering the public highway, in the interests of highway safety.

Planting Scheme

7. Prior to the commencement of the development hereby approved, details of the number, size, spacing and species of shrubs and trees to be planted around the site shall be submitted for the approval of the County Planning Authority. In addition all trees and hedgerows on the land shall be indicated including details of those to be retained, together with measures for their protection in the course of the development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the beginning of construction of the building. Any trees or plants which within a period of five years from planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others or similar size and species, unless the County Planning Authority gives written consent for any variation.

Reason: To mitigate, as far as practicable, the visual impact of the development on the surrounding countryside.

Fencing Scheme

8. Prior to the commencement of development, details of fencing around the application site, including acoustic fencing, shall be submitted in writing to the

County Planning Authority for approval. The approved details shall thereafter be implemented in full and the fencing maintained for the duration of the operations hereby approved.

Reason: To minimise the visual intrusion of the development into the surrounding countryside, and to provide noise mitigation to protect the living conditions of local residents.

Noise Management Plan

9. Prior to the commencement of development, a Noise Management Plan shall be submitted to and approved in writing by the County Planning Authority, setting out measures to monitor and minimise noise and vibration arising from operations (including, but not limited to acoustic housing within the proposed building, maintenance of plant and access road, minimising drop heights, avoiding reversing, use of white noise alarms) and setting out how complaints will be responded to. Thereafter the approved Plan shall be implemented and adhered to in full throughout the life of the development.

Reason: To protect the amenities of the locality from the effects of noise

CONTROLLING CONSTRUCTION

Construction Hours

10. Unless otherwise agreed in advance and in writing by the County Planning Authority no operations associated with the construction of the development hereby permitted, including the delivery of materials, shall take place outside the hours of:
 - 8.00 am and 6.00 pm on Mondays to Fridays inclusive;
 - 8.00 am and 1.00 pm on Saturdays; and
 - not at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

PRIOR TO USE

Site Sign

11. Prior to the use of the new building, a sign, the details of which shall be submitted to and approved in advance and in writing by the County Planning Authority, shall be erected at the site exit, reminding all vehicles exiting the site to adhere to the vehicle routing agreement.

Reason: In the interests of highway safety and the amenities of the area.

CONTINUING OPERATIONAL CONDITIONS

Permitted Site Throughput

12. No more than 60,000 tonnes of waste shall be managed at the site in any 12 month period. The operator will, within seven days of a request by the County Planning Authority, provide written records detailing of the tonnages of waste

processed and the number of HGV vehicle movements to and from the site for the preceding 12 months at the site.

Reason: to minimise the impact of the development on the amenity of residents and the environment.

Hours of Operation

13. No operations associated with the development hereby permitted shall take place outside the hours of:
- 0800 and 1800 pm on Mondays to Fridays inclusive (with the exception that vehicles may leave the site from 0700);
 - 0800 and 1300 on Saturdays;
- and not at any time on Sundays, Bank or Public Holidays, unless otherwise agreed in advance and in writing by the County Planning Authority.

Reason: In the interests of residential amenity.

Hours of Crushing Operations

14. No crushing operations shall take place outside the hours of:
- 1000 and 1600 on Mondays to Fridays inclusive
- and not at any time on Saturdays, Sundays, Bank or Public Holidays, unless otherwise agreed in advance and in writing by the County Planning Authority.

Reason: In the interests of residential amenity.

Operations to be Contained Within Building

15. The tipping, shredding and/or crushing of construction/demolition waste shall not take place anywhere on the site except within the confines of the most westerly of the buildings on the Proposed Site Layout, (Drawing No. 9150/151, Rev B), and only with the doors closed.

Reason: To contain noise and dust emissions, and ensure processing is only undertaken in the acoustically-housed building, in the interests of minimising the impact on people and the environment.

Sheeting of Vehicles

16. All vehicles delivering or removing from the site wastes and/or recyclable materials shall have their loads enclosed within the vehicle or container or covered/sheeted so as to prevent spillage or loss of materials on the public highway. The condition shall be adhered to regardless of the vehicle being full or empty.

Reason: In the interests of highway safety and of the amenities of the locality.

Lighting

17. No external lighting or floodlighting shall be installed without the prior written approval of the County Planning Authority. Any that is installed with the permission of the County Planning Authority shall be maintained in accordance with the approved details.

Reason: In the interest of residential amenity.

Decision Notice Availability

18. A copy of this decision notice together with the approved plans and any schemes and/or details subsequently approved pursuant to this permission shall be kept on site at all times and the terms and contents thereof shall be made known to supervising staff on the site.

Reason: To ensure that the site operatives are conversant with the terms of the planning permission.

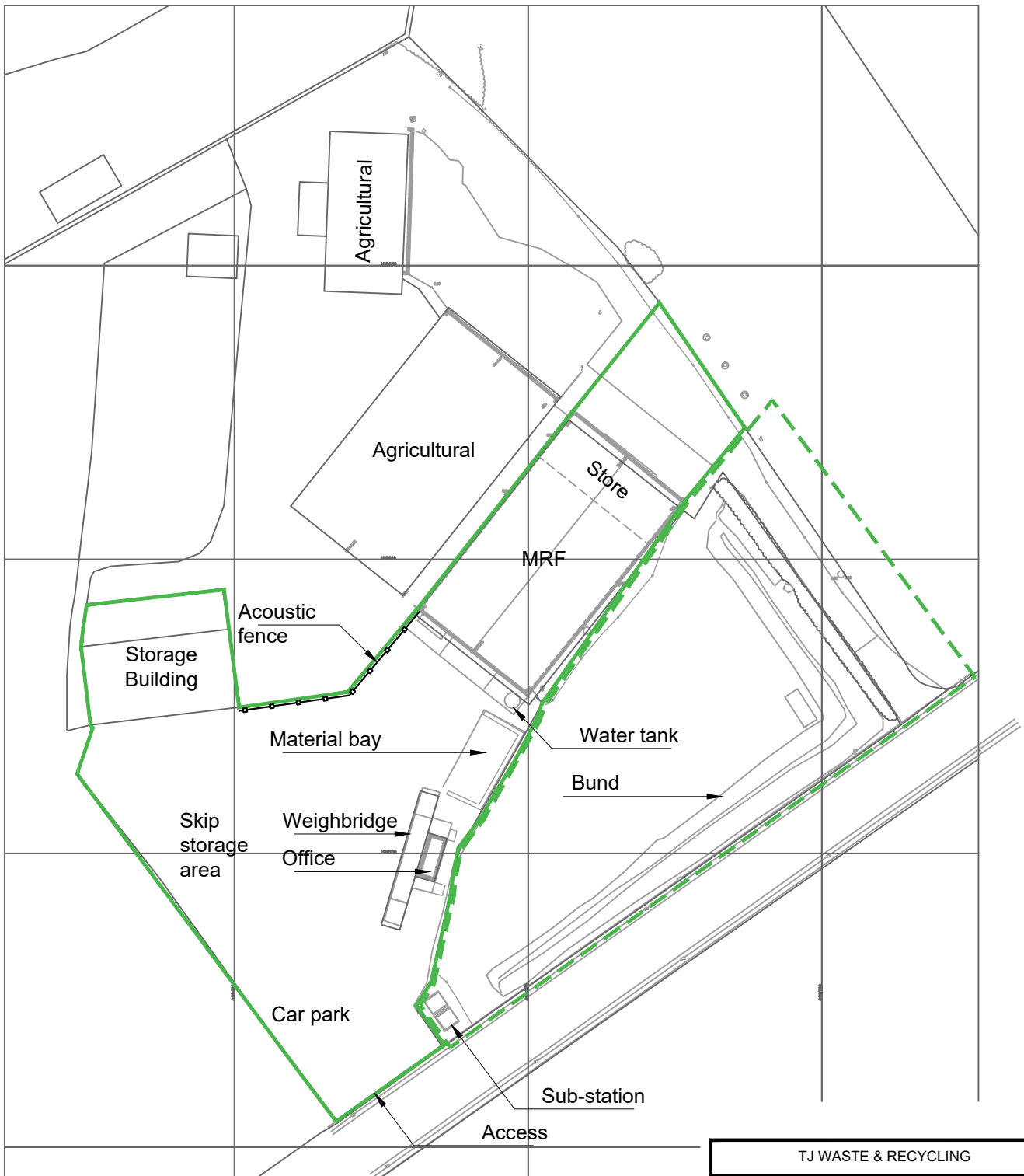
INFORMATIVES

- a) In accordance with paragraph 38 of the National Planning Policy Framework, the County Planning Authority has approached the determination of this application in a positive and creative way, and has worked proactively with the applicant by:

- Providing pre-application advice;
- Seeking amendments early on in the application process to see if a sustainable solution can be agreed;
- Discussing issues of concern as early as possible, including those raised by consultees and third parties;
- Giving them the opportunity to provide further information/changes to overcome material impacts; and
- Working with consultees

As a result, the County Planning Authority has been able to recommend the grant of planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

- b) The granting of any planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact Arun District Council Environmental Health Department. The developer should at all time employ best practical means to minimise noise disturbance to nearby residents. All construction work practises should comply with B.S. 5228 1:2009 'Code of practice for noise and vibration control on construction and open sites'.
- c) With regard to condition 9, the applicant's attention is drawn to the comments of the made under the '8.0 Outline Recommendations' section in the submitted Noise Assessment by Sharps Redmore.
- d) Please note that this development may require an Environmental Permit, a variation of an existing permit or an exemption from an Environmental Permit form the Environment Agency. The applicant must ensure that the operations at the site are in accordance with the Environmental Permitting Regulations 2008. The applicant is advised to contact the EA's National Customer contact centre on 03708 506 506.



Ordnance Survey, (c) Crown Copyright 2018. All rights reserved. Licence number 100022432

- - - - Proposed Additional Land
- Existing Operational Area




TJ WASTE & RECYCLING			
 Integrated Skills			
BELL HOUSE, 32 BELL STREET, ROMSEY SOUTHAMPTON, SO51 8GW TEL: 02380 737 983 EMAIL: ukinfo@integrated-skills.com (www.integrated-skills.com)			
PROJECT		TJ WASTE & RECYCLING BURDELL ROAD YAPTON	
TITLE			
Existing Site Layout			
DRAWN BY:	D.N.	DATE	NOV 18'
CHECKED BY:	A.C.	SCALE	1:1000 @ A4
DRAWING NO.			REV.
9150 / 150			B

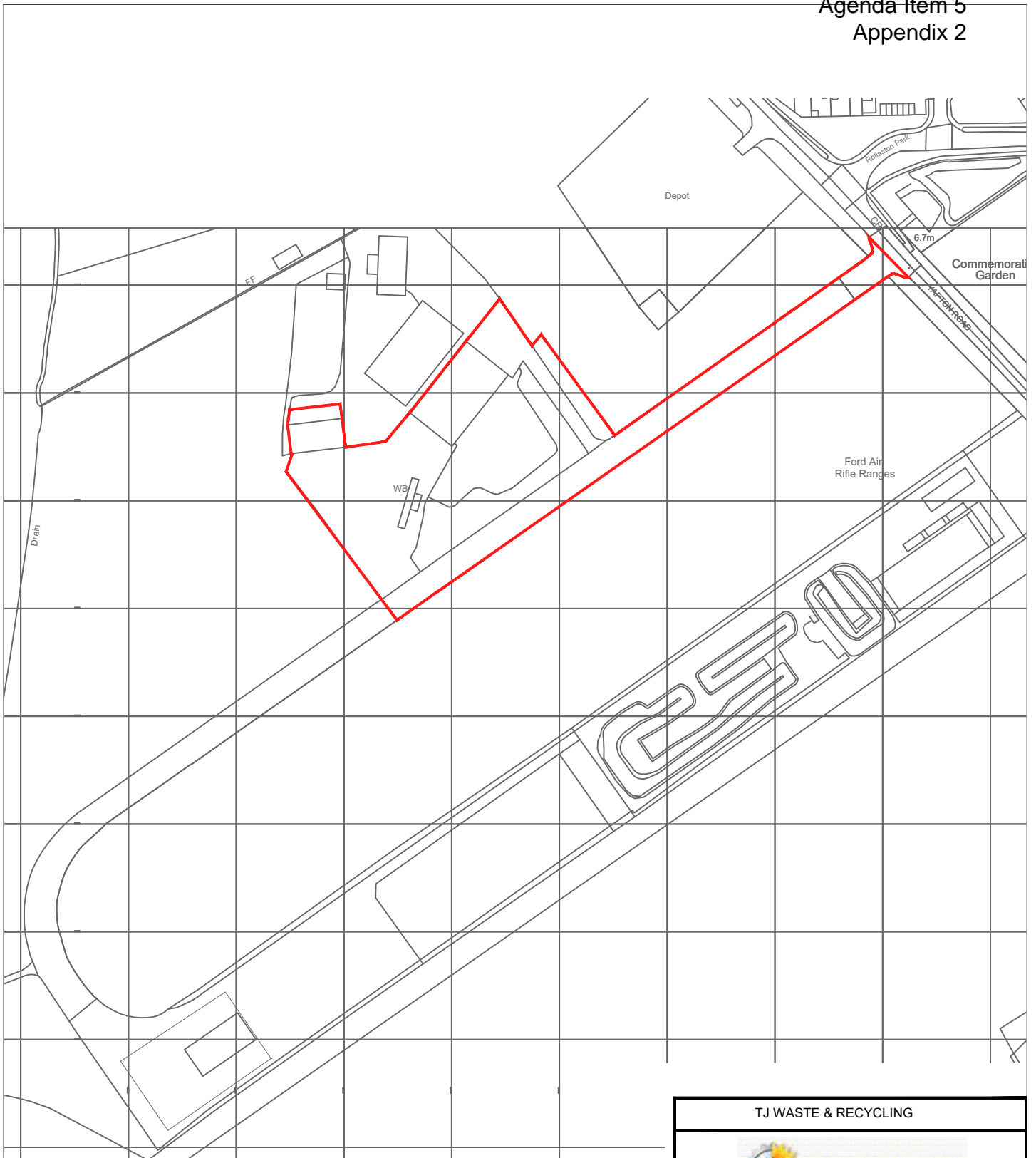


Ordnance Survey, (c) Crown Copyright 2018. All rights reserved. Licence number 100022432

- - - - Proposed Additional Land
- Existing Operational Area



TJ WASTE & RECYCLING			
 Integrated Skills			
BELL HOUSE, 32 BELL STREET, ROMSEY SOUTHAMPTON, SO51 8GW TEL: 02380 737 983 EMAIL: ukinfo@integrated-skills.com (www.integrated-skills.com)			
PROJECT		TJ WASTE & RECYCLING BURDELL ROAD YAPTON	
TITLE		Proposed Site Layout	
DRAWN BY:	D.N.	DATE	NOV 18'
CHECKED BY:	A.C.	SCALE	1:1000 @ A4
DRAWING NO.		9150 / 151	REV. B



— Application Boundary

TJ WASTE & RECYCLING



**BELL HOUSE, 32 BELL STREET, ROMSEY
SOUTHAMPTON, SO51 8GW**
TEL: 02380 737 983
EMAIL: ukinfo@integrated-skills.com
(www.integrated-skills.com)

PROJECT TJ WASTE & RECYCLING
BURDELL ROAD
YAPTON

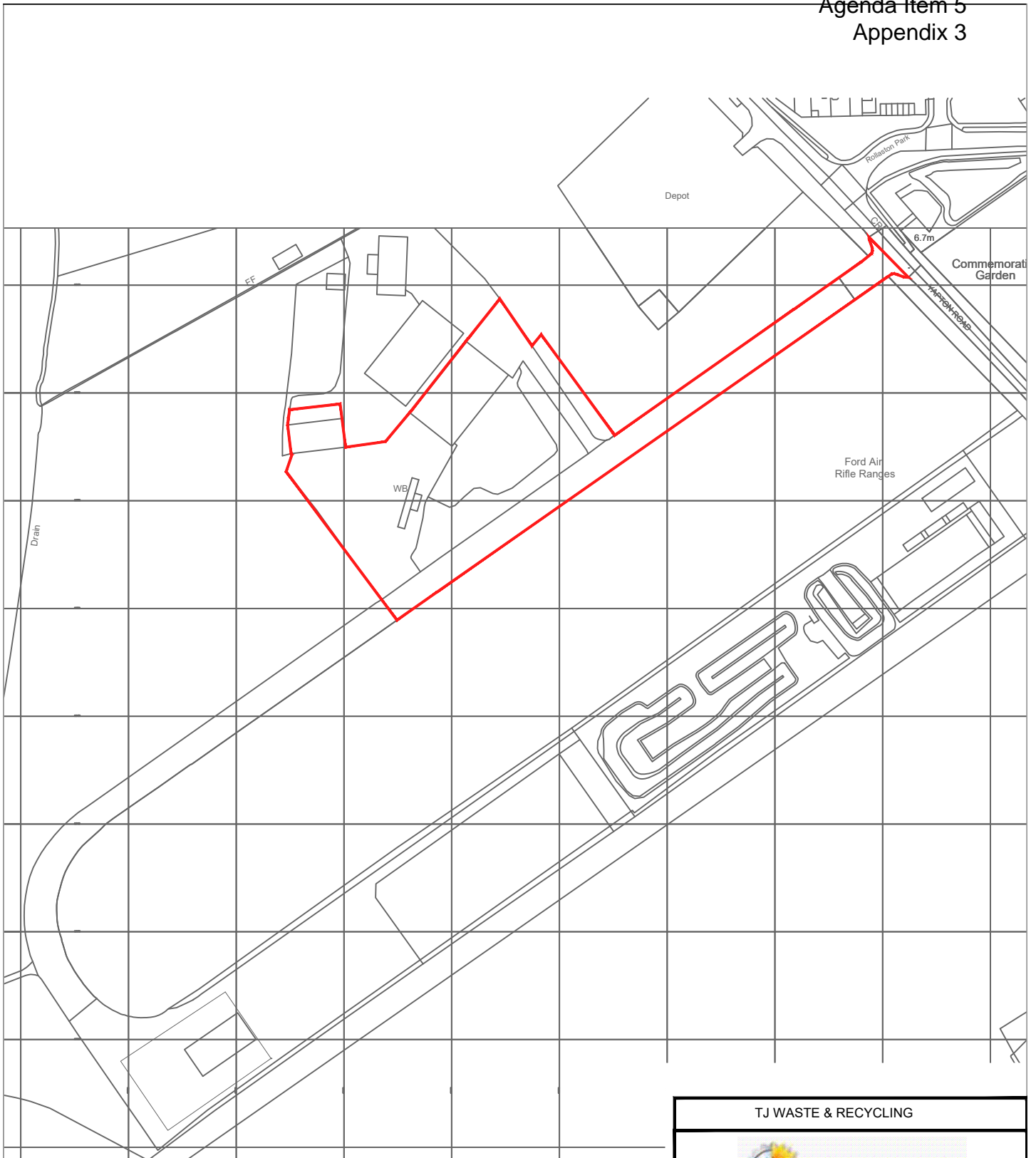
TITLE Application Boundary

DRAWN BY:	D.N.	DATE	MAR 19
CHECKED BY:	A.C.	SCALE	1:2500 @ A4

DRAWING NO.	9150 / 152	REV.	B
-------------	------------	------	---



This page is intentionally left blank



— Application Boundary

TJ WASTE & RECYCLING



BELL HOUSE, 32 BELL STREET, ROMSEY
SOUTHAMPTON, SO51 8GW
TEL: 02380 737 983
EMAIL: ukinfo@integrated-skills.com
(www.integrated-skills.com)

PROJECT TJ WASTE & RECYCLING
BURDELL ROAD
YAPTON

TITLE Application Boundary

DRAWN BY:	D.N.	DATE	MAR 19
CHECKED BY:	A.C.	SCALE	1:2500 @ A4

DRAWING NO.	9150 / 152	REV.	B
-------------	------------	------	---



This page is intentionally left blank



Ordnance Survey, (c) Crown Copyright 2018. All rights reserved. Licence number 100022432

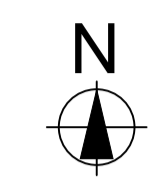
- - - Proposed Additional Land
- Existing Operational Area



TJ WASTE & RECYCLING			
 Integrated Skills			
BELL HOUSE, 32 BELL STREET, ROMSEY SOUTHAMPTON, SO51 8GW TEL: 02380 737 983 EMAIL: ukinfo@integrated-skills.com (www.integrated-skills.com)			
PROJECT		TJ WASTE & RECYCLING BURDELL ROAD YAPTON	
TITLE			
Existing Site Layout			
DRAWN BY:	D.N.	DATE	NOV 18'
CHECKED BY:	A.C.	SCALE	1:1000 @ A4
DRAWING NO.			REV.
9150 / 150			B

This page is intentionally left blank

- NOTES:**
1. This drawing is to be read in conjunction with all other Integrated Skills drawings, and any other relevant information.
 2. No dimensions are to be scaled from this drawing, but must be taken from site and / or the details.
 3. Unless noted otherwise all dimensions are in millimetres and all levels are in metres from the site datum.
 4. The electronic information from this drawing can not be guaranteed as dimensionally drawn exact. Figured dimensions must be used for setting out and detailing. Integrated Skills logos and company information must be removed from copies if information is re-used.



Proposed Site Layout
(Scale 1:250)

B	MINOR UPDATES	D.N. A.C. 21.03.19
A	OFFICIAL ISSUE	D.N. A.C. 18.12.18
P4	GENERAL REVISIONS	D.N. A.C. 14.12.18
P3	MINOR DRAWING AMMENDMENTS TRACKING MOVED TO SEPARATE DRAWING	D.N. A.C. 27.11.18
P2	REVISED TO CLIENT REQUEST	D.N. A.C. 26.10.18
P1	PRELIMINARY ISSUE	D.N. A.C. 17.09.18
REV.	DESCRIPTION	DRW CHK DATE

Integrated Skills
 BELL HOUSE, 32 BELL STREET, ROMSEY
 SOUTHAMPTON, SO51 8GW
 TEL: 02380 737 983
 EMAIL: ukinfo@integrated-skills.com
 (www.integrated-skills.com)

CLIENT
TJ WASTE & RECYCLING

PROJECT
**TJ WASTE & RECYCLING
 BURDELL LANE
 YAPTON**

DRAWING
**PROPOSED SITE ARRANGEMENT
 AND ELEVATIONS**

DRAWN BY:	D.G.N.	DATE	SEPT 18'
CHECKED BY:	A.C.	SCALE	AS SHOWN @ A1
DRAWING STATUS	PRELIMINARY		
DRAWING NO.	9150 / 100		REV: B

SAFETY, HEALTH AND ENVIRONMENTAL HAZARD INFORMATION BOX

THE HAZARDS NOTED BELOW ARE IN ADDITION TO THE NORMAL HAZARDS AND RISKS FACED BY A COMPETENT CONTRACTOR WHEN DEALING WITH THE TYPE OF WORKS DETAILED ON THIS DRAWING.

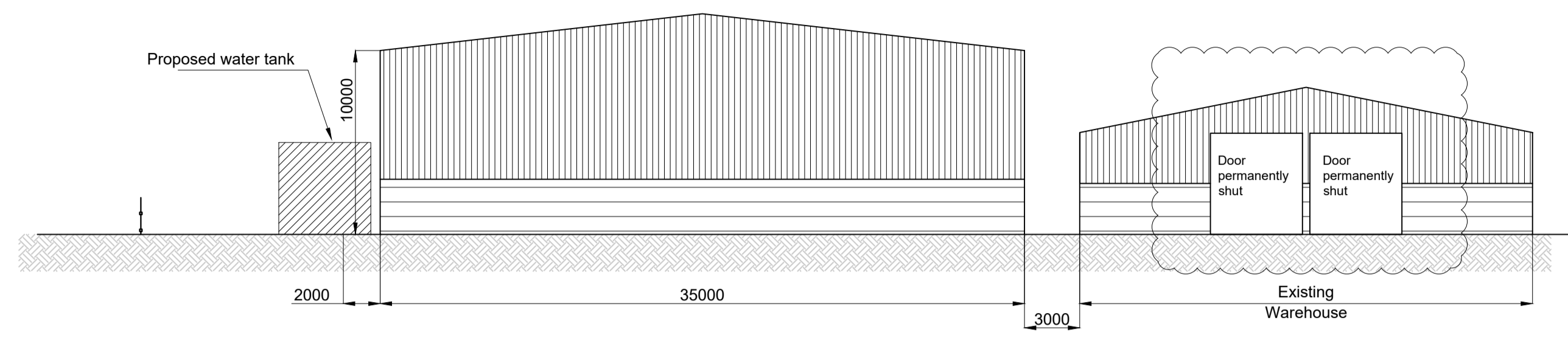
CONSTRUCTION RISKS
 • None identified.

MAINTENANCE/ CLEANING RISK
 • None identified.

DEMOLITION RISKS
 • None identified.

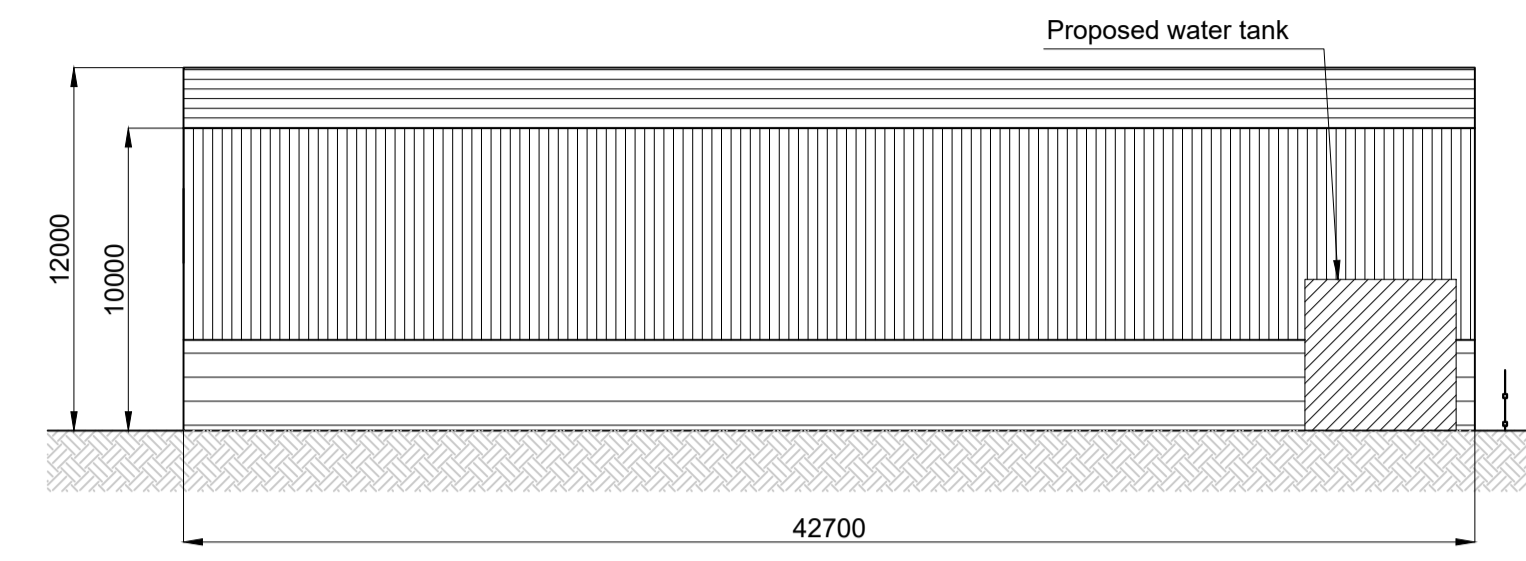
This page is intentionally left blank

- NOTES:**
1. This drawing is to be read in conjunction with all other Integrated Skills drawings, and any other relevant information.
 2. No dimensions are to be scaled from this drawing, but must be taken from site and / or the details.
 3. Unless noted otherwise all dimensions are in millimetres and all levels are in metres from the site datum.
 4. The electronic information from this drawing can not be guaranteed as dimensionally drawn exact. Figured dimensions must be used for setting out and detailing. Integrated Skills logos and company information must be removed from copies if information is re-used.



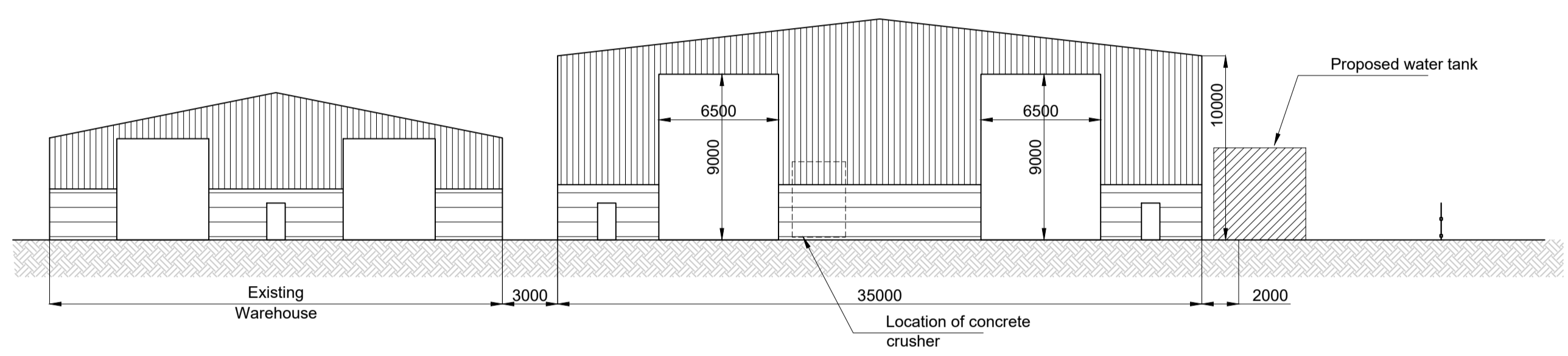
North East Elevation

Scale 1:250



South East Elevation

Scale 1:250



South West Elevation

Scale 1:250



North West Elevation

Scale 1:250

B	MINOR DRAWING UPDATES	D.N.	J.S.	21.03.19
A	OFFICIAL ISSUE	D.N.	A.C.	18.12.18
P3	POSITION OF WATER TANK UPDATED	D.N.	A.C.	14.12.18
P2	MINOR REVISIONS TO DRAWING	D.N.	A.C.	27.11.18
P1	PRELIMINARY ISSUE	D.N.	A.C.	26.10.18
REV.	DESCRIPTION	DRW	CHK	DATE

Integrated Skills
 BELL HOUSE, 32 BELL STREET, ROMSEY
 SOUTHAMPTON, SO51 8GW
 TEL: 02380 737 983
 EMAIL: ukinfo@integrated-skills.com
 (www.integrated-skills.com)

CLIENT
TJ WASTE & RECYCLING

PROJECT
**TJ WASTE & RECYCLING
 BURDELL LANE
 YAPTON**

SAFETY, HEALTH AND ENVIRONMENTAL HAZARD INFORMATION BOX

THE HAZARDS NOTED BELOW ARE IN ADDITION TO THE NORMAL HAZARDS AND RISKS FACED BY A COMPETENT CONTRACTOR WHEN DEALING WITH THE TYPE OF WORKS DETAILED ON THIS DRAWING.

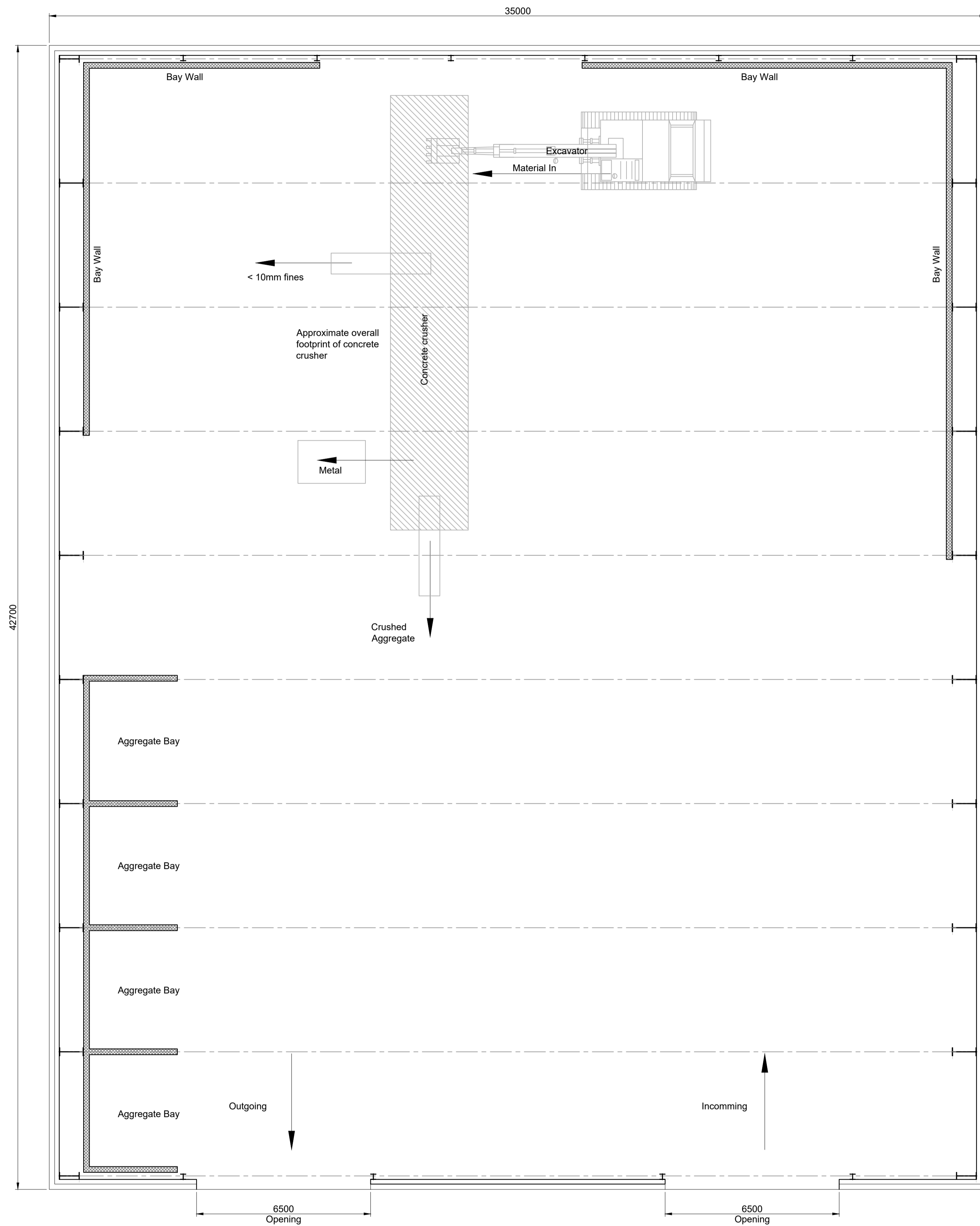
CONSTRUCTION RISKS
 • None identified.

MAINTENANCE/ CLEANING RISK
 • None identified.

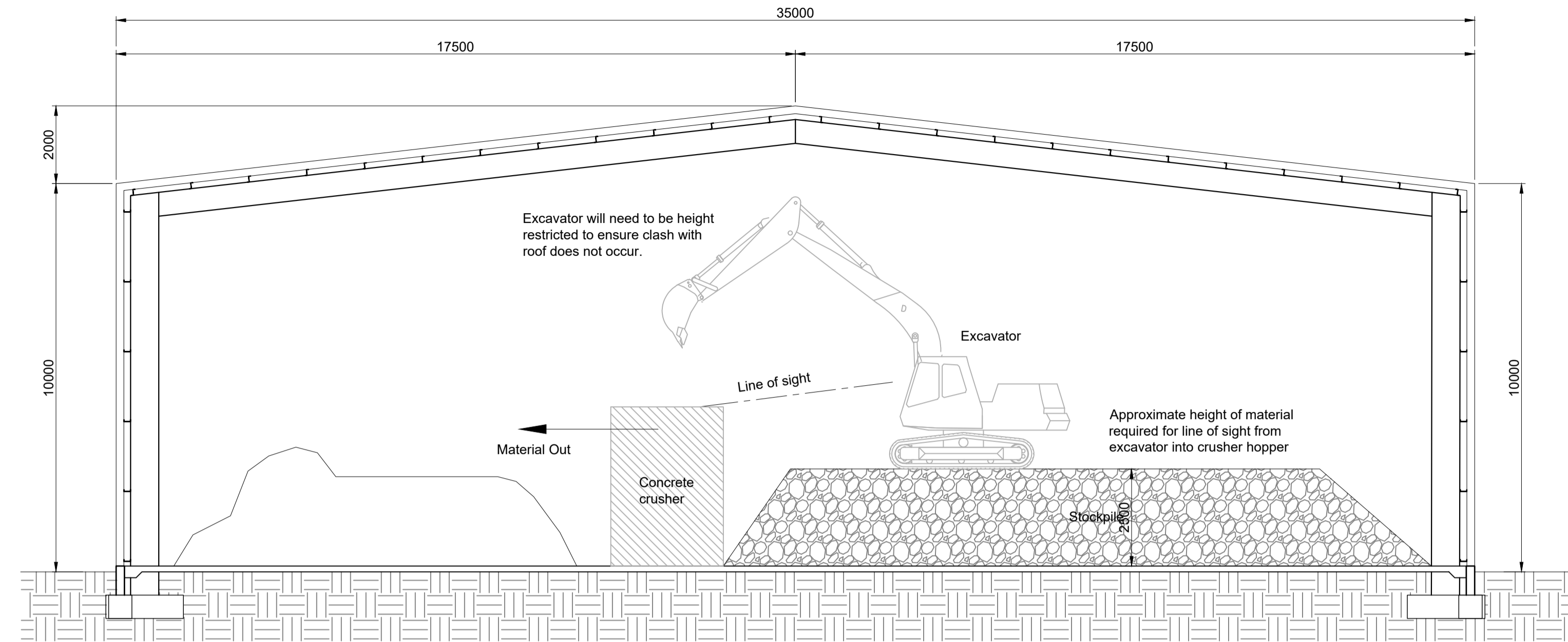
DEMOLITION RISKS
 • None identified.

DRAWING			
PROPOSED ELEVATIONS			
DRAWN BY:	D.G.N.	DATE	SEPT 18'
CHECKED BY:	A.C.	SCALE	AS SHOWN @ A1
DRAWING STATUS			
PRELIMINARY			
DRAWING NO.	9150 / 102		REV. B

This page is intentionally left blank



Ground Floor Plan
Scale 1:100



Typical Section
Scale 1:100

NOTES:

1. This drawing is to be read in conjunction with all other Integrated Skills drawings, and any other relevant information.
2. No dimensions are to be scaled from this drawing, but must be taken from site and / or the details.
3. Unless noted otherwise all dimensions are in millimetres and all levels are in metres from the site datum.
4. The electronic information from this drawing can not be guaranteed as dimensionally drawn exact. Figured dimensions must be used for setting out and detailing. Integrated Skills logos and company information must be removed from copies if information is re-used.

SAFETY, HEALTH AND ENVIRONMENTAL HAZARD INFORMATION BOX		
THE HAZARDS NOTED BELOW ARE IN ADDITION TO THE NORMAL HAZARDS AND RISKS FACED BY A COMPETENT CONTRACTOR WHEN DEALING WITH THE TYPE OF WORKS DETAILED ON THIS DRAWING.		
CONSTRUCTION RISKS	• None identified.	
MAINTENANCE/ CLEANING RISK	• None identified.	
DEMOLITION RISKS	• None identified.	

BELL HOUSE, 32 BELL STREET, ROMSEY SOUTHAMPTON, SO51 8GW TEL: 02380 737 983 EMAIL: ukinfo@integrated-skills.com (www.integrated-skills.com)			
CLIENT			
TJ WASTE & RECYCLING			
PROJECT			
TJ WASTE & RECYCLING BURDELL LANE YAPTON			
DRAWING			
FLOOR PLAN AND SECTION			
DRAWN BY:	D.G.N.	DATE	SEPT 18'
CHECKED BY:	A.C.	SCALE	AS SHOWN @ A1
DRAWING STATUS			
PRELIMINARY			
DRAWING NO.			REV.
9150 / 101			A

This page is intentionally left blank

Planning Committee**9 July 2019****County Matter Waste Application****Erection of replacement dwelling, including acoustic bunds along east, west and side boundaries****Dan Tree Farm, London Road, Bolney, West Sussex, RH17 5QD.****Application No: WSCC/050/18/BK****Report by Head of Planning Services****Local Member: Joy Dennis****District: Mid Sussex****Executive Summary**

Planning permission for the construction of a replacement dwelling (and demolition of the existing dwelling) has been approved by Mid Sussex District Council (MSDC)(ref. DM/15/1971). This permission has been implemented but to date has not been completed.

Planning permission is now sought for the importation of some 35,000 m³ (45,000 tonnes) of inert waste to form bunds along the southern and western boundaries of the site, which would also necessitate a slight relocation of the dwelling. The bunds are proposed to reduce noise from the A23, to the benefit of residents of the dwelling under construction

The report provides a generalised description of the site and a detailed account of the proposed development, and appraises it against the relevant policy framework from national to local level.

The main policies of relevance to this application are Policies W1, W8, W9, W11, W12, W14, W15, W16, W17, W18, W19, W20, W21 of the West Sussex Waste Local Plan (WLP April 2014), Policies DP1, DP12, DP15, DP16, DP21, DP26, DP29, DP37, DP38, DP41 of the Mid Sussex District Plan (2014 - 2031), and Policies BOLBB1, BOLE1, BOLE2, BOLD1 of the Bolney Neighbourhood Plan (September 2016).

Mid Sussex District Council raise no concerns to the siting or scale of the replacement dwelling; however, object to the scale of the proposed bunds in terms of their adverse impact upon the surrounding countryside and High Weald AONB. The High Weald Joint Advisory Committee highlights the need to ensure that the natural beauty of the AONB is conserved and enhanced Subject to conditions. Subject to conditions, all other consultees raise no objection to the proposal.

No representations have been received from third parties.

Consideration of Key Issues

The main material planning considerations are whether the proposal is:

- acceptable in principle with regard to rural housing policy;

- acceptable in principle with regard to waste planning policy;
- acceptable with regard to impacts on landscape/character and the AONB;
- acceptable with regard to highway capacity and road safety; and
- acceptable with regard to impact on local amenity.
-

Acceptability in principle with regard to rural housing policy

The application site has an extant permission for the construction of a replacement dwelling, granted by Mid Sussex District Council. In granting this permission, the dwelling was considered acceptable in terms of its impacts, and to accord with development plan policy. Although the present proposal would relocate the dwelling slightly north, closer to ancient woodland, the impact of the revised house location is considered to remain acceptable. The proposed replacement dwelling is therefore considered to accord with rural housing policy DM15 of the Mid Sussex District Plan.

Acceptability in principle with regard waste planning policy

Policy W8 of the WLP supports recovery operations involving the deposition of inert waste to land where it would meet the above criteria. The proposed bunds are not considered to meet all of the criterion because it has not been demonstrated there is a genuine need to use the waste material, or that the amount of waste material to be used is no more than is necessary to deliver the suggested benefit. Further, the proposals would result in an unacceptable impact upon a protected landscape, and restoration to a high quality standard would not take place. The development is therefore contrary to policy W8 of the WLP. As the proposal is not considered to represent a 'recovery' operation, it must be considered a waste 'disposal' operation against Policy W9. Disposal of waste falls at the bottom of the waste hierarchy and is the last resort for waste that cannot be recovered, re-used or recycled. The applicant has not demonstrated an identified need for disposal of inert waste or that it could not be managed through genuine recovery operations. As a result it would compromise the movement of waste up the waste hierarchy, and thus is contrary to Policies W1 and W9 of the West Sussex Waste Local Plan (2014) and National Planning Policy for Waste (2014).

Acceptability with regard to impacts on landscape/character and the AONB

The design, scale, steep slope, and orientation of the bunds are not appropriate to the site and do not relate well to the landscape or character of the countryside locality. The proposal would represent 'major development' which would not conserve or enhance the natural beauty of the High Weald AONB, and it is not considered that there are exceptional or benefits in the public interest sufficient to outweigh the harm.

Acceptability with regard to highway capacity and road safety

The proposed development would temporarily result in up to 50 HGV movements per day via an existing access form the A23 to construct the bunds. Upon completion, all residential access and parking arrangements would remain as currently permitted. Subject to detailed design and a construction management being secured by condition, the Highway Authority raises no objection to the proposals. The proposed development is not considered to give rise to any unacceptable impacts upon highway capacity or road safety.

Acceptability with regard to impact on local amenity

The proposed development could have the potential to result in noise and dust associated with earthmoving and construction activities. However, the site is located in an isolated location, alongside the A23, that results in high background noise levels. Accordingly, it is not considered there would be any unacceptable impact upon amenity during temporary construction activities, and once completed the proposed bunds would reduce noise for future residents of the proposed dwelling.

Conclusion

The applicant is seeking planning permission to amend the location of a dwelling that already has approval from Mid Sussex District Council (MSDC), and to install bunds along the western and southern boundaries of the site to minimise noise impacts for future residents.

The principle of a replacement dwelling on this site has been accepted through the grant of planning permission by MSDC. Although the present development would result in slight change in the location of the residential property within the same field, this alone is not considered to give rise to any substantive change in impacts upon the AONB or the environment. Taking the extant permission into account, subject to conditions, the proposed erection of a dwelling in a slightly revised location is considered acceptable.

The proposed erection of the bunds is considered acceptable in terms of impacts on the local highway, residential amenity, biodiversity, and the water environment, subject to conditions.

However, it is not considered that the applicant has demonstrated that the proposed bunds would represent a genuine waste recovery operation, in accordance with the criteria of Policy W8 of the West Sussex Waste Local Plan (2014). Although the scheme would deliver some benefits, they are not sufficient to outweigh the adverse impact of the proposed development on the protected rural landscape. There is not considered to be a genuine need to use waste for this purpose and the impact on the landscape would be unacceptable. The development is therefore contrary to Policy W8 of the WLP.

As the proposal is not considered to represent a 'recovery' operation, it must be considered a waste 'disposal' operation against Policy W9. Disposal of waste falls at the bottom of the waste hierarchy and is the last resort for waste that cannot be recovered, re-used or recycled. The applicant has not demonstrated an identified need for disposal of inert waste or that it could not be managed through genuine recovery operations. As a result it would compromise the movement of waste up the waste hierarchy contrary to both national policy and the Development Plan.

The design, scale, steep slope, and orientation of the proposed bunds would result in incongruous and alien features which are not of a high quality design, out of character with the locality, and which would not maintain or enhance the landscape or scenic beauty of the countryside location protected for its outstanding natural beauty. Exceptional benefits in the public interests sufficient to outweigh the harm on the AONB have not been demonstrated. The proposal is therefore contrary to both national policy and the Development Plan.

Taking the above into account, the proposed development would be contrary to the development plan, is not considered to be sustainable development, and is unacceptable in planning terms. It is therefore recommended that planning permission is refused.

In considering the application, the County Council has, through consultation with the appropriate statutory bodies and having regard to the Development Plan and all other material considerations, considered the objectives of protection of human health and the environment and self-sufficiency and proximity as required by Article 18 of the Waste (England and Wales) Regulations 2011. The County Council has also considered the provisions of Article 20 of these Regulations which relates to location of landfill and avoiding serious environmental risk and nuisance.

Recommendation

It is **recommended** that planning permission be refused for the reasons set out in **Appendix 1** of this report.

1. Introduction

- 1.1 Planning permission for the construction of a replacement dwelling (and demolition of the existing dwelling) has been approved by Mid Sussex District Council (MSDC)(ref. DM/15/1971). This permission has been implemented but to date has not been completed.
- 1.2 The applicant now seeks planning permission for the importation of some 45,000 tonnes of inert waste to form bunds along the southern and western boundaries of the site, which would also necessitate a slight relocation of the dwelling. The bunds are proposed to reduce noise from the A23, to the benefit of residents of the dwelling under construction.

2. Site and Description

- 2.1 The application site forms an area of approximately 1.1 hectares, located immediately to the east of the A23, approximately 1km to the north of Bolney village (see **Appendix 2 – Site Location**). The site is located within the area identified as countryside in the Mid Sussex District Plan 2014 – 2031, by virtue of being outside built-up area boundaries.
- 2.2 At present, the site is characterised by a gently slope including a small section of hard surfaced access track and dilapidated residential dwelling to the south-west, and large open field covered with low level scrub to the north. The site is accessed directly from the southbound carriageway of A23.
- 2.3 The site is bounded to the west by the A23 which sits significantly lower than the application site, and is separated from it by a bank of mature trees/vegetation. To the north, the site is bounded by mature, semi-natural ancient woodland (Seven Acre Hanger).

- 2.4 To the south is a mature belt of trees/vegetation, beyond which lies a hard surfaced track and open fields forming part of Park Farm. This neighbouring site includes an equine rehabilitation centre, and includes a large bund extending north-south alongside the A23, approved by planning permission WSCC/077/11/BK.
- 2.5 To the east of the site is a mature belt of trees/vegetation, beyond which lies a yard area seemingly used for waste activities (e.g. containing plant/materials/stockpiles/containers). This site does not benefit from planning permission and is currently the subject of an enforcement investigation (NB: this is not material to the determination of this application).
- 2.6 The site falls entirely within the High Weald Area of Outstanding Natural Beauty (AONB), and with the exception of limited areas adjacent to the A23, is within 'The Hanger' Site of Nature Conservation Importance (SNCI). The site is located entirely within flood zone 1 (at a low risk of flooding).

3. **Relevant Planning History**

- 3.1 Mid Sussex District Council ref. DM/15/1971: "*Relocate position of building on site and the provision of basement accommodation to be ready in conjunction with the planning approval 05/01689/OUT. This is a resubmission of planning approval 12/01262/FUL (Approved 14/09/15)*". Approved 14 September 2015.
- 3.2 This is the key extant permission relating to residential development at the site; although the approved dwelling has not yet been built, the permission has been implemented through the commencement of building works. It follows the grant of a number of planning permissions by Mid Sussex District Council (MSDC) dating back to 1996 when an agricultural tie (allowing agricultural tenants only) was first lifted from the existing dwelling that remains on site.

4. **The Proposal**

- 4.1 Planning permission is sought for the formation of two bunds along the southern and western boundaries of the application site, which the applicant considers would reduce noise from the A23, to the benefit of future residents of the new dwelling allowed under planning permission DM/15/1971. The proposed bunds would be formed from approximately 30,000 m³ (45,000 tonnes) of inert waste material (e.g. soils/rubble from construction projects), with dimensions of approximately 85 x 17m (western) and 140m x 23m (southern), both to a height of 6.6m (see **Appendix 3 – Proposed Acoustic Bunds**).
- 4.2 The proposed development would also necessitate a slight amendment to the approved location of the permitted residential dwelling and associated access track, moving it north-west by some 10-20m (see **Appendix 4 – Proposed Block Plan**). In all other respects, the design, finishes and scale of the proposed dwelling would remain exactly the same as that approved by DM/15/1971.
- 4.3 The construction of the bunds would take place over a period of some 15 months and would include the demolition of the existing residential property, appropriate inert materials from which would be incorporated into the bunds.

5 **Environmental Impact Assessment (EIA)**

- 5.1 The proposal falls within Part 11(b) of Schedule 2 to the EIA Regulations as it relates to an 'installation for the disposal of waste', and relates to a site of more than 0.5 hectare. The site also falls within Schedule 2, by virtue of the development taking place within a 'sensitive area', defined in the EIA Regulations as including AONBs.
- 5.2 Accordingly, consideration needs to be given, with reference to Schedule 3 to the EIA Regulations, as to whether the development would have the potential to result in 'significant environmental effects' which require an EIA.
- 5.3 A request for a Screening Opinion was made by the applicant in advance of the current application, in relation to proposals almost identical in nature, the only difference being the omission of the replacement dwelling. The County Planning Authority issued a Screening Opinion dated 10th December 2018, confirming its view that the development would not be considered to have the potential for significant effects on the environment within the meaning of the EIA Regulations 2017, and that no Environmental Impact Assessment is required.
- 5.4 The current proposals are almost identical in nature to that the subject of the above screening opinion, and having reviewed the revised proposals, there would be no change to the conclusions reached, namely that an Environmental Impact Assessment is not required.

6. **Policy**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise. For the purposes of this application, the statutory development plan is considered to comprise the West Sussex Waste Local Plan (2014), the Mid Sussex District Planning Framework (2014 - 2031), and the Bolney Neighbourhood Plan (September 2016)
- 6.1 The key policies in the development plan which are material to the determination of the application, are summarised below. In addition, reference is made to relevant national planning policy guidance and other policies that guide the decision-making process and which are material to the determination of the application.

West Sussex Waste Local Plan (April 2014)('the WLP')

- 6.2 Policy W1 relates to the need for waste management facilities and seeks to prevent waste landfill/disposal operations, with an objective of zero waste to landfill in West Sussex by 2031.
- 6.3 Policy W8 of the WLP relates to recovery operations involving the deposition of inert waste to land. These are supported providing a number of criteria are met, and are considered in Section 9 of this report. These are:

"(a) the proposal results in clear benefits for the site and, where possible, the wider area;

- (b) the material to be used is only residual waste following recycling and/or recovery or it is a waste that cannot be recycled or treated;*
- (c) there is a genuine need to use the waste material as a substitute for a non-waste material that would otherwise have to be used;*
- (d) the material to be reused is suitable for its intended use;*
- (e) the amount of waste material to be used is no more than is necessary to deliver the benefits identified under (a);*
- (f) there would be no unacceptable impact on natural resources and other environmental constraints;*
- (g) the proposal accords with Policy W13 (Protected Landscapes);*
- (h) any important mineral reserves would not be sterilised; and*
- (i) restoration of the site to a high quality standard would take place in accordance with Policy W20."*

- 6.4 Proposals which are not determined to be genuine recovery operations (i.e. fail to meet the above criteria) will be considered to be disposal and assessed against Policy W9.
- 6.5 Policy W9 of the WLP relates to proposals for the disposal of waste to land. Waste 'disposal' is the least preferred form of waste management and the policy seeks to prevent disposal of waste other than at allocated or existing landfill sites.
- 6.6 Policy W11 and W12 of the WLP support waste development provided there are no unacceptable impacts on the character of the area and would constitute high quality development that has regard to local context.
- 6.7 Policy W14 seeks to ensure that biodiversity and geodiversity is protected and the benefits of the development clearly outweigh any impacts.
- 6.8 Policy W15 seeks to ensure that features of historic or archaeological importance are conserved and enhanced.
- 6.9 Policy W16 supports waste development provided there are no unacceptable impacts on the intrinsic quality and, where appropriate, the quantity of air, soil and water resources. Policy W17 supports waste development provided that flood risk is not increased and surface water run-off is properly controlled. Policy W18 relates to transport, supporting waste development where (in summary) transport links are adequate, where there is a safe and adequate access to the highway, there would be no adverse impact on road users and where vehicle movements are minimised.
- 6.10 Policy W19 supports waste development provided "*lighting, noise, dust odours and other emissions, including those from transport, are controlled to the extent that there will not be an unacceptable impact on public health and amenity*"; and the amenities of public rights of way are safeguarded.
- 6.11 Policy W20 seeks to ensure that temporary waste development makes provision for high quality and practicable restoration at the earliest opportunity and to

ensure, management and aftercare which maximises benefits taking into account local landscape character, the historic environment, biodiversity and wider environmental objectives.

- 6.12 Policy W21 seeks to prevent an 'unreasonable level of disturbance' to the environment and local communities through the cumulative impact of waste uses and other uses.

Mid Sussex District Plan (2014 - 2031)

- 6.13 The relevant policies are: Policy DP1: Sustainable Economic Development; Policy DP12: Protection and Enhancement of Countryside; Policy DP15: New Homes in the Countryside; Policy DP16: High Weald Area of Outstanding Natural Beauty; Policy DP21: Transport; Policy DP26: Character & Design; Policy DP29: Noise, Air and Light Pollution; Policy DP37: Trees, Woodland and Hedgerows; Policy DP38: Biodiversity; and Policy DP41: Flood Risk and Drainage.

Bolney Neighbourhood Plan (September 2016)

- 6.14 The relevant policies are: Policy BOLBB1: Built-up Area Boundary; Policy BOLE1: Protect and Enhance Biodiversity; Policy BOLE2: Protect and Enhance the Countryside; Policy BOLD1: Design of New Development and Conservation; and Policy BOLT1: Transport Impact of Development

National Planning Policy Framework (2019)

- 6.20 The National Planning Policy Framework (NPPF) promotes, wherever possible, the use of waste as a resource and the movement of waste management up the 'waste hierarchy', thereby only supporting the disposal of waste as a last resort. It also sets out the approach waste authorities should take to determining applications.

- 6.21 The paragraphs in the NPPF of greatest relevance to the present proposal are:

- Paragraphs 11 - Presumption in favour of sustainable development;
- Paragraph 54 -56 –Planning conditions and obligations;
- Paragraph 79 – Isolated homes in the countryside;
- Paragraph 108 – Impacts on transport networks and securing safe and suitable access;
- Paragraph 127 – Development should be of high quality and sympathetic to the local character and history;
- Paragraph 163 – Development should not increase flood risk elsewhere;
- Paragraph 170 – Development to contribute to and enhance the natural and local environment including the countryside, providing net gains for biodiversity, and preventing unacceptable pollution;
- Paragraph 172 – Great weight given to conserving and enhancing Areas of Outstanding Natural Beauty;
- Paragraph 175 – Development should normally be refused if it cannot avoid, mitigate or compensate for significant harm to biodiversity, or result in the loss or deterioration of irreplaceable habitats;
- Paragraph 180 – ensuring new development appropriate for location taking into account impact of pollution on health and the environment; and

- Paragraph 189 – Heritage assets.

National Planning Practice Guidance

- 6.22 This web based resource provides national planning guidance and is regularly updated. Of particular relevance to the development proposals are 'Waste' (October 2015), 'Noise' (6 March 2014), and 'Natural Environment' (21 January 2016).

National Planning Policy for Waste (2014)

- 6.22 Paragraph 7 of the National Planning Policy for Waste (NPPW) relates to determining waste planning applications. In summary, sections of key relevance to this application require planning authorities to:
- *"Consider the likely impact on the local environment and amenity against the locational criteria set out in Appendix B (see below); and*
 - *Ensure that facilities are well-designed, contributing positively to the character and quality of the area; and*
 - *Concern themselves with implementing the strategy in the Local Plan and not control of processes which are a matter for pollution control authorities, on the assumption that such regimes are properly applied and enforced."*

Appendix B to the NPPW sets out locational criteria for testing the suitability of sites, namely the protection of water quality and resources and flood risk management; land instability; landscape and visual impacts; nature conservation; conserving the historic environment; traffic and access; air emissions including dust; odours; vermin and birds; noise, light and vibration; litter; and potential land conflict.

EU Council Directives 2008/98/EC and 1999/31/EC

- 6.23 By virtue of the Waste (England and Wales) Regulations 2011 when determining any application for planning permission that relates to waste management (article 18), or landfill (article 20), the planning authority is required to take into account EU Council Directives; 2008/98/EC (which sets out the objectives of the protection of human health and the environment and self-sufficiency and proximity) and; 1999/31/EC (which sets out which sets out the key considerations for the location of a landfill and requirement to prevent serious environmental risk and nuisance). Case law has confirmed that these are objectives at which to aim. As objectives they must be kept in mind whilst assessing the application and provided this is done, any decision in which the furtherance of the objectives are not achieved, may stand.

7. Consultations

- 7.1 **Mid Sussex District Council (MSDC):** No objection in principle to the siting or scale of the replacement dwelling; however, object to the scale of the proposed bunds in terms of their adverse impact upon the surrounding countryside and High Weald AONB.

- 7.2 **MSDC Environmental Health:** Recommend approval. The proposed development is an improvement upon the dwelling currently approved, offering greater noise protection.
- 7.3 **Bolney Parish Council:** No comments received.
- 7.4 **Environment Agency:** No objection.
- 7.5 **Highways England:** Recommend conditions to secure detailed specifications for geotechnical/drainage design and a Construction Management Plan.
- 7.6 **High Weald Joint Advisory Committee:** Cannot provide detailed comments. Refer to the High Weald AONB Management Plan and the need to ensure that the natural beauty of the AONB is conserved and enhanced.
- 7.7 **Forestry Commission:** Highlight the importance of irreplaceable ancient woodlands and refer to standing advice.
- 7.8 **WSCC Highways:** Note that access to the site will be via the A23, a trunk road for which Highways England is the Highway Authority. Recommend all Highways England conditions are applied.
- 7.9 **WSCC Ecology:** No objection subject to conditions to secure a site wide Ecological Management Plan and ecological enhancement of the bunds in accordance with the supporting ecological assessment.
- 7.10 **WSCC Archaeology:** No objection, subject to a condition to secure archaeological investigation, recording and reporting.
- 7.11 **WSCC Tree Officer:** No objection, subject to protection of trees and hedgerows.
- 7.12 **WSCC Drainage:** Further information required to assess the robustness of proposed drainage and avoidance of additional flows into the A23 corridor.
- 7.13 **WSCC County Councillor Joy Dennis:** No comments received.

8. Representations

- 8.1 The application was publicised in accordance with Schedule 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 involving the erection of a site notices, an advertisement in the local newspaper, and neighbour notification letters.
- 8.2 In response, no representations were received.

9. Consideration of Key Issues

- 9.1 The main planning matters to consider in relation to this application are whether the proposal is:
- acceptable in principle with regard to rural housing policy;
 - acceptable in principle with regard to waste planning policy;
 - acceptable with regard to impacts on landscape/character and the AONB;
 - acceptable with regard to highway capacity and road safety; and
 - acceptable with regard to impact on local amenity.

Acceptability in principle with regard to Rural Housing Policy

- 9.2 Planning permission for the construction of a replacement dwelling was approved by Mid Sussex District Council in September 2015 (planning permission DM/15/1971). This permission has been subsequently been implemented, albeit to date, only limited works for the foundation of the garage have been completed.
- 9.3 In granting permission, MSDC officers determined that the proposed development was of an acceptable appearance and scale for its countryside/AONB location, had an acceptable access for the proposed residential use, and matters relating to biodiversity, land contamination and sustainability could be suitably dealt with by condition.
- 9.4 Although the relocation of the dwelling to the north would bring it closer to ancient woodland to the north, there would be sufficient separation. Therefore, the relocation is not considered to give rise to any substantive change in impacts upon the AONB or biodiversity.
- 9.5 The present development would necessitate a slight shift in the site of extant permitted dwelling and associated access track to accommodate the southern bund, moving it north-west by some 10-20m. In all other respects the design, finishes and scale of the proposed dwelling would remain exactly the same as that approved by DM/15/1971.
- 9.6 In order to accommodate the proposed bunds, the application site (red line boundary) is larger than that permitted by DM/15/1971. Although this would enlarge the extent of curtilage associated with the extant dwelling, expanding the residential use further into adjacent agricultural land, the proposed site boundary is considered appropriate for the development proposed. The extent of the residential curtilage could be secured by planning condition to ensure it remains consistent with that currently approved.
- 9.7 The applicant notes that the existing dwelling at Dan Tree farm remains occupied. Taking this and extant permissions into account, subject to conditions applied to DM/15/1971 being taken forward as appropriate, the proposed development is considered an acceptable replacement dwelling, in accordance with rural housing policy DM15.
- 9.8 *The application site has an extant permission for the construction of a replacement dwelling, granted by Mid Sussex District Council. In granting this permission, the dwelling was considered acceptable in terms of its impacts, and to accord with development plan policy. Although the present proposal would relocate the dwelling slightly north, closer to ancient woodland, the impact of the revised house location is considered to remain acceptable. The proposed replacement dwelling is therefore considered to accord with rural housing policy DM15 of the Mid Sussex District Plan.*

Acceptable with regard to Waste Planning Policy

- 9.9 Policies W8 and W9 of the WLP relate to recovery and the disposal of waste to land respectively.

Agenda Item 6

9.10 Policy W8 of the West Sussex Waste Local (WLP) supports recovery operations involving the deposition of inert waste to land where they meet various criteria. For the proposed bunds to be considered a recovery operation, and thus acceptable in principle in accordance with Policy W8, these criteria must be satisfied. Consideration of each of these is set out below.

(a) the proposal results in clear benefits for the site and, where possible, the wider area.

9.11 The applicant asserts that the principal objective of the proposed bunds is to improve the future enjoyment of a residential property on the site, by minimising the noise arising from the adjacent A23 trunk road.

9.12 The applicant has provided a Noise Assessment that concludes that the proposed bunds would reduce noise experienced at the residential property by 6dB on the ground floor, and by 4dB on the first floor. Similarly, noise experienced in external areas close to the house would be reduced by some 6dB.

9.13 Such a reduction in noise would bring the property within the limits detailed by the World Health Organisation (WHO) for external amenity areas during the daytime, and internal noise levels below the WHO night time noise level criteria. The MSDC Environmental Health Officer acknowledges the high background noise levels from road traffic at the site, and concurs that the proposed bund would bring noise levels down significantly and thus be an improvement on the extant permitted dwelling.

9.14 Although planning permission has been granted for a dwelling on the site without Environmental Health Officers raising concerns about noise or necessitating the creation of bunds or other noise attenuation, the proposed development is considered to deliver a clear acoustic benefit to the permitted residential development at the site (taking the above evidence into account).

9.15 While the benefit of the development would only be limited to a single residential dwelling and not the wider area, the latter is desirable but not an essential requirement under Policy W8. Therefore, the proposal is considered to accord with this criterion.

(b) the material to be used is only residual waste following recycling and/or recovery or it is a waste that cannot be recycled or treated.

9.16 The imported inert wastes would comprise construction and demolition wastes as well as earth, clay, soils and subsoils. Material that could be recycled or otherwise put to use would have been removed by the waste operator prior to coming to the site, particularly as the financial returns for recycling are greater than for waste deposit. The proposal is, therefore, considered to accord with this criterion.

(c) there is a genuine need to use the waste material as a substitute for a non-waste material that would otherwise have to be used.

9.17 The development would make use of inert waste rather than 'virgin' soils to create acoustic bunds. However, the noise impacts could be reduced using alternative means such as non-opening windows and mechanical ventilation of

the house, and/or acoustic fencing. There is not, therefore, considered to be a 'genuine need' for the bunds such that non-waste material would otherwise have been used to create them. The proposal is therefore not considered to accord with this criterion.

(d) the material to be reused is suitable for its intended use.

- 9.18 The imported inert wastes would comprise construction and demolition wastes as well as earth, clay, soils and subsoils, all typical materials used in land raising, engineering projects and with suitable acoustic properties. The proposal is therefore considered to accord with this criterion.

(e) the amount of waste material to be used is no more than is necessary to deliver the benefits identified under (a).

- 9.19 The applicant asserts that the proposed bunds are of the minimum size required to deliver the reduction in noise levels to within WHO criteria for a residential premises. The submitted Noise Assessment has considered alternative scenarios, with bunds at 3m in height, and with the omission of the southern bund. For both scenarios, it is concluded that the noise attenuation benefits would be substantially reduced, and not within WHO criteria. In this respect, it is considered that the amount of waste to deliver bunds with the acoustic attenuation sought, is no more than is necessary.

- 9.20 However, alternative options to deliver acoustic mitigation are possible that would not result in the need for substantial bunds (see (c) above). It is not, therefore, considered that the applicant has satisfactorily demonstrated that the amount of material proposed (30,000 m³ or 45,000 tonnes) is the minimum required to ensure the delivery of the benefits described in (a) above. Therefore, the proposal does not accord with this criterion.

(f) there would be no unacceptable impact on natural resources and other environmental constraints.

- 9.21 The development has the potential to have detrimental effects on the environment and natural resources, some of which would be controlled by the Environment Agency through the Environmental Permitting regime. The Environment Agency has raised no objection to the proposal.

- 9.22 The development has the potential to affect the water environment through altering the site's drainage. WSCC Drainage considers insufficient information has been provided by the applicant to demonstrate that drainage arrangements would be fit for purpose and avoid additional flows into the A23 corridor. However, Highways England (the Highway Authority in respect of the A23) raises no objection to the proposal, subject to a pre-commencement condition for a surface water drainage strategy that ensures run-off does not exceed the existing rate and intensity. The site is in an area at a low risk of flooding, and overall flood risk is low. On this basis, it is considered, that drainage matters could be adequately addressed by planning condition.

- 9.23 There is also the potential for impact on biodiversity and habitat, particularly as the site abuts ancient woodland and is within a Site of Nature Conservation Importance. However, it is considered that the development would be sufficiently separated from ancient woodland to the north, and subject to

securing tree protection measures during construction by condition, there would be no unacceptable impact upon retained trees. Subject to conditions to secure a site wide Ecological Management Plan, an appropriate scheme of planting/seeding and management of construction activities (e.g. dust suppression, minimisation of noise), it is not considered there would be any unacceptable impact upon ancient woodland, the SNCI, or biodiversity more generally.

9.24 Therefore, the proposal accords with this criterion.

(g) the proposal accords with Policy W13 (Protected Landscapes)

9.25 In terms of impacts on the landscape/character/AONB as discussed later in this report, the proposed development is considered unacceptable. The proposal therefore does not accord with this criterion.

(h) any important mineral reserves would not be sterilised

9.26 The application site includes a limited area with potential for underlying building stone to be present. However, such minerals would not be located under the site of the proposed bunds, and would unlikely be economically or practicably extractable given the potential volumes present. Accordingly, it is not considered that there would be any unacceptable sterilisation of mineral reserves. The proposal is considered to accord with this criterion.

(i) restoration of the site to a high quality standard would take place in accordance with Policy W20.

9.27 In terms of impacts on the landscape/character/AONB that Policy W20 seeks to protect, as discussed later in this report, the proposed development is considered unacceptable. The proposal therefore does not accord with this criterion.

Overall Conclusion

9.28 Policy W8 of the WLP supports recovery operations involving the deposition of inert waste to land where it would meet the above criteria. As set out above, although the proposed bunds would deliver acoustic benefits, the applicant has not demonstrated there is a genuine need to use the waste material or that the amount of waste material to be used is no more than is necessary to deliver the suggested benefit. Further, the proposals would result in an unacceptable impact upon a protected rural landscape, and restoration to a high quality standard would not take place. The proposal is therefore contrary to WLP Policy W8.

9.29 Accordingly, the proposed development must be considered against WLP Policy W9 as a waste disposal operation, rather than a recovery operation. In this regard, the National Planning Policy for Waste and Policy W9 of the WLP address the disposal of waste to land. Disposal of waste falls at the bottom of the waste hierarchy and is the last resort for waste that cannot be recovered, re-used or recycled. Development that prejudices the movement of waste up the waste hierarchy should not be permitted. The applicant has not demonstrated an identified need for disposal of inert waste or that it could not be managed through genuine recovery operations.

9.30 *Policy W8 of the WLP supports recovery operations involving the deposition of inert waste to land where it would meet the above criteria. The proposed bunds are not considered to meet all of the criterion because it has not been demonstrated there is a genuine need to use the waste material, or that the amount of waste material to be used is no more than is necessary to deliver the suggested benefit. Further, the proposals would result in an unacceptable impact upon a protected landscape, and restoration to a high quality standard would not take place. The development is therefore contrary to policy W8 of the WLP. As the proposal is not considered to represent a 'recovery' operation, it must be considered a waste 'disposal' operation against Policy W9. Disposal of waste falls at the bottom of the waste hierarchy and is the last resort for waste that cannot be recovered, re-used or recycled. The applicant has not demonstrated an identified need for disposal of inert waste or that it could not be managed through genuine recovery operations. As a result it would compromise the movement of waste up the waste hierarchy, and thus is contrary to Policies W1 and W9 of the West Sussex Waste Local Plan (2014) and National Planning Policy for Waste (2014).*

Acceptability with regard to impacts on landscape/character and the AONB

- 9.31 The site falls within a rural countryside location wherein development should protect and enhance its special landscape, intrinsic character, and beauty.
- 9.32 The site is also located within the High Weald Area of Outstanding Natural Beauty (AONB), which has the highest status of protection, and wherein 'great weight' must be given to conserving and enhancing the landscape and scenic beauty. Both national policy and the development plan require the scale and extent of development within the AONB to be limited, with paragraph 172 of the NPPF stating that "*planning permission for major development should be refused other than in exceptional circumstances, and where it can be demonstrated to be in the public interest*".
- 9.33 Footnote 55 of the NPPF states that determination of whether something is a 'major development', as set out in paragraph 172, is "*a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.*"
- 9.34 The primary purpose of the AONB designation, set out in the Countryside and Rights of Way Act 2000, is 'to conserve and enhance natural beauty'. It is therefore necessary to consider whether the development would have a significant adverse impact on the conservation and enhancement of the natural beauty of the area, and thereby be considered 'major development'.
- 9.35 Taking into account the established presence of residential property on the site, and extant permissions for a replacement dwelling in a broadly similar location to that sought, it is not considered that the proposed dwelling alone would give rise to any unacceptable impact upon the locality or the AONB. However, the proposed bunds would introduce large, incongruous alien landforms into a countryside location protected for its natural beauty.

Agenda Item 6

- 9.36 The western bund, to some degree, would follow the significant linear feature of the A23 immediately west. However, unlike the roadside bunds on neighbouring land to the south (WSSC/077/11/BK), the bunds proposed in the present application would have a steep sided, unnatural profile that would intrude into the countryside. Further, because of their steep profile, the bunds could not be easily planted or maintained.
- 9.37 The southernmost bund is considered to have even greater potential for impact on the landscape. At 6.6m in height x 140m in length, and with an east-to-west orientation and of equally steep profile, it would be significantly at odds with the natural gentle sloping topography of the site and the surrounding area.
- 9.38 Taking into account the design, steep profile, orientation, significant scale and the sensitive setting of the proposed bunds, it is considered that they would have a significant impact on the conservation and enhancement of the natural beauty of the AONB. The proposed development is therefore considered to represent 'major development', within the meaning defined in NPPF paragraph 172.
- 9.39 It is therefore necessary to consider whether there are exceptional circumstances sufficient to justify the development, and whether it is in the public interest.
- 9.40 It is not considered that 'exceptional circumstances' exist, particularly given the extant permission for a residential property on the site without the need for bunds or other acoustic attenuation. The grant of this permission indicates that the erection of the dwelling was considered acceptable without the need for noise attenuation, let alone bunds on the scale now proposed.
- 9.41 Further, the applicant has not demonstrated the development to be in the public interest. If approved, the proposed development would benefit a single dwelling which is not considered to represent a 'public interest'.
- 9.42 *The design, scale, steep slope, and orientation of the bunds are not appropriate to the site and do not relate well to the landscape or character of the countryside locality. The proposal would represent 'major development' which would not conserve or enhance the natural beauty of the High Weald AONB, and it is not considered that there are exceptional or benefits in the public interest sufficient to outweigh the harm.*

Acceptability with regard to highway capacity and road safety

- 9.43 Upon completion, the proposed development would necessitate a slight relocation of an internal access track. However, in all other respects, access and parking arrangements would remain as currently permitted.
- 9.44 As a result, potential impacts upon the highway would be limited to the bund construction and associated temporary HGV deliveries to the site, and potential risk to the A23 resulting from stability or drainage of the bunds.
- 9.45 The creation of the proposed bunds would result in some up to 25 HGV waste deliveries (up to 50 HGV movements) per day. All access would be taken directly from the A23 via an existing access serving the existing dwelling. The

applicant proposes a temporary wheel wash facility within the site to ensure no debris would be trafficked onto the highway.

9.46 Although the access from/to the A23 provides limited space for deceleration/acceleration, Highways England has raised no objection to the proposals, subject to a condition to secure a Construction Management Plan. Further, subject to geotechnical specifications of the bunds and a surface water drainage strategy being secured by condition, Highways England raise no objection to the proposal.

9.47 *The proposed development would temporarily result in up to 50 HGV movements per day via an existing access from the A23 to construct the bunds. Upon completion, all residential access and parking arrangements would remain as currently permitted. Subject to detailed design and a construction management being secured by condition, the Highway Authority raises no objection to the proposals. The proposed development is not considered to give rise to any unacceptable impacts upon highway capacity or road safety.*

9.48 **Acceptability with regard to impact on Local Amenity**

9.49 The construction of the bunds would require the import and profiling of some 30,000m³ (45,000 tonnes) of inert waste over 15 months, as well as the demolition of a residential property, so there is the potential for impacts on residential amenity.

9.50 However, taking into account the isolated rural location of the property, the absence of sensitive neighbouring receptors, and given background noise levels resulting from the adjacent A23, subject to conditions to minimise operational impacts (e.g. hours of working, no lighting, dust mitigation), it is not considered that the proposed development would give rise to any unacceptable impact upon amenity. Further, once in situ, the bunds would reduce noise for the proposed dwelling, with some benefit to the amenity of future residents.

9.51 *The proposed development could have the potential to result in noise and dust associated with earthmoving and construction activities. However, the site is located in an isolated location, alongside the A23, that results in high background noise levels. Accordingly, it not considered there would be any unacceptable impact upon amenity during temporary construction activities, and once completed the proposed bunds would reduce noise for future residents of the proposed dwelling.*

10. **Overall Conclusion and Recommendation**

10.1 The applicant is seeking planning permission to amend the location of a dwelling that already has approval from Mid Sussex District Council (MSDC), and to install bunds along the western and southern boundaries of the site to minimise noise impacts for future residents.

10.2 The principle of a replacement dwelling on this site has been accepted through the grant of planning permission by MSDC. Although the present development would result in slight change in the location of the residential property within the same field, this alone is not considered to give rise to any substantive change in impacts upon the AONB or the environment. Taking the extant

Agenda Item 6

permission into account, subject to conditions, the proposed erection of a dwelling in a slightly revised location is considered acceptable.

- 10.3 The proposed erection of the bunds is considered acceptable in terms of impacts on the local highway, residential amenity, biodiversity, and the water environment, subject to conditions.
- 10.4 However, it is not considered that the applicant has demonstrated that the proposed bunds would represent a genuine waste recovery operation, in accordance with the criteria of Policy W8 of the West Sussex Waste Local Plan (2014). Although the scheme would deliver some benefits, they are not sufficient to outweigh the adverse impact of the proposed development on the protected rural landscape. There is not considered to be a genuine need to use waste for this purpose and the impact on the landscape would be unacceptable. The development is therefore contrary to Policy W8 of the WLP.
- 10.5 As the proposal is not considered to represent a 'recovery' operation, it must be considered a waste 'disposal' operation against Policy W9. Disposal of waste falls at the bottom of the waste hierarchy and is the last resort for waste that cannot be recovered, re-used or recycled. The applicant has not demonstrated an identified need for disposal of inert waste or that it could not be managed through genuine recovery operations. As a result it would compromise the movement of waste up the waste hierarchy contrary to both national policy and the Development Plan.
- 10.6 The design, scale, steep slope, and orientation of the proposed bunds would result in incongruous and alien features which are not of a high quality design, out of character with the locality, and which would not maintain or enhance the landscape or scenic beauty of the countryside location protected for its outstanding natural beauty. Exceptional benefits in the public interests sufficient to outweigh the harm on the AONB have not been demonstrated. The proposal is therefore contrary to both national policy and the Development Plan.
- 10.7 Taking the above into account, the proposed development would be contrary to the development plan, is not considered to be sustainable development, and is unacceptable in planning terms. It is therefore recommended that planning permission is refused.
- 10.8 In considering the application, the County Council has, through consultation with the appropriate statutory bodies and having regard to the Development Plan and all other material considerations, considered the objectives of protection of human health and the environment and self-sufficiency and proximity as required by Article 18 of the Waste (England and Wales) Regulations 2011. The County Council has also considered the provisions of Article 20 of these Regulations which relates to location of landfill and avoiding serious environmental risk and nuisance.
- 10.1 It is **recommended**, therefore, that planning permission be refused for the reasons set out in **Appendix 1** of this report.

11. **Crime and Disorder Act Implications**

- 11.1 This decision has no implications in relation to crime and disorder..

12. **Equality Act Implications**

- 12.1 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

13. **Risk Management Implications**

- 13.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise. If this is not done, any decision could be susceptible to an application for Judicial Review.

14. **Human Rights Act Implications**

- 14.1 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 14.2 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 14.3 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

Michael Elkington

Head of Planning Services

Background Papers

As set out in Section 6.

List of Appendices

Appendix 1 – Reasons for refusal

Appendix 2 - Location plan

Appendix 3 – Proposed Acoustic Bund

Appendix 4 – Proposed Block Plan

Contact: James Neave, ext. 25571

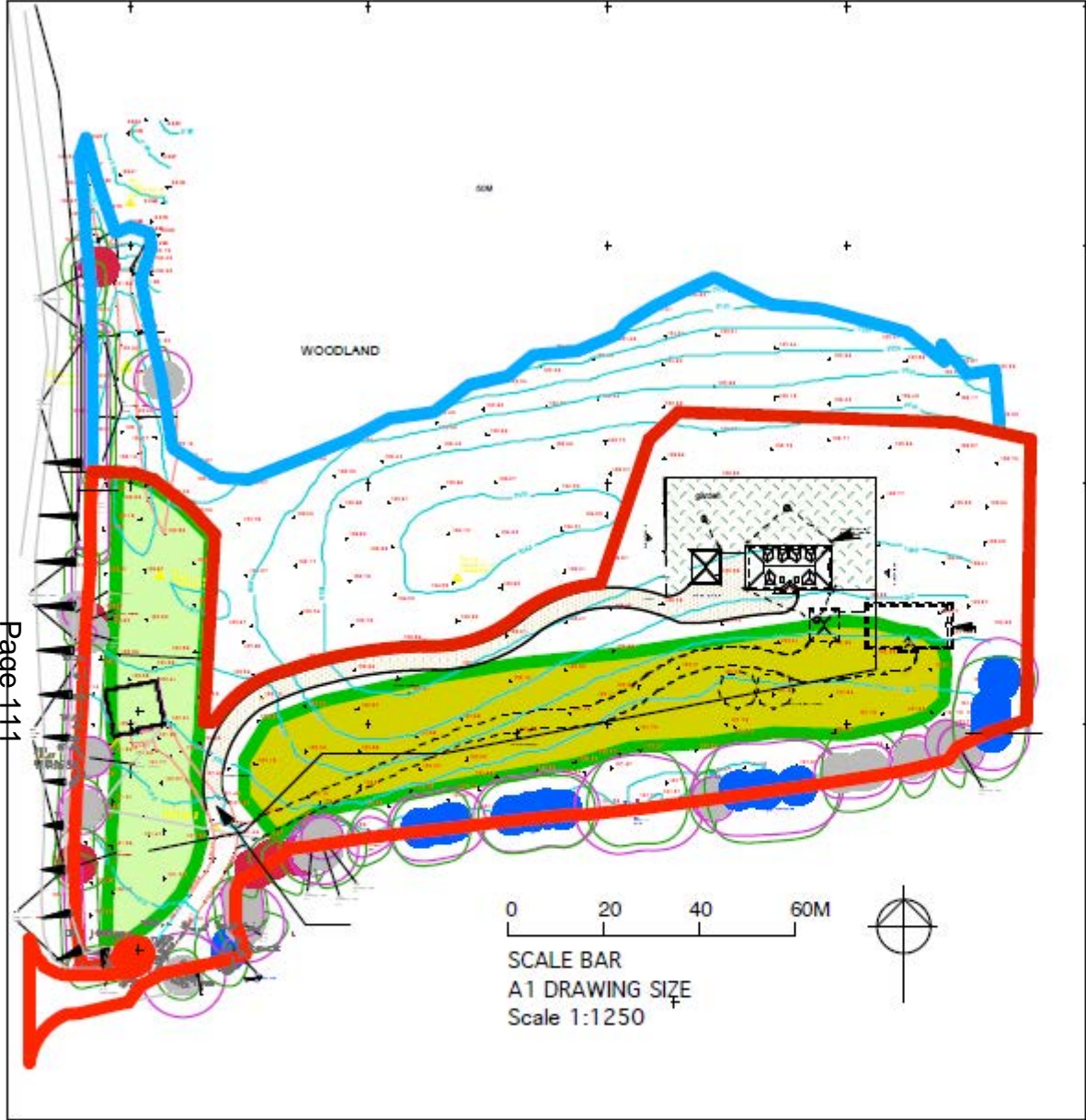
Appendix 1 – Reasons for Refusal

1. It has not been demonstrated that there is a genuine need to use the waste material, or that the amount of waste material to be used is no more than is necessary to deliver the suggested benefit. The bunds would result in an unacceptable impact upon a protected landscape, and would not result in restoration of a high quality. The development is therefore contrary to Policy W8 of the West Sussex Waste Local Plan (2014).
2. The development is considered a waste disposal operation which would compromise the movement of waste, which could otherwise be recovered, up the waste hierarchy. It would therefore be contrary to Policies W1 and W9 of the West Sussex Waste Local Plan (2014) and National Planning Policy for Waste (2014).
3. The scale, design, steep slope, and orientation of the bunds would result in incongruous and alien features which are not considered a high quality design, are out of character with the locality, and would not conserve or enhance the natural beauty of the High Weald Area of Outstanding Natural Beauty or the intrinsic value of the countryside. The bunds would represent major development in the AONB for which there are not exceptional circumstances, and which are not in the public interest. They would therefore be contrary to Policies W8, W11, W12, W13 and W20 of the West Sussex Waste local Plan (2014), Policies DP12, DP16 and DP26 of the Mid Sussex District Plan (2014 – 2031), Policies BOLD1 and BOLE2 of the Bolney Neighbourhood Plan (2016), and Paragraphs 127 and 170 and 172 of the National Planning Policy Framework (2019).

INFORMATIVES

The County Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and consultee responses, and giving the applicant opportunities to overcome the concerns raised about the development. In general the Council will seek to approve applications and work proactively with applicants that will improve the economic, social and environmental conditions of the area. However in this case, the Council has found the development to be contrary to the Development Plan.

This page is intentionally left blank



0 20 40 60M
SCALE BAR
A1 DRAWING SIZE
Scale 1:1250

This page is intentionally left blank

This page is intentionally left blank



Do not scale from these drawings. The contractor is to check all dimensions, levels and conditions on site and advise of any discrepancies prior to the commencement of any work on site. All work is to be carried out in strict accordance with the relevant, current British Standards and codes of practice. Materials and components are to be fixed in strict accordance with the manufacturers instructions and recommendations and relevant body. This drawing is for planning/building control purposes only.
Data Protection Act - no project drawings or client details will be issued by us to anyone other than the client, unless given written instruction by the client for distribution.
Party Wall Details - to be dealt with by a Part Wall Surveyor to be appointed by Client.

AMENDMENTS

DANETREE FARM	
Client	Description
Mr. & Mrs. R Raggio	BLOCK PLAN



Date	Scale	Job No.	Drawing No.	Revision
Aug 2018	1:500	1839	01	

1 Westbourne Grove, Westbourne Gardens, Hove, East Sussex. T: (01273) 727366 E: rob@rsarchitects.co.uk
 Do not scale from drawing This drawing is copyright

This page is intentionally left blank

Agenda Item No.**Planning Committee****9 July 2019****Report on Development Management Performance (1 April 2018 – 31 March 2019)****Report by Head of Planning Services****Executive Summary**

This report reviews the work undertaken by the County Planning Team in relation to the determination of planning applications over the period 1 April 2018 to 31 March 2019).

It outlines the measures against which performance is measured, confirming that the Team is exceeding the Government's thresholds by determining 98% of minerals and waste applications on time (where a 60% threshold is set).

Overall there was a slight increase in the number of applications determined when compared with the previous year, and a higher number were put before the Planning Committee, indicating a higher proportion of contentious applications have been considered.

It is considered that the Team's performance in the past 12 months has shown a continued commitment to taking a positive and proactive approach to development, as set out in the National Planning Policy Framework.

Recommendation

That the report on development management performance is noted.

1. Introduction

- 1.1 The purpose of this report is to review the performance of the County Planning Team in relation to the determination of planning applications over the period between 1 April 2018 and 31 March 2019. The wider performance in relation to compliance and monitoring will be provided in a later report.

2. Background

- 2.1 The County Planning Team determines applications for planning permission relating to 'County Matters' (minerals and waste development) and 'Regulation 3' developments - that is, development to be carried out by West Sussex County Council or where the Council has a significant interest. The team is also responsible for ensuring minerals and waste development across the county is compliant in planning terms, and for taking enforcement action where it is not.

- 2.2 Each application for planning permission has a target period for determination¹, measured from the date the application is made valid, depending on whether it is defined as an Environmental Impact Assessment (EIA), major, or minor.
- 2.3 EIA development is the larger scale schemes which are considered to have the potential to result in significant environmental effects, as set out in Schedules 1 and 2 of the EIA Regulations 2017. The target for determination of EIA applications is 16 weeks.
- 2.4 Major development includes all minerals and waste applications, as well as applications involving sites of more than 1 hectare in area, or where more than 1,000 square metres of floor space will be created. The target for determination of major applications is 13 weeks.
- 2.5 Minor development includes all other applications. The target for the determination of minor applications is 8 weeks.
- 2.6 If a decision is not made by the target date, the applicant can submit an appeal to the Planning Inspectorate on the basis of the non-determination of the application. In addition, if a decision is not made within 6 months of the application being registered, the applicant can ask for a refund of the planning fee.
- 2.7 Missing target dates for determination also runs the risk of the planning authority being 'designated' for poor performance whereby applications can be made directly to the Secretary of State rather than the planning authority (known as being put into 'special measures').
- 2.8 The current 'criteria for designation' (November 2018)² are:
- Speed of Decisions: percentage of decisions over the previous two years made on time (i.e. within the 8/13/16 week statutory determination period) or, crucially, an extended period agreed with applicant. The threshold for this measure is 60%.

Performance was previously only measured in relation to the determination of major applications, but in 2016 was extended to include minor applications, though this excludes Regulation 3 applications. All minerals and waste applications are, by definition, 'major', which means that the County Council's performance in relation to determining 'minor' applications is not measured.

Local authorities are also separately measured in relation to oil and gas applications³. Where authorities have decided more than two

¹ Defined in Section 34 of the Town and Country Planning (Development Management Procedure)(England) Order 2015).

²

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/760040/Improving_planning_performance.pdf

³ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-09-16/HCWS201/>

such applications in the previous two years, they will be designated if less than 50% are determined on time – i.e. the measure will also be applied separately to oil/gas applications.

- Quality of Decisions: average percentage of decisions on applications overturned on appeal. The threshold for this measure is 10%.

3. Performance

Government Figures

- 3.1 The thresholds for determining performance are set by the government with the intention of targeting the poorest performing authorities in the country. Over time, the government has increased the targets to ensure they capture those authorities which are genuinely underperforming.
- 3.2 The remainder of this report presents how the County Planning Team has performed in terms of meeting the above targets, measured over the period 1 April 2018 to 31 March 2019, as well as over the two year periods set by government.
- 3.3 Table 1 below sets out the performance measures and assessment period set by the then Department for Communities and Local Government (now the Ministry of Housing, Communities and Local Government), and the County Planning Team's performance against them. The table includes both the statistics measured by the Government, and figures including Regulation 3 applications.
- 3.4 There is an additional measure relating to the 'quality of non-major development' but for the County Council, this would only apply to appeals against the refusal of minor Regulation 3 applications, which are non-existent.
- 3.5 The figures for the speed of decisions take into account where extensions of time have been agreed. These are frequently used for more complicated and/or controversial applications, particularly those which need to be determined by the Planning Committee which can extend the decision-making period.

Table 1: Government Figures - Designation Thresholds and WSCC Performance⁴

Measure	Threshold	WSCC Performance
Speed of Major Development % of applications decided on time (13/16 weeks or agreed extension).	2019: 60% (Oct 2016 – Sept 2018)	94% of 38 County Matter applications.
	2018: 60% (Oct 2015 - Sept 2017)	98% of 40 County Matter applications
	2017: 50% (Oct 2014 - Sept 2016)	93% of 46 County Matter applications
Speed of Non-Major Development * % of applications decided on time (8 weeks or agreed extension).	2019: 70% (Oct 2016 – Sept 2018)	75% of 44 applications.
	2018: 70% (Oct 2015 - Sept 2017)	69% of 67 applications.
	2017: 65% (Oct 2014 - Sept 2016)	84% of 93 applications.
Quality of Major Development % of LPA decisions upheld on appeal.	2019: 10% (Oct 2016 – Sept 2018)	100% (Crouchland).
	2018: 10% (April 2015 - March 2017)	100% 2 appeals; both upheld (Burlands; Crouchland CLU).
	[2017: Not assessed.]	
Speed of Oil/Gas Applications % of applications decided on time (13/16 weeks or agreed extension).	2019: 60% (Oct 2016 – Sept 2018)	100% of 6 applications.
	2018: 60% (Oct 2015 - Sept 2017)	Not applicable – only 1 application determined (only measured if more than two determined).
	2017: 50% (Oct 2014 - Sept 2016)	Not applicable – no applications determined.

* Not a government target for County Authorities.

3.6 The above figures show that the County Planning Team has continued to perform well above any of the thresholds for designation. The key target is the speed at which major applications are determined, with the Team achieving 94% (36 out of 38) on time.

3.7 The figures show that the Team has fared slightly less well in relation to non-major applications, with 75% determined on time. This is in part due to extensions of time not being sought and applications going to Committee for determination, but also typically due to delays while further information is sought from the applicant.

County Planning Statistics

3.8 Table 3 below, considers the applications determined between 1 April 2018 and 31 March 2019, with previous years for comparison.

⁴ Source:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/571144/Improving_Planning_Performance_-_Criteria_for_Designation_revised_2016_.pdf

Table 3: County Planning Statistics (April 2017 – March 2018)

	2018 1 Apr 18 – 31 Mar 19	2017 1 Apr 17 – 31 Mar 18	2016 1 Apr 16 – 31 Mar 17	2015 1 Apr 15 – 31 Mar 16	2014 1 Apr 14 – 31 Mar 15
All Applications	53	44*	70	70	90
Reg. 3 Major	3	0	7	6	11
Reg. 3 Minor	29	25	38	40	56
Minerals & Waste	21	19	25	24	23
EIA Applications	6*	0	2	3	6
Items to Committee (number of meetings)	19 (7)	9 (6)	18	15	16
% to Committee	36%	20%	26%	21%	18%
% determined on time (ignoring extensions of time)	81%	73%	86%	86%	89%

* Four of these related to the Southern Water Chichester pipeline.

3.9 Table 3 shows that compared with the previous year, the team dealt with more applications, took more items to Planning Committee, and determined more applications on time.

3.10 Fifty applications were approved and three refused, namely:

- at Firland Park Industrial Estate, seeking removal of a liaison group condition (WSCC/016/18/WK);
- at the former Wealden Brickworks, seeking an Energy-from-Waste facility (WSCC/015/18/NH); and
- at Rivington Farm, seeking the removal of a requirement to sheet vehicles (WSCC/034/18/CR).

3.11 The applicant submitted an appeal against the refusal of the Firland application. Following the exchange of written representations, the appeal was upheld so the requirement for a liaison group was removed.

3.12 The decision to refuse the Wealden energy-from-waste application has also been appealed, with the Inquiry to be held in October/November 2019.

Other Matters

3.13 Work has continued on the Rampion offshore windfarm project, a Nationally Significant Infrastructure Project granted a Development Consent Order by the Secretary of State. The Team's Principal Planner (James Neave) continues to work closely with E.ON and other stakeholders to monitor progress against agreed schemes and agree amendments to schemes where required. It is expected this work will be completed by the end of 2019.

3.14 Work is ongoing in relation to the Wealden Energy-from-Waste appeal, in anticipation of the Inquiry beginning in October 2019. The team defending

the appeal comprises our barrister, landscape consultant, and James Neave will present the planning case.

- 3.15 The Team also provided seven EIA screening/scoping opinions and four formal pre-application responses.

Review of Committee Decisions

- 3.16 Over the past year, seventeen applications have been put before the Planning Committee, at seven meetings. Of these, seven related to waste development (four of them the Chichester sewer), six related to minerals development, and seven to regulation 3 development.

- 3.17 Members followed the recommendation of officers in relation to all but one application (Wealden Energy-from-Waste). There was one deferral.

4. Conclusion

- 4.1 Overall there was a slight increase in the number of applications determined when compared with the previous year, and a higher number were put before the Planning Committee, indicating a higher proportion of contentious applications have been considered.

- 4.2 It is considered that the Team's performance in the past 12 months has shown a continued commitment to taking a positive and proactive approach to development, as set out in the National Planning Policy Framework.

5. Resource Implications and Value for Money

- 5.1 There are no resource implications as this report is for information only.

6. Equality Duty

- 6.1 An Equality Impact Report is not required as the report only deals with internal and procedural matters.

7. Risk Management Implications

- 7.1 There are no risks associated with the recommended action of noting this report which is for information only.

Michael Elkington

Head of Planning Services

Contact:

Jane Moseley, County Planning Team Manager
Telephone 0330 222 6948

Background Papers

None

Update on Mineral, Waste and Regulation 3 Planning Applications

Planning Committee date 26 March 2019

Report by Strategic Planning, County Planning Manager

Minerals and Waste Planning Applications

Report run on 27 June 2019

Type	Reference (Case Officer)	Applicant	Proposal	Location	Member	Date Valid	Recommended determination date	Extension Deadline Date	Period post validation	Update comments
County Matter Waste	WSCC/027/18/F (James Neave)	Grundon Waste Management Ltd	Proposed new access road	New Circular Technology Park (former Ford Blockworks), Ford Airfield Industrial Estate, Ford, Arundel, BN18 0HY	Mrs Jacky A Pendleton	04/06/18	24/09/18	31/07/19	387	Awaiting final signed version of S106.
County Matter Mineral	WSCC/044/18/SR (Chris Bartlett)	Inert Recycling Limited and CEMEX UK Operations Limited	Continuation of working the mineral (sand extraction), but with an enhanced restoration scheme for nature conservation and informal recreation involving the importation of 1.8 million tonnes of inert material over a period of eleven years	Sandgate Park Quarry, Water Lane, Washington, Pulborough, RH20 4AS	Mr Paul A Marshall	15/10/18	14/01/19		254	Awaiting final signed version of S106.
County Matter Waste	WSCC/050/18/BK (James Neave)	Mr & Mrs Raggio	Erection of replacement dwelling, including acoustic bunds along east, west and side boundaries.	Dan Tree Farm, London Road, Bolney, Haywards Heath, RH17 5QD	Mrs Joy A Dennis	17/12/18	19/03/19	11/07/19	191	This agenda

Type	Reference (Case Officer)	Applicant	Proposal	Location	Member	Date Valid	Recommended determination date	Extension Deadline Date	Period post validation	Update comments
County Matter Waste	WSCC/004/19/RW (James Neave)	Restoration to Agriculture Ltd	Extension to the restoration of the former claypit, including the remodelling of the existing landform to enable a change of use to agricultural land (permanent pasture), internal traffic management improvement measures and a proposed scheme of landscaping improvements and ecological enhancement	Rudgwick Brickworks, Lynwick Street, Rudgwick, Horsham, West Sussex, RH12 3DH	Mr Christian R Mitchell	03/01/19	25/04/19	22/05/19	174	This agenda
County Matter Waste	WSCC/020/19/AR (Chris Bartlett)	Paul Wilson	Infilling of a hollow to restore grazing land	Fulling Mill Farm, Selsfield Road, Ardingly, Haywards Heath, West Sussex, RH17 6TJ	Mr Bill Acraman	19/02/19	21/05/19		127	Further information sought
County Matter Waste	WSCC/021/19/AR (Chris Bartlett)	Paul Wilson	Infilling of a hollow to restore garden land	Fulling Mill Farmhouse, Selsfield Road, Ardingly, Haywards Heath, West Sussex, RH17 6TJ	Mr Bill Acraman	19/02/19	21/05/19		127	Further information sought
County Matter Waste	WSCC/032/19 (Chris Bartlett)	Southern Water Services Ltd	Construction and operation of a sludge cake reception building and sludge cake loading tunnel/building.	Goddards Green Sewage Treatment Works Cuckfield Road Ansty RH17 5AL	Mrs Joy A Dennis	02/04/19	02/07/19		85	Report to be written
County Matter Waste	WSCC/037/19 (Edward Anderson)	T J Waste & Recycling Limited	Proposed Inert Waste Recycling Facility, with new building, hardstanding, car parking, boundary treatment and re-aligned access to the agricultural unit. Includes variation to approved site landscaping and use of internal spaces within the existing MRF	T J Waste Burndell Road Yapton Arundel BN18 0HR	Mrs Jacky A Pendleton	29/04/19	29/07/19		58	This agenda

Type	Reference (Case Officer)	Applicant	Proposal	Location	Member	Date Valid	Recommended determination date	Extension Deadline Date	Period post validation	Update comments
County Matter Mineral	WSCC/044/19 (Jane Moseley)	Cemex	Alterations to layout at existing wharf, incorporating demolition of existing office building and erection of two storey office/welfare buildings, installation of new feed conveyor, hopper and storage bays, repositioning of weighbridge and erection of new weighbridge office and alterations to car parking, boundary wall and access	Cemex Brighton, Wellington Road, Portslade BN41 1DN	Mr David J Simmons	13/05/19	12/08/19		44	Within consultation period
County Matter Waste	WSCC/041/19 (James Neave)	P J Brown (Construction) Ltd	Proposed Concrete Crushing and Soil Recycling Facility	Kilmarnock Farm Charlwood Road Ifield RH11 0JY	Mrs Liz Kitchen	22/05/19	21/08/19		35	Awaiting consultee comments
County Matter Waste	WSCC/042/19 (Jane Moseley)	Viridor Waste Management Ltd	Amendment of Condition 3 of planning permission WSCC/056/14/UB to extend the time allowed for the infill of the SSSI to August 2020	Horton Landfill Site Henfield Road Small Dole Upper Beeding BN5 9XH	Mr David H Barling	23/05/19	22/08/19		34	Within consultation period
County Matter Waste	WSCC/040/19 (James Neave)	Restoration to Agriculture Limited	Variation of conditions of planning permission WSCC/029/16/RW for an extension in time to complete infill and restoration and alterations to the approved scheme	Rudgwick Brickworks, Lynwick Street, Rudgwick, RH12 3DH	Mr Christian R Mitchell	30/05/19	29/08/19		27	Within consultation period

Regulation 3 Planning Applications

Type	Reference (Case Officer)	Applicant	Proposal	Location	Member	Date valid	Recommended determination date	Extension Deadline Date	Period post validation	Update comments
Reg 3	WSCC/026/19 (Edward Anderson)	Director Economy, Planning & Place	A new single-storey classroom block; new reception infill extension; internal remodelling and refurbishment to existing school and external works	Shelley Primary School Wickhurst Lane, Horsham RH12 3LU	Mr Christian R Mitchell	27/02/19	24/04/19		119	Awaiting ecology report from applicant detailing Great Crested Newt population.
Reg 3	WSCC/036/19 (Edward Anderson)	Director Economy, Planning & Place	Installation of 'daily mile' track to school playing field.	Northgate Primary School, Green Lane, Northgate, Crawley, RH10 8DX	Ms Karen Sudan	02/04/19	28/05/19	28/06/19	85	Positive amendments to plans received.
Reg 3	WSCC/043/19 (Edward Anderson)	Director of Economy, Planning & Place	Replacement of existing timber and aluminium windows with new Aluminium Windows and replacement of high level gable roof vents with new metal vents	Worth Annexe, Turners Hill Road, Pound Hill, Crawley, RH10 7RW	Mr Bob A Lanzer	30/05/19	25/07/19		27	Advice given to applicant requesting amendments to design following CBC comments.
Reg 3	WSCC/045/19 (Edward Anderson)	Director of Highways, Transport and Planning	Laying of a Daily Mile all-weather track.	Eastergate CofE Primary School, Church Lane, Eastergate, Chichester, West Sussex, PO20 3UT	Mr Derek R Whittington	14/06/19	09/08/19		12	Within consultation period
Reg 3	WSCC/046/19 (Chris Bartlett)	Director of Highways, Transport and Planning	Installation of a single-storey, double temporary classroom for a period of 5 years	Sompting Village Primary School, White Styles Road, Sompting, Lancing, West Sussex, BN15 0BU	Lt Col George R Barton	14/06/19	09/08/19		12	Within consultation period

Report of Delegated Action; Applications approved subject to conditions

Planning Committee date 9 July 2019

Report by Strategic Planning, County Planning Manager

Decided between: Period Start Date : '14-MAR-2019' , and Period End Date : '26-JUN-2019'

Report run on 27 June 2019

Application Type	District	Application No	Proposal	Location
County Matter Mineral	Mid Sussex	WSCC/035/19	Proposed demolition of existing office buildings and erection of new office building, with associated landscaping, visitor parking and new landscaped paths.	Freshfield Lane Brickworks, Freshfield Lane, Haywards Heath RH17 7HH
County Matter Waste	Arun	WSCC/003/19/F	Amendment of condition 2 of planning permission WSCC/061/16/F to amend design of silage clamps	Land at, Wicks Farm, Ford Lane, Ford, Arundel BN18 0DF
	Chichester	WSCC/001/18/WE	Amendment of conditions 2, 3, 7 and 17 of planning permission WSCC/007/12/WE to allow extension of time for completion of restoration works by 18 months and variation of schemes	Hambrook Marlpit, Marlpit Lane, Hambrook, Chichester PO18 8UL
Regulation 3	Arun	WSCC/006/19/R	Retrospective application for the siting and use of a double temporary classroom unit	Summerlea Community Primary School, Windsor Drive, Rustington, West Sussex, BN16 3SW
	Arun	WSCC/010/19/AW	Retrospective application for the siting and use of 1 temporary classroom unit	Rose Green Infant School, Hawkins Close, Bognor Regis PO21 3LW

Arun	WSCC/049/18/LY	Creation of a 1.1km highway, with shared cycleway and footway, Pegasus crossing, viaduct, culvert, wetland areas, balancing pond and swales, street lighting and associated works	East of Lyminster village & between, Toddington Nurseries &, A284 Lyminster Road, Lyminster, Littlehampton
Arun	WSCC/024/19	Erection of new hall and temporary main reception	Nyewood C of E Junior School, Brent Road, Bognor Regis, West Sussex PO21 5NW
Arun	WSCC/028/19	Installation of artificial grass and soft play surface to the school playing field	St Margarets C of E Primary School Arundel Road, Littlehampton BN16 4LP
Chichester	WSCC/014/19/WT	Laying of a daily mile all-weather track in the playing field	Thorney Island Community Primary School, Emsworth Road, Thorney Island, Emsworth PO10 8DJ
Chichester	WSCC/019/19/CC	Install play and climbing equipment within a bonded bark bed safety surface	St Anthony's School, Woodlands Lane, Chichester, West Sussex PO19 5PA
Chichester	WSCC/022/19/CC	Development of existing grassed area to provide an all-weather play surface for the children	Lancastrian Infants School, Orchard Gardens, Chichester, West Sussex PO19 1DG
Horsham	WSCC/012/19/SQ	Removal of 2no. Existing Modular Classrooms and replacement with 2no. New Modular Classrooms	Southwater Infant School, Worthing Road, Southwater, Horsham RH13 9JH
Horsham	WSCC/013/19/SQ	Removal of 2no. Existing Modular Classrooms and replacement with 2no. New Modular Classrooms	Southwater Junior School, Worthing Road, Southwater, Horsham RH13 9JH
Horsham	WSCC/015/19/BB	Erection of single storey temporary classroom	Shelley County Primary School, Wickhurst Lane, Broadbridge Heath, Horsham RH12 3LU
Horsham	WSCC/017/19/LB	Installation of an all-weather multi play single lane track around the school playing field	Holy Trinity Primary School, Church Close, Lower Beeding, Horsham, West Sussex RH13 6NS
Horsham	WSCC/018/19/RW	To create a 'Mile a Day' path around the school field measuring 160m in length and 1.5m wide	Rudgwick Primary School, Tates Way, Rudgwick, Horsham, West Sussex RH12 3HW

Horsham	WSCC/023/19	Replacement of existing failed roof coverings to various roofs across the school	Weald School Station Road Billingshurst RH14 9RY
Horsham	WSCC/031/19	Development of school field to provide an artificial grass, all weather daily mile track	North Heath Community Primary School Erica Way, Horsham RH12 5XL
Horsham	WSCC/033/19	Construction of new single storey replacement teaching block and the demolition of 10 existing temporary teaching blocks	Steyning Grammar Upper School, Shooting Field, Steyning BN44 3RX
Horsham	WSCC/034/19	The installation of an external play area (Trim Trail area). Works to include installation of blue recycled rubber-bonded mulch surfacing laid directly onto existing grass. Includes weedkiller treatment and layer of geotextile membrane. Works to include Timber adventure trail 16, A-Frame double net and Treadmil.	Holbrook Primary School Holbrook School Lane, Horsham RH12 5PP
Mid Sussex	WSCC/038/19	Erection of a dining/multi-use canopy	Sackville School, Lewes Road, East Grinstead RH19 3TY
Worthing	WSCC/027/19	Installation of artificial grass to school playing field	Lyndhurst Infant School, 179A Lyndhurst Road, Worthing BN11 2DG

	District	Application Number	Proposal	Location
	Worthing Borough Council	WSCC/007/19/WB	Retrospective application for the siting and use of 1 temporary classroom unit	Vale School, Vale Avenue, Worthing, West Sussex, BN14 0DB
		WSCC/011/19/WB	Retrospective application for the siting and use of 1 double temporary classroom unit	Durrington Infant School, Salvington Road, Salvington, Worthing, West Sussex, BN13 2JD