

# Public Document Pack

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27 December 2019

## Planning Committee

A meeting of the committee will be held at **10.30 am** on **Tuesday, 7 January 2020** 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 - 18)

The Committee is asked to agree the minutes of the meeting held on 9 July 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. **Waste Planning Application accompanied by an Environmental Statement (County Matter)** (Pages 19 - 56)

Report by Head of Planning Services.

To consider and determine the following application:

**WSCC/050/19      Installation and Operation of a Soil Heat Treatment Facility. Brookhurst Wood, Langhurstwood Road, Horsham, West Sussex, RH12 4QD.**

5. **Waste Planning Application accompanied by an Environmental Statement (County Matter)** (Pages 57 - 94)

Report by Head of Planning Services.

To consider and determine the following application:

**WSCC/051/019 Installation and Operation of a Soil Washing Facility. Brookhurst Wood, Langhurstwood Road, Horsham, West Sussex, RH12 4QD.**

6. **Waste Planning Application (County Matter) - Certificate of Lawful Development** (Pages 95 - 132)

Report by Head of Planning Services.

To consider and determine the following application:

**WSCC/070/19 Certificate of Lawful Development for an existing use or operation or activity: the importation, deposit, re-use and recycling of waste material and use of land for storage purposes. Land at Bolney Park Farm, Broxmead Lane, Bolney RH17 5RJ.**

7. **Update on Mineral, Waste and Regulation 3 Planning Applications** (Pages 133 - 138)

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.

8. **Report of Delegated Action** (Pages 139 - 142)

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 9 July 2019.

9. **Date of Next Meeting**

The next meeting of the Planning Committee will be held at 10.30 a.m. on Tuesday, 4 February 2020.

**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.

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## **Planning Committee**

9 July 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 McDonald, Mr S J Oakley, Mr Patel, Mrs Russell and Mr Simmons

Apologies were received from Mr Quinn

Absent: Lt Col Barton

Substitutes: None

### **Part I**

#### **1. Declarations of Interest**

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

- Mr Jupp declared a personal interest in application WSCC/004/19/RW – Rudgwick Brickworks as a councillor for Horsham District Council.

#### **2. Minutes of the last meeting of the Committee**

2.1 Resolved - That the minutes of the meeting of the Committee held on 26 March 2019 be agreed as a correct record.

#### **3. Urgent Matters**

3.1 There were no urgent matters.

#### **4. Planning Application: Waste**

**WSCC/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.**

4.1 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 James Neave, Principal Planner, who gave a presentation on the proposals, details of the consultation and key issues in respect of the application.

4.2 Mr Chris Whitehouse, NextPhase Development Ltd, agent for applicant. spoke in support of the application. The robustness of the committee report and grounds for refusal were questioned. The only technical assessment of landscape is the Landscape and Visual Impact Assessment (LVIA), submitted as part of the application; this is not acknowledged or referenced in the Committee Report, however, it notes that the impacts on landscape and visual receptors will be temporary and restoration will provide beneficial change including a cohesive landform, an increase in tree cover and improved views. There is no justification or reason as to how and why the Planning Officer has drawn an alternative conclusion. Mr Whitehouse stated that the application is restoration and clearly accords with each of the nine criteria for Policy W8 of the Waste Local Plan (WLP).

4.3 Mr James McClean of Restoration to Agriculture (for the landowners, the Harrison family), the applicant, spoke in support of the application. The project is a gigantic recovery plan for 20 acres of abandoned, former clay pit and restoration of land to agricultural use to sustain existing farming operations. Only 23,000m<sup>3</sup> of the 85,000m<sup>3</sup> of inert waste mentioned in the report (25%) will be infill to steep agricultural land, which is dangerous in some weather. 75% of the application deals with topographical changes, ecological enhancements and traffic improvements within the existing extant site, which is where the rest of the imported material will be placed. The LVIA concludes the final landform will enhance views across the new meadows. Woodland is already threatened; 16 trees have Ash Die Back and will have to be removed. Bat surveys and checks have not noted bats in the 20 trees in the current woodland shaw; but mitigation measures and ecological enhancements have been developed anyway. Contrary to the Planning Officer's opinion, the applicant will use only the minimum amount of material necessary to achieve the objective; there will be no doming or mounding. Operations have been conducted for 4-years with no complaints or statutory interventions. The applicant has worked successfully with the liaison group and local community. The Parish Council and Rudgwick Preservation Society support the application.

4.4 Cllr Richard Landeryou, Horsham District Councillor for Rudgwick and a Rudgwick Parish Councillor (formerly Chairman during the first three years of the infill of the clay pit), spoke in support of the application. The landowners, whose farm is adjacent to the old Rudgwick Brickworks, have spent the last 4-years infilling the clay pit to return it to pasture for grazing. The adjacent land/field contains a steep slope where it meets the reclaimed land – it is a health and safety hazard for turning tractors and is unfarmable in some weather conditions. The proposal will eradicate the slope, bring it to the same level as the restored field and seamlessly joining the two fields, thereby bringing it back to agricultural use. Removal of trees, most with Ash Die Back, will be mitigated by strategic planting along the existing hedgerow and a new area of woodland, resulting in a net increase in tree numbers. Wetland will be enhanced. Farming operations will no longer need to use Lynwick Street; a benefit to residents and road users. The liaison group has addressed the original concerns about infill operations and traffic movements. The application is supported by the Parish Council and Rudgwick Preservation Society.

There are no substantial or technical objections, subject to replanting and wetland conditions being imposed.

4.5 The Chairman read out the following statement from local member, Christian Mitchell, member for Broadbridge who was unable to attend:

*"I am unable to attend. But, please do record in the meeting that I support the application, which is contrary to the Officer's recommendation.*

*I have attended the Rudgwick Parish Council meeting tonight at 7pm [on 8 July 2019] and they support the application as correctly recorded in the report. They do not uphold the concerns that are set out in the report."*

4.6 During the debate the Committee raised the points below and clarification was provided by the Planning Officers and Legal Officers, where appropriate:

**Is the application considered recovery or disposal of waste**

Points raised in favour of the application – this is a matter of interpretation of policy as to whether the proposal is recovery or disposal, and the applicant has proved that the application meets the criteria for Policy W8 of the WLP - that it does bring or restore land into beneficial agricultural use, some of which is steep and currently unusable. It was also stated that the Officer's assessment is academic rather than practical.

Response - Sections 9.2 to 9.22 of the Committee Report sets out the policy criteria and Officer's view which concludes the proposal is disposal, because it fails to satisfy the criteria of Policy W8.

Principally it has not been demonstrated that the minimum amount of waste material would be used to achieve the benefits. The proposed infill of the extension area would not be considered restoration and should be seen as land-raising as it would change the existing landform by deposition of material on an area of land that is undeveloped. The infill of the former clay pit area is considered to be restoration because the extant permission will return the landform to as close as possible to what it was originally.

Points raised that support the recommendation to refuse - Policy W8 criteria are not fulfilled; the extension area is outside the original application site and so there is a lot of weight that can be given to the proposal being disposal of waste. There is a fundamental difference between this application and the existing permission. The infill to the north is greenfield not brownfield. The existing woodland was unlikely to ever have been in agricultural use. The objection by Horsham District Council was noted.

Response - The Committee Report sets out the benefits of the proposal, which have been weighed against the impacts.

Other points - The judgement as to whether the application meets policy W8 of the WLP (recovery) as opposed to policy W9 (disposal) is finely balanced. What is the minimum amount of waste that could be used for infill?

Response - Planning law requires a decision to be made in accordance with the development plan, which includes the waste local plan, unless material considerations suggest otherwise. In relation to the minimum volume for infill, it was the Officer's opinion that benefits could be achieved without the importation of the volume of waste proposed.

### **Landscape and ecology**

Points raised – Concern was raised about the length of time it will take for new trees and vegetation to establish, noting that the existing understorey of vegetation below the trees is currently well established and that the WSCC Tree Officer has noted the loss of semi-mature oaks and vegetation. The impact of the loss of trees along the bat foraging route was noted, however the impact is lessened due to the low number of sightings. Clarification was sought on how long the woodland belt has been in existence; what the benefits referred to by Mr Whitehouse are, and whether there are there any preservation orders on the oak trees.

Response – Information is noted in paragraphs 9.11 and 9.20 of the Committee Report regarding habitat including the matter of replacement planting as well as the issues relating to Ash Die Back, ecology and bats. The WSCC Ecologist is satisfied with the proposals, subject to biodiversity mitigation and enhancement measures. The woodland belt has been in existence since at least 1850 and so this part has not been in agricultural use since at least that time. Mr Whitehouse refers to the Combined Benefit Statement (available on the County Council's Planning website); it is acknowledged that the proposal has some benefits, which are summarised in paragraph 9.2 onwards of the Committee. There are no tree preservation orders on the oak trees.

### **Drainage - culvert**

Point raised – How would drainage be affected and would the existing culvert be retained under the infill?

Response – The culvert will remain but will be buried under the infill. The WSCC Drainage Officer has concluded that the proposals are acceptable.

### **Weight given to assessments and consultees' views**

Points raised – What weight has been given to the LVIA/technical assessments, and also the view of Horsham District Council?

Response - A review of the LVIA and other documents and assessment is undertaken by Officers and the views of consultees, including HDC (the objection was only confirmed recently), are sought and taken into account. Officers' conclusions are based on all information and consultee comments.

### **Support versus objections**

Point raised – It was noted that the Horsham District Councillor supports the application in opposition to the view of Horsham District Council Officers. It was further noted that the Parish and County Councillor support the application as well. Also that Natural



England, the Environment Agency and local residents have not objected and it is clear that the Liaison Group feel listened to. Is lack of objection a material consideration?

Response – It is acknowledged that the site and the local liaison group are well run. The responses of consultees are considered; however, Officers did not feel this overrides the impacts or accordance with the development plan.

4.7 The substantive recommendation, subject to reasons for refusal as set out in Appendix 1, was proposed by Ms Lord and seconded by Mr S. Oakley and was put to the Committee and refused by a majority.

4.8 Mr Barrett-Miles proposed the following motion:

*It has been demonstrated that, on balance, there is a genuine need to use the waste material and that the amount of material to be used would be no more than is necessary to deliver the suggested benefits. The site would be restored to a high quality standard and would be deemed to be acceptable with regard to impacts on the rural landscape. The development therefore, accords with Policy W8 of the West Sussex Waste Local Plan (2014).*

*On balance, the proposed development would have an acceptable impact upon the locality by introducing an acceptable landform into a rural landscape that would maintain or enhance the countryside and recognise its intrinsic value and the landscape character of the area. Thereby, according with 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.*

*And, that authority is delegated to the Head of Planning Services, in consultation with the Chairman and Vice-chairman of Planning Committee, to set conditions and informatives.*

The proposal was seconded by Lt. Cdr. Atkins, and put to the Committee and approved by a majority.

4.9 Resolved – That planning permission be granted subject to conditions and informatives, to be delegated to the Head of Planning Services and agreed in consultation with the Chairman and Vice-chairman of Planning Committee.

4.10 The Committee recessed at 11.42 a.m. The Committee reconvened at 11.55 a.m.

## **5. Planning Application: Waste**

**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.**

5.1 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 Edward Anderson, Assistant Planner, who gave a presentation on the proposals, details of the consultation and key issues in respect of the application.

5.2 Cllr Henry Burrell of Clymping Parish Council spoke in objection to the application. Although it is on the former airfield, the site is in open countryside. The application meets none of the exemptions in the Arun Local Plan enabling development and fails to take account of Clymping Neighbourhood Plan. Noise and dust should be independently assessed. Concern was raised about health hazards and smaller dust particles and distance travelled, as well as lack of controls and the impact from cumulative development including the approved concrete batching plant and new housing. Cumulative development, including new housing, will also have an impact on traffic and road safety. The site is not designated in the WLP and so the need is questioned, especially in relation to the approved application for the Arun Waste inert waste plant in Clymping (WSCC/067/15/CM).

5.3 Cllr Amanda Worne, Arun District Councillor for Yapton (including Ford and Clymping), spoke in objection to the application. The health and safety of residents will be affected and the impact of dust on residents and children using gardens and also local wildlife was highlighted. It can't be guaranteed that dust won't spread - various local areas were noted as a concern, including the villages of Clymping, Yapton and Ford, the nearest residential property which is only 95m distant, the local school and the war memorial which is used for public gatherings. The doors to the plant will be open for 15 minutes every hour during concrete crushing so it can't be guaranteed that dust won't escape. Road safety concerns were raised regarding the increase in HGV numbers and the recent death of a local motorcyclist on Yapton Road following a collision with a HGV was cited. Concern was raised about the impact of noise levels - up to 110 decibels (dB) - which is unacceptable.

5.4 Mr Doug Maw, local resident and Parish Councillor for Yapton, spoke in objection to the application. The site has expanded its use and increased its capacity over the years; originally it was for waste cardboard and tyres and but is now used for hardcore and aggregates and the volume is now proposed to be 60,000 tonnes per annum; this is totally inappropriate in a rural location. The constant change of use means there is a danger of further change of use being allowed in future. The impacts of dust on nearby housing will affect residents and children; it is stated that 10% of dust will fall over 400m from the site - the school and other residential properties are within this distance. The application breaches the NFFP which promotes healthy and safe communities. HGVs drive through the village, close to housing, in breach of condition, and concern was raised about the impact of additional HGVs on already heavily used

roads. There have been breaches of operating hours including vehicle movements at 6.30 a.m., with the operating manager stating he was unaware of conditions. The noise assessment does not consider everything; for example noise from skips being dropped outdoors and vehicles reserving and moving around the site. The applicant should look for a more appropriate site.

5.5 Alison Crooks of Integrated Skills, agent for the applicant, spoke in support of the application. The volume of local objection is appreciated. The application is unique in being the first in the area to provide a fully closed facility for managing this waste stream. Typical sites are usually in the open and rely on methods such as noise bunds and spray irrigation to control noise and dust. The applicant is committed to ensuring their operations do not cause harm or nuisance. The facility is safeguarded in the WLP. Need for the site is proven; the closure of Portfield Quarry has created a deficit. This site is ideally located to support planned growth in Arun district both in terms of waste management and returning aggregates to construction, and it has existing infrastructure. Co-location supports sustainable waste management. The technical assessments, which included the cumulative impact of nearby developments, have been considered by statutory consultees and there is no objection from Environmental Health, Highways or the Environment Agency (EA) and the operation will be regulated by the later through the Environmental Permitting Regime to regulate noise and dust - the management plans for this will require approval by the EA.

5.6 Jacky Pendleton, member for Middleton, spoke on the application. There is the potential for severe noise and air pollution. Concrete crushing is a highly noisy and dust emitting operation. Crystalline silica can cause silicosis and cement is caustic, abrasive and drying and there are serious health risks associated with prolonged or repeated exposure to such airborne dust. High winds and the open vista mean a likelihood of dust being carried to homes. Large vehicles will access and egress close to residential properties. The very recent death of the motorcyclist, cited by Mrs Worne, was highlighted, noting the incident took place on Yapton Road which has no footpath. This site will only add to the number of large vehicles on the road with the resultant risks. The application should not be permitted in such rural setting. If the Committee does approve the application then there should be appropriate mitigation methods, e.g. a noise limit of 34 decibels, substantive acoustic screening around the whole site including better acoustic cladding on the building, improved planting which should be specified, filtered air extraction, clean air circulation inside to protect workers and an airlock system with no direct open exit doors.

5.7 In response to points made by speakers Planning Officers provided clarification, as follows - other points in relation to noise and impact on highways are covered in minute 5.8 below:

- The 110 dB mentioned by Mrs Worne would be the noise level inside the building. The noise assessment has been accepted by the Environmental Health Officer who feels that noise can be adequately controlled by condition and by the proposed mitigation measures, as detailed in Appendix 1 of the report

including closure of doors during concrete crushing operations and acoustic insulation.

- In relation to traffic data and the death of the motorcyclist which was highlighted, the assessment took account of up-to-date information at the time, dating from 1 August 2013 to 31 July 2018. WSCC Highways are satisfied that data is as up to date as can reasonably be expected and that impact of the development on highways is acceptable.

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

### **Noise**

Points raised – It was queried why peak measurements have not been used, and the impacts of peak noise such as the dropping of skips when unloading were noted. It was stated that closure of the doors during crushing operations may not satisfactorily mitigate the impacts. Clarification was sought regarding whether the removal of the bund has been taken into account, and also what the measurements for the average dB increase are.

Response – Noise has been assessed at different times and it takes into account the removal of the bund, closure of the door during concrete crushing operations and other attenuation measures. The Noise Assessment shows there would be an increase of 1dB above the ambient noise at a number receptor points in the locality, which were highlighted to the Committee. The resulting increase would not be impactful.

### **Dust**

Points raised – Concern was raised about the absence of technical data regarding the measurement and impacts of dust, including that closing the doors during crushing operations may not satisfactorily mitigate the impacts. Clarification was sought regarding the following: whether there is suitable expertise to judge if the proposed dust mitigation scheme (which is to be approved before commencement of the development); if the dust that falls outside would be included within the scheme/condition; whether the proposal is in line with industry standards for escaping dust; and if the Health and Safety Executive (HSE) is satisfied with dust control measures inside the building to protect workers.

Response – It is acknowledged that the site will produce dust, and that around 10% of dust will settle over 400m from the site. Airborne dust would be included in the proposed mitigation scheme, which will require approval from Environmental Health Officers at Arun District Council, who are the one of the experts. Additionally, the applicant must operate under the Environment Agency's Environmental Permitting Regime, which is monitored and enforced by them. Furthermore, there is a condition requiring sheeting of vehicles leaving the site. Considerations of worker health and safety are a matter for HSE and outside of the planning process.

### **Impact on highways**

Points raised – Clarification was sought regarding the following: whether the Traffic Assessment took into account the upcoming increases in residential traffic from allocated sites and also industrial use, and why the variation is to allow HGVs to leave at 07.00 (Monday-Friday) when site operations don't start until 08.00.

Response – The data used for the Transport Assessment takes into account current and proposed development. The variation in start time for HGV movements aims to lessen the impact on highways at peak traffic time in the morning.

### **Removal of the bund and replacement planting**

Point raised – The area set aside for planting on the south-eastern boundary, after the removal of the bund, does not appear to be wide enough for planting of trees of a substantive size sufficient enough to soften the impact of the building. Clarification was sought on what will happen to the material contained in the bund following removal.

Response – Because the site is distant from the road it will not be a prominent feature in the landscape and proposed planting would have only a limited screening effect, given the scale of buildings. Agreed pre-commencement condition 7 – Planting Scheme requires the scheme of planting to be secured prior to commencement of the development; the scheme will require approval by the WSCC Tree Officer. The north-eastern boundary may be suitable for mature trees. The applicant is a licensed waste operator and, whilst it is not specified what will happen to the material in the bund, they should be able to adequately manage it.

### **Stockpiles**

Points raised – Clarification was sought on whether stockpiles outside will be allowed. An additional condition preventing outside stockpiles should be included.

Response – Bays for storage would be allowed, as they currently are, along with storage for skips.

### **Drainage**

Point raised – The verbal update on drainage was requested, as referred to on page 61 of the committee report.

Response – The agreed pre-commencement condition 3 – Surface Water Disposal requires the drainage scheme to be secured prior to commencement of the development; this will require approval by the WSCC Drainage Officer.

### **Need for the development**

Points raised – It is also noted that Bognor Road Fuel Depot is allocated in the WLP but unused, so clarification was sought on this.

Response – The site at Bognor Road has outline planning permission which requires the inclusion of waste site but details have not yet been provided, so it would not meet the tests regarding availability under Policy W10 of the WLP. Also, it is a small site in a different setting, being next to a hotel and shopping area and closer to

residential properties and so is unsuitable for the kind of operation proposed in this application.

**Liaison Group**

Point raised – A liaison group was suggested to help address community concerns.

Response – It is for Committee members to consider whether the requirement for a liaison group would be proportionate.

5.9 Mr S. Oakley proposed a new condition as follows:

***Stockpiles***

*No stockpiles of materials shall be permitted outside of the building, excluding skips.*

*Reason: In the interests of residential amenity.*

The proposal was seconded by Mr Barrett-Miles and was voted on by the Committee and approved by a majority.

5.10 The substantive recommendation, as amended by the agenda update sheet and changes to conditions, as agreed by the Committee, was proposed by Mr Crow and seconded by Mrs Kitchen and was put to the Committee and approved by a majority.

5.10 Resolved – That planning permission be granted subject to:

- (a) amended conditions and informatives set out in Appendix 1 of the report, as agreed by the Committee, and
- (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.

5.12 The Committee recessed at 1.30 a.m. The Committee reconvened at 1.37 p.m.

**6. Planning Application: Waste**

**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.**

6.1 The Committee considered a report by the Head of Planning Services (copy appended to the signed copy of the minutes). The report was introduced by James Neave, Principal Planner, who gave a presentation on the proposals, details of the consultation and key issues in respect of the application.

6.2 Mr Alan Potter, specialist on waste planning policy on behalf of the applicant, spoke in support of the application. Mr Potter declared that he recently worked with the County Council on annual reports on construction waste management capacity and the formulation of the current WLP. The application is compliant with at least five out of nine criteria of Policy W8 of the WLP: it provides clear benefits; involves only material that cannot be recycled or treated and is suitable for the purpose; does not involve unacceptable impacts on natural resources or other environmental constraints, and does not sterilise mineral reserves. The criterion requiring a genuine need to use waste material is about proposals not being advanced solely on the basis of providing outlets for waste; it should not be construed as a 'need'. The bund is not a waste development, it is only being heard as such because of the County Council's insistence that it is. The bund may be constructed of material that is not defined as waste. Regarding criteria for amount of material, the design will minimise the amount used whilst achieving performance in noise mitigation. The applicant was given no opportunity to demonstrate an identified need for disposal of inert waste. The County Council itself predicts an exhaustion of recovery capacity in 2019-20, so the assertion that material could be otherwise managed through recovery is not supported by facts. The application will help meet local needs.

6.3 Mr Peter Radmall, author of the Landscape and Visual Impact Assessment (LVIA), spoke in support of the application. Design of the bunds must strike a balance between acoustic mitigation, the natural terrain, ease of construction and proportion of the residential land used. Local topography is already extensively modified, mainly due to the A23 and there is acoustic bunding immediately to the south so engineered landforms are already characteristic in the area and the bund would not be incongruous. Earthworks on the A23 have become densely vegetated and are readily assimilated into the landscape; vegetation on the proposed bund will soften the effect. The current site contributes little to the character of the area. The development will not affect the vegetated boundaries which already screen the site. Development will be most visible during construction. A planting scheme will be agreed. Regarding the AONB Management Plan, the site has no bearing on settlements or routeways, supports neither woodland nor heathland and is not part of any historic field pattern, so does not impact on the character of the High Weald. In terms of natural topography, the bunds may not replicate the natural undulating ridge-line but it remains intact beneath. The development is of modest scale in relation to the size of the AONB, which local exhibits few of its special qualities in this locality.

6.4 Mr Simon Bareham, Director at Lewis and Co Planning, agent for the applicant, spoke in support of the application. Noise from the A23 means neither the house nor garden will achieve satisfactory noise levels in accordance with World Health Organisation guidance. Sealed windows and mechanical ventilation will not achieve noise reduction when using the garden; also, mechanical ventilation would increase energy use. Acoustic bunds would provide a satisfactory residential environment. The bunds do not need to be constructed out of inert waste but it would make more sense to use waste that would otherwise be diverted elsewhere. Bunds would be a visibly superior to acoustic fencing. The Environmental Health Officer recommends approval of the application. Proposals are supported

by numerous reports. The recommendation is inconsistent in that the neighbouring site to the south [Bolney Park Farm] has an acoustic bund. The proposed bund is on residential land, is shorter, lower and less than half as wide as the bund to the south and it uses less than half the material, and it would result in a 6dB reduction in noise in the garden. The bund at Bolney Park Farm is on agricultural land and produces a 9dB reduction. The justification for the bund in both applications is to improve acoustic quality.

6.5 Mrs Joy Dennis, local member for Hurstpierpoint and Bolney spoke on the application. The site is higher than the A23, lined with woods and shrubs on the boundary including an Ancient Woodland to the north. The neighbouring site to the south [Bolney Park Farm] is lower and its existing bund forms part of the landscape. However, there are other equestrian centres in the area which don't have bunds and get more noise. To approve this application would be setting a precedent for other properties on main roads. Bunds are not attractive in the context of the landscape and ancient woodland and it would take a long time for planting to establish. The waste from existing building on the site would form only a small part of the 45,000 tonnes to be imported. It was questioned when a minimal change becomes an overwhelming change.

6.6 In response to speakers, Planning Officers made the following points for the purposes of clarification – further points regarding the bund at Bolney Park Farm are noted in minute 6.7, below:

- The existing planning permission for a dwelling was approved without bunds, indicating the noise environment is acceptable.
- Approved plans of the bund to the south at Bolney Park Farm were shown to the Committee in order to provide context: the slopes are much less steep, bunds are wider, and they follow the linear features of the landscape, including the A23. The current application has much steeper sides, bunds are narrower and on one level. Each development must be considered on its own merits.

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

#### **Bunds at Bolney Park Farm**

Point raised – Clarification was sought regarding the planning policy regime under which bunds at Bolney Park Farm were approved.

Response – The bunds at Bolney Park Farm were approved in 2012 prior to adoption of the current WLP and the policy relating to the deposit of inert waste to land.

#### **Need**

Points raised – The fact that the existing planning permission for a dwelling was approved without bunds negates the need to mitigate noise in the interests of residential amenity. This is clearly disposal of waste because the site is not previously worked.

Response – None required.



### **Impacts on AONB**

Points raised – This application is major development and in terms of the AONB it does not meet the exceptional circumstance test. As to whether the development has a significant impact, because vegetation is not always permanent the bunds will be a prominent feature in the landscape when vegetation is sparse.

Response – None required.

6.8. The substantive recommendation, subject to reasons for refusal as set out in Appendix 1, was proposed by Mr Patel and seconded by Lt. Cdr. Atkins and was put to the Committee and refused by a majority.

6.9 Resolved – That planning permission be refused for the reasons set out in Appendix 1 of the report, as agreed by the Committee.

## **7. Development Management Performance (1 April 2018 - 31 March 2019)**

7.1 The committee received and noted a report by the Head of Planning Services on development management performance (1 April 2017 – 31 March 2018). The report was introduced by Jane Moseley, County Planning Team Manager, who provided a presentation on the work undertaken by the County Planning Team in relation to the determination of planning applications over the past year.

7.2. During the discussion of the item the Committee raised the points below and clarification was provided by the County Planning Manager, where applicable:

### **Extensions of time to determine applications**

Point raised – How much is the team relying on extensions of time to meet targets?

Response – This information is not included in the report due to a cross over to a new planning system. However, extensions of time are an accepted mechanism for managing planning applications.

### **Quality of major developments**

Point raised – The figures of 10% of 100% in the section Quality of Major Development in Table 1 of the Committee report was queried.

Response – The County Planning Manager will check the accuracy, but confirmed that the Planning Team is doing well in terms of Quality of Major Development.

7.3 The Committee thanked the Planning Team for its work.

## **8. Update on Mineral, Waste and Regulation 3 Planning Applications**

8.1 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.

**9. Report of Delegated Action**

9.1 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 26 March 2019.

**10. Date of Next Meeting**

10.1 The following scheduled meeting of Planning Committee will be on Tuesday, 10 September 2019 at 10.30 a.m. at County Hall, Chichester.

The meeting ended at 2.21 pm

Chairman

**Planning Committee**

**7 January 2020**

**Waste Planning Application accompanied by an Environmental Statement  
(County Matter)**

**Installation and Operation of a Soil Heat Treatment Facility**

**Brookhurst Wood, Langhurstwood Road, Horsham, West Sussex, RH12 4QD**

**Application No: WSCC/050/19**

**Report by Head of Planning Services**

**Local Member: Peter Catchpole**

**District: Horsham**

**Executive Summary**

This report relates to an application for a soil heat treatment facility adjacent to the non-inert landfill site at Brookhurst Wood in Horsham. The facility would process up to 10,000 tonnes per annum of soils contaminated with hydrocarbons, enabling them to be used in landfill restoration, rather than disposed of. It would operate alongside, and share an access road with, a soil washing facility being considered under a separate application (ref. WSCC/051/19). Although both facilities would operate independently of each other, the applicant has assessed the impact on people and the environment of both developments coming forward.

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.

There have been no objections from statutory consultees, though WSCC Drainage has sought further clarification, and North Horsham Parish Council has raised concerns about the impact of additional HGV movements.

Horsham District Council has raised concerns over traffic impact, but does not object, subject to the imposition of conditions to control emissions to air, and noise.

Objections were received from 27 residents, as well as the Langhurstwood Road Residents' Group. The main issues raised in objection were the increase in traffic and resulting impact on highway capacity, road safety, and air quality; impact of emissions on air quality; impacts on human health and the environment; proximity to existing and proposed residential development; sustainability of providing regional facility; industrialisation of area; inadequate public consultation; and cumulative impact alongside other development.

**Consideration of Key Issues**

The main material planning considerations are whether the proposal:

- is needed to manage waste arising in the County;
- accords with the Waste Local Plan, Policy W10 (site allocation as an non-inert landfill extension);

- is acceptable with regard to impacts on highway capacity and road safety;
- is acceptable with regard to impacts on residential amenity; and
- is acceptable with regard to impacts on the environment.

### ***Need for the Facility***

Monitoring data confirms that there is an identified need for additional capacity to recycle the construction/demolition waste arising in West Sussex, which this facility would provide. Although the data is less clear in relation to hazardous waste, including contaminated soils, it confirms that the County is currently a net exporter of hazardous waste, which suggests that additional capacity in West Sussex is required. Therefore, it is considered that there is a demonstrated need for the additional inert waste recycling capacity, and the new hazardous waste recycling capacity the facility would provide. Furthermore, it would help to move the management of waste up the hierarchy, away from landfill.

### ***Accordance with Waste Local Plan Policy W10***

The application seeks to bring forward a soil heat treatment facility on a site allocated in Waste Local Plan (WLP) Policy W10 for non-inert landfill. Therefore, the use does not accord with the site allocation. However, there is no current need for additional non-inert landfill capacity and there is an identified need for additional construction/demolition waste recycling capacity. It is considered that, in principle, the proposed use is acceptable for a temporary period of five years, after which the need for non-inert landfill capacity can be reviewed. The proposal would otherwise accord with the development principles set out in Policy W10 of the WLP as it would protect species and habitats, archaeological features are not detrimentally affected, the water environment would be protected, and conditions would ensure that the impact on residential amenity, including cumulatively with other development, is acceptable. The development would not prejudice the delivery of a strategic waste use on allocated land to the south. Overall, therefore, it is considered that the proposal is acceptable in relation to the development principles that apply to the application site's allocation under WLP Policy W10.

### ***Impact on Highway Capacity and Road Safety***

To establish a worst case scenario, the applicant has undertaken an assessment of the impact on the highway network of the proposal, combined with the adjacent soil washing proposal (WSCC/051/19), a total of 75 additional HGV movements/day (38 HGVs travelling to/from the site). This has confirmed that there would be no unacceptable impact on highway safety, or residual cumulative impacts on highway capacity, including in terms of cumulative impact with the wider Brookhurst Wood site and North Horsham development. Therefore, the development is acceptable with regard to impacts on highway capacity and road safety..

### ***Impact on Residential Amenity***

The development has the potential to result in increased impacts on residential amenity through increased noise and emissions to air from both the site operations and HGVs travelling to/from the site. There is also the potential for cumulative impacts alongside existing uses, and the proposed soil washing use on the adjacent site, and the potential impact on future residents of the North Horsham development must also be considered. An Air Quality Impact Assessment has been submitted, confirming that the facility, along with the proposed soil washing facility, would result in negligible impacts on air quality, particularly taking into account the

processes in place to treat outputs and monitor emissions. A Noise Impact Assessment has been submitted, confirming that the facilities would not increase noise for the nearest residential properties, and the number of HGVs travelling to/from the site would not be detrimental to residential amenity.

### ***Impacts on the Environment***

The development has the potential to result in impacts on the environment in relation to emissions to air, noise emissions, landscape and visual impact, impact on the water environment, and impact on ecology. Given the measures in place to ensure there is no impact on residential amenity resulting from noise or air emissions, it is concluded the impact on the environment in this regard would also be acceptable. There would be no increase in impermeable surfacing so no increase in flood risk, and water quality would be protected through requiring a detailed drainage scheme by condition. There would be no impact on habitat or species as a result of the development. It is therefore concluded that the proposal's impact on the environment would be acceptable.

### **Conclusion**

Planning permission is sought for a soil heat treatment facility adjacent to the non-inert landfill site at Brookhurst Wood in Horsham. The facility would process up to 10,000 tonnes per annum of soils contaminated with hydrocarbons, enabling them to be used in landfill restoration, rather than disposed of.

The proposal would provide a small-scale facility to move the management of waste away from landfill, making use of contaminated soils that would otherwise be disposed of. The proposed development would take place on a site allocated in the West Sussex Waste Local Plan (WLP) for non-inert landfill. Therefore, the development does not accord with the allocated use. However, it is considered that given the lack of immediate demand, the use would be acceptable for a temporary period of time, after which consideration could be given as to whether the land is required for landfill.

The impact on the highway is considered to be acceptable and without detriment to highway capacity or road safety. Emissions from the site would be controlled to ensure there would be no loss of air quality, and noise from the site would be below existing levels. It is not, therefore, considered there would be a detrimental impact on residential amenity. The development would be relatively small in scale so would not affect the surrounding landscape, or visual amenity. There would be no impact on habitat and species as a result of the development, and the water environment would be protected.

Overall, therefore, the development is considered to be acceptable in terms of its impacts on people and the environment, and on balance, to accord with development plan policies.

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**

That planning permission be granted subject to the conditions and informatives set out in **Appendix 1** of this report.

### **1. Introduction**

- 1.1 This report relates to an application for a soil heat treatment facility adjacent to the landfill at Brookhurst Wood in Horsham. The facility would process up to 10,000 tonnes per annum of soils contaminated with hydrocarbons, enabling them to be used in landfill restoration, rather than disposed of.
- 1.2 It would operate alongside, and share an access road with, a soil washing facility being considered under a separate application (ref. WSCC/051/19).

### **2. Site and Description**

- 2.1 The application site comprises an elongated area extending north-south, located at the southern end of the Brookhurst Wood landfill site, north-west of the mechanical biological treatment (MBT) facility and north of the former Wealden Brickworks site, subject of an appeal against refusal for an energy-from-waste plant (ref. WSCC/015/18/NH)(see **Appendix 2 - Site Location Plan**). Although the site extends to some 1.2 hectares in area, this includes a long access road extending in a loop to the west, north, east, then south, making use of the existing access road and weighbridge also used by vehicles accessing the landfill gas/leachate plant, and an aggregate treatment and recycling facility. Having looped around to the weighbridge, the road links to the landfill access road, which adjoins Langhurstwood Road some 750m north of the A264.
- 2.2 The site is in the parish of North Horsham, in Horsham District.
- 2.3 The site is within an area allocated in the West Sussex Waste Local Plan (2014), for an extension to the Brookhurst Wood non-inert landfill site. The landfill site is no longer receiving non-inert waste and is currently being restored.
- 2.4 The main site was previously used as part of the wider Wealden Brickworks, but has more recently been used as part of the landfill operation, containing a large building used for the storage of plant and equipment, along with smaller shipping containers and mobile buildings. The site is sealed with concrete, and slopes upwards from south to north.
- 2.5 To the west of the site is an area previously containing kilns which have now been demolished. This site is the subject of the separate application for soil washing (ref. WSCC/051/19).
- 2.6 The application site is located outside of the defined built-up area of Horsham which is 900m south-east of the site, beyond the A264. The village of Warnham lies approximately 1.3km to the south-west. The Horsham to Dorking railway line abuts the western boundary of the site.
- 2.7 To the west, south, and east of the wider Brookhurst Wood site are small groups of dwellings and open countryside. To the north, beyond the landfill site, are large industrial and commercial developments including Fisher

Scientific Services and Broadlands Business Park. To the north-east is the active Warnham Clay Pit. A cluster of commercial/industrial companies is located around Warnham Railway Station, some 350m south-west of the site.

- 2.8 The closest residential properties to the main site are at Graylands Lodge, some 250m to the east on Langhurstwood Road; adjacent to the Brookhurst Wood site entrance on Langhurstwood Road, some 450m to the south-east; and along Station Road, approximately 600m to the south.
- 2.9 In addition to existing properties, a large development to the east of Langhurstwood Road was granted outline planning permission by Horsham District Council (HDC) on 1 March 2018 for "*a mixed use strategic development to include housing (up to 2,750 dwellings), business park (up to 46,450 m<sup>2</sup>), retail, community centre, leisure facilities, education facilities, public open space, landscaping and related infrastructure*" (HDC ref. DC/16/1677 - see **Appendix 3 - Approved North Horsham Allocation Illustrative Masterplan**).
- 2.10 If the development comes forward in accordance with the approved masterplan, the closest residential properties would be 630m south-east of the application site, with open space 425m and a school 850m to the south-east. The junction of Langhurstwood Road with the A264 will be closed and replaced with a new roundabout on the A264 and new access road serving the wider Brookhurst Wood site and other industrial and commercial developments.
- 2.11 There are several historic features in the vicinity of the site, including Graylands Moat Scheduled Monument (480m south-east of the main site) and Warnham Conservation Area (1.3km south-west). There are listed buildings at Westons Place and the Granary some 750m south-west of the site, and at Holbrook Park 1.25km to the south-east.
- 2.12 On the eastern side of Langhurstwood Road, some 260m east of the main site, is a strip of Ancient Woodland, with another east of Graylands, some 730m east of the main site. The access to Graylands extending east from Langhurstwood Road is shared with a public right of way (footpath 1573), linking with a north-south route (footpath 1421) extending along a ridgeline parallel to Langhurstwood Road.
- 2.13 The application site is 3.3km north-west of the High Weald Area of Outstanding Natural Beauty (AONB); 6.4km south-east of the Surrey Hills AONB; and 15km north-east of the South Downs National Park.

### 3. **Relevant Planning History**

- 3.1 Although the application site has no planning history, as part of the wider Brookhurst Wood site, it has been in use for brick making since 1914. The surrounding land has extensive planning history for a range of waste development, of which the key relevant decisions are as follows:

#### Former Wealden Brickworks (to south)

- WSCC/015/18/NH: Recycling, Recovery and Renewable Energy Facility and Ancillary Infrastructure (refused 11 July 2018; refusal appealed, decision pending);

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- WSCC/021/15/NH: Amendment of conditions 22 and 29 of planning permission WSCC/018/14/NH to increase site throughput from 200,000 tonnes per annum to 230,000 tonnes per annum, and increase associated HGV movements (granted 03 June 2015);
- WSCC/018/14/NH: Proposed Waste Transfer Facility to handle inert and non-inert waste with associated open air inert waste recycling operations, landscape improvements and vehicle parking (granted 01 July 2014);  
Aggregate Facility (to west)
- WSCC/003/14/NH: Installation and operation of aggregate treatment and recycling facility (granted 17 April 2014);  
MBT (to south-east)
- WSCC/055/09/NH: Construction and operation of a mechanical and biological treatment facility, including offices and visitor centre and ancillary plant and infrastructure (granted 1 April 2010);  
MBT / Landfill
- DC/2919/06(NH): Construction and operation of a materials recycling facility, including offices and visitor centre, an anaerobic digestion plant, and extension to an existing landfill site, and ancillary infrastructure (granted 14 January 2009).

3.2 Prior approval was given for the demolition of seven former brickworks buildings to the immediate west of the application site (ref. WSCC/018/18/NH/PNO).

### 4. The Proposal

- 4.1 Planning permission is sought to develop land within the Brookhurst Wood estate as a Soil Heat Treatment Facility (SHTF). It would operate alongside, and share an access road with, a soil washing facility being considered under a separate application (ref. WSCC/051/19) (see **Appendix 4: Proposed Site Plan**; and **Appendix 5: Elevations**). Although both facilities would operate independently of each other, the applicant has assessed the impact on people and the environment of both developments coming forward.
- 4.2 The SHTF would treat up to 10,000 tonnes each year of soils contaminated with hydrocarbons, generally sourced from construction/demolition/excavation sites.
- 4.3 Up to 1,000 tonnes of soils would be treated at a time over a 30 day period, in two, 500 tonne batches. On reaching the site, the materials would be deposited and checked, before being combined into 500 tonne stockpiles on a treatment pad with heating (up to 11 Liquefied Petroleum Gas heaters per stockpile), vapour recovery, and temperature monitoring tubes inside. The piles would be covered with insulating material under a vacuum to minimise odour. Heating would continue for four days once the optimal temperature is reached, after which the stockpile would be allowed to cool for the remainder of the 30 day period.
- 4.4 Vapour recovery tubes in the piles would collect vapours and steam, which would be drawn out to a heat exchanger where it would be cooled, separating condensed liquids and gases. Vapour would be continuously monitored for



contaminants, with air released into the pile to dilute vapours if required. Recovered fluids would be pumped to a water treatment system comprising, in order, an oil water separator, sand filter, and granular activated carbon vessel, after which it would be discharged to foul sewer. Any remaining gas would be treated by granular activated carbon or thermal oxidation (in a combustion chamber with temperatures of 750–900°C).

- 4.5 There would be continuous monitoring of vapours before they were emitted to air, and of liquid discharges before entering the foul sewer system. The process would make use of rainwater stored in a proposed attenuation lagoon located adjacent to the soil treatment pads.
- 4.6 Sampling would be undertaken throughout to determine whether the soils are sufficiently inert for use in landfill restoration, or if they require further treatment. Once processed, the material would be exported off site. It is anticipated that around 60% of the output could be used as secondary (i.e. recycled) aggregate/material, 30% for landfill restoration, and the remaining 10% would require landfill disposal.
- 4.7 Vehicles would access the site using an existing haul roads and weighbridge used by the aggregates treatment and recycling facility.
- 4.8 The hours of operation sought are 0730 to 1800 Monday to Friday; and 0730 to 1300 on Saturdays, with no operations on Sundays or public/bank holidays.
- 4.9 The proposal is expected to result in 15 HGV movements (approximately 8 HGVs travelling to/from the site each day).

## 5. **Environmental Impact Assessment (EIA)**

- 5.1 The proposal is considered to fall within Part 9 of Schedule 1 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as it involves '*Waste disposal installations for the incineration, chemical treatment... or landfill of hazardous waste*'. Soil contaminated with hydrocarbons is considered to fall within the definition of hazardous waste, and the process is considered to involve incineration/chemical treatment, as defined in the EIA Regulations. For this reason, the proposal is, therefore, considered capable of having a significant environmental effect on the environment and so was required to be supported by an EIA.
- 5.2 On 1 April 2019, the County Council issued a Screening Opinion confirming the information to be considered in the EIA for the previous application.

## 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 2 of the National Planning Policy Framework ('the NPPF')). For the purposes of the application, the following approved or adopted planning policy documents form the statutory development plan: the Horsham District Planning Framework (2015)('HDPF') and the West Sussex Waste Local Plan (2014)('WLP').

- 6.2 The key policies in the development plan that are material to the determination of the application are summarised below, and their conformity or otherwise with the NPPF considered. 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.

***Horsham District Planning Framework (2015)(the HDPF).***

- 6.3 The HDPF was adopted in November 2015 and forms part of the 'development plan'. The application site is identified on the proposals map as being within the 'Brookhurst Wood Site (allocated in 2014 Waste Local Plan)', as well as under Policy AL14 of the HDPF (see below).
- 6.4 The relevant policies are: 1 (Sustainable Development), 3 (Development Hierarchy), 7 (Economic Growth), 9 (Employment Development), 24 (Environmental Protection), 25 (Natural Environment and Landscape Character), 26 (Countryside Protection), 32 (Quality of New Development), 33 (Development Principles), and 39 (Infrastructure Provision). There are also a suite of policies relating to the strategic allocation of land North Horsham (east of Langhurstwood Road and north of the A264) to bring forward 2500 homes and associated facilities, namely Policy SD1 (Land North Horsham), SD2 (Employment and Business Opportunities), SD3 (Local Centre), SD5 (Open Space, Sport and Recreation), SD6 (Landscape Buffer, Landscape Character, Biodiversity and Green Infrastructure), SD7 (Design) and SD9 (Transport Infrastructure).

**Horsham District Local Development Framework: Site Specific Allocations of Land (2007)**

- 6.5 The site is allocated under Policy AL14 of the Site Specific Allocations of Land (2007) for a 'comprehensive redevelopment mixed use scheme' to include the retention of brick making and power generation from the landfill along with a new waste management facility, and various employment uses. Supporting text notes that around 14 hectares of land at the site are underused or vacant, so it was considered appropriate to 'examine the future use of this site' (paragraph 3.45).

***West Sussex Waste Local Plan (April 2014)***

- 6.6 The WLP was adopted by the County Council on 11 April 2014 and forms part of the 'development plan'. The WLP 2014 was subject to a five year review in 2019, as required by national policy, to consider whether it remains relevant and effective. The plan is still considered to be consistent with national policy, relevant and effective, and working to achieve the vision and strategic objectives of the Plan.
- 6.7 Policy W10 allocates strategic sites, including an 'extension to Brookhurst Wood Landfill Site' to meet an identified shortfall in non-inert landfill capacity. The area identified includes the application site.

6.8 Policy W10 states that:

*"(c) The development of a site ... must take place in accordance with the policies of this Plan and satisfactorily address the 'development principles' for that site identified in the supporting text to this policy";*

*"(d) The sites allocated...will be safeguarded from any development either on or adjoining the sites that would prevent or prejudice their development (in whole or part) for the allocated waste management use or uses."*

6.9 The supporting text to Policy W10 sets out the development principles for each allocated site including:

#### *Non-Inert Landfill*

*7.3.18 Extension to Brookhurst Wood Landfill Site (Inset Map 4): In keeping with the aspiration of 'zero waste to landfill', the Plan only allocates an extension (approximately 3.5 hectares) to the existing non-inert landfill site at Brookhurst Wood, near Horsham. The extension site is currently used (in part) for site offices and gas plant and is allocated in Policy AL14 of the Horsham Local Development Framework for mixed-use development including waste management. Permitted capacity at the site (approximately 1.02mt at June 2012) is due to be used up by the end of 2015. Therefore, the allocation of an extension to the site of approximately 1,000,000m<sup>3</sup> (and which could accommodate approximately 0.86mt, subject to the actual compaction densities achieved) provides for a period of transition in the medium-term during which new recycling and treatment facilities can come forward on the sites allocated under Policy W10(a) and on other suitable sites.*

*7.3.19 The development principles for the Extension to Brookhurst Wood Landfill Site are as follows:*

- assessment of protected species and possible mitigation required;*
- industrial archaeological impact assessment and possible mitigation required;*
- assessment of impacts on the water environment and possible mitigation required;*
- assessment of impact (e.g. traffic, noise, odour) on the amenity of nearby dwellings and businesses and possible mitigation required;*
- the cumulative impacts of traffic, noise, and odour within the wider area to satisfactorily addressed;*
- development to comply with Aerodrome Safeguarding requirements to ensure that the operational integrity and safety of the airport are not compromised. This may result in restrictions on height, on the detailed design of buildings or on development which might create a bird hazard. A bird hazard management plan may be required;*

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- *assessment of impact of any additional HGV movements on highway capacity and road safety, including at the Langhurstwood Road/A264 junction and on the A264, A24, A23/M23, and possible mitigation required;*
- *phased restoration to an appropriate after-use, such as meadowland and woodland; and*
- *development must not prejudice the delivery of the site to the south allocated in Policy W10(a)."*

6.10 The following policies are also relevant in determining the application: Need for Waste Management Facilities (Policy W1); Hazardous and Low Level Radioactive Waste (Policy W7); Character (Policy W11); High Quality Developments (Policy W12); Biodiversity and Geodiversity (Policy W14), Historic Environment (Policy W15), Air, Soil and Water (Policy W16), Flooding (Policy W17), Transport (Policy W18), Public Health and Amenity (Policy W19), Cumulative Impact (Policy W21) and Aviation (Policy W22).

### **National Planning Policy Framework (2019)**

6.10 The NPPF sets out the Government's planning policies for England and outlines how these are expected to be applied. The Framework is a material consideration in determining planning applications. The relevant paragraphs in the NPPF are:

11 (approving development that accords with the development plan without delay), 38 (approaching decisions on development in a positive and creative way, approving sustainable development where possible), 47 (decisions on applications made as soon as possible), 54 (use of conditions/obligations to make otherwise unacceptable development acceptable), 55 (use of conditions, including the '6 tests'), 80 (significant weight placed on need to support economic growth and productivity), 83 - 84 (supporting a prosperous rural economy), 102 - 103 (impacts of development on transport networks), 108 (ensuring sustainable transport modes, safe/suitable access, and mitigation of congestion/highway safety impacts), 109 (development only refused on highway grounds if impact on highway safety unacceptable, or residual cumulative impacts on road network would be severe), 111 (development generating significant movements should be required to provide a travel plan and supported by a transport statement/assessment), 117/118 (making effective use of land), 127 (development achieving well-designed places), 130 (development of poor design should be refused), 131 (great weight given to outstanding/innovative design), 148 (planning system should support the transition to a low carbon future), 150 (development should avoid vulnerability to climate change and reduce greenhouse gas emissions), 170 (development should contribute to and enhance the natural and local environment), 175 (impacts on biodiversity), 178 (ground stability/contamination), 180 (effects on health, living conditions and the natural environment), 182 (reverse sensitivity), 183 (planning decisions should focus on land use, and not control of processes or emissions where subject to separate regimes which should be assumed to operate effectively), 189 - 199 (impact on heritage assets).

**Planning Practice Guidance (PPG)**

- 6.11 The PPGs set out the Government’s planning guidance to be read in conjunction with the NPPF. They do not form part of the development plan but are a material consideration in determining planning applications.

*PPG: Waste (October 2015)*

- 6.12 Paragraph 5 notes that local planning authorities can ensure that human health and the environment are protected through the appropriate handling of waste, in considering individual planning applications against the criteria in Appendix B of the National Planning Policy for Waste (2014),
- 6.13 Paragraph 6 notes the obligation to consider the principles of self-sufficiency and proximity in relation to waste management. Paragraph 9 notes that driving waste up the waste hierarchy, away from disposal such as landfill, is an integral part of national policy for waste and a material consideration in decisions on waste applications.
- 6.14 Paragraphs 50 and 51 note that the planning system often needs to work with other regulatory regimes. With waste planning matters, waste planning authorities usually work with the Environment Agency and the Environmental Permitting regime, which they implement and regulate.

*PPG: Natural Environment (updated July 2019)*

- 6.15 Paragraph 1 notes that planning should recognise the intrinsic character and beauty of the countryside, while paragraph 4 notes that planning decisions should be based on up-to-date information about the natural environment and characteristics of the area. Paragraph 7 notes the statutory duty to have regard to the purpose of conserving biodiversity, while paragraph 17 seeks to include biodiversity enhancement in and around development, including improved links between existing sites.

**National Planning Policy for Waste (2014)**

- 6.16 This national policy guidance document 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.
- 6.17 At paragraph 7 it notes *“When determining waste planning application, waste planning authorities should ... consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed health assessment of epidemiological and other health studies”.*
- 6.18 At paragraph 7 it also notes *“When determining waste planning application, waste planning authorities should ... ensure that waste management facilities are well-designed, so they contribute positively to the character and quality of the area in which they are located”.*

- 6.19 Appendix B sets out key criteria for testing the suitability of waste management sites, in particular; protection of water resources, 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 use conflict.

***EU Council Directive 2008/98/EC***

- 6.20 By virtue of the Waste (England and Wales) Regulations 2011, when determining any application for planning permission that relates to waste management (regulation 18), the County Council 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 ***Environment Agency:*** No objection. Note that the development may require an Environmental Permit.
- 7.2 ***Horsham District Council Planning:*** Acknowledges the site is allocated for the proposed use, but have reservations over the impact in terms of air quality and traffic impact, particularly on the North Horsham development. Do not consider these are sufficient to formally object but consider it essential the issues are addressed by condition or through Environmental Permitting.
- 7.3 ***Horsham District Council Environmental Health Officer - Air Quality:*** No formal objection but raise queries in relation to the soil pile being covered at the top but not the sides [which is not the case], and seek an emissions mitigation plan in relation to the additional traffic resulting.
- 7.4 ***Horsham District Council Environmental Health Officer - Noise:*** No objection subject to condition requiring a Noise Management Plan and operational compliance noise monitoring.
- 7.5 ***WSCC Highways:*** No objection subject to conditions seeking construction management plan, and creation and retention of parking.
- 7.6 ***WSCC Archaeology:*** No objection; archaeological assessment/mitigation not required.
- 7.7 ***WSCC Ecology:*** No objection subject to informative noting need to avoid risk of harm to nesting birds.
- 7.8 ***WSCC Flooding:*** Consider insufficient information has been provided to accord with WSCC Lead Local Flood Authority Policy, particularly in relation to the increase in impermeable surfacing on the site, and in relation to run-off rates on the redevelopment of brownfield land.

- 7.9 **North Horsham Parish Council:** No objection to use, but raise concerns over increase in HGV movements and impacts on Langhurstwood Road and wider road network.
- 7.10 **Warnham Parish Council:** No objection.
- 7.11 **Network Rail:** No objection.
- 7.12 **Natural England:** No objection. Generic environmental impact and opportunity advice.
- 7.13 **WSSC Councillor Peter Catchpole:** Objection due to increase in HGV traffic, particularly as remaining 'headroom' to use HGV movements within MBT permission; understands source of waste will be southern part of the UK, not West Sussex alone, with increased pollution, and hazardous content posing risk to health and safety.

## 8. Representations

- 8.1 The application was publicised in accordance with The Town and Country Planning (General Development Procedure) Order (England) 2015. This involved the erection of site notices located around the application site, an advertisement in the local newspaper, and neighbour notification letters being sent out. A further round of consultation was also undertaken in response to additional information being provided.
- 8.2 In response, objections were received from 27 people, as well as the Langhurstwood Road Residents' Group. The main concerns raised related to:
- Increased traffic – resulting congestion and road safety hazard, need for road improvements, should use rail;
  - Query why need for more HGV movements, given MBT facility is not operating at capacity;
  - Need to see the 'big picture' in relation to impact of developments, rather than each application in isolation;
  - Increased noise pollution;
  - Increased air pollution;
  - Impact on water and water supply;
  - Health concerns;
  - Proximity to existing and proposed residential development, including schools and residential care home;
  - Ongoing impact after years of landfill;
  - Industrialising rural nature of Horsham town;
  - Management of waste from all over southern England, not just West Sussex – concerns over sustainability;
  - Potential for emissions and spillage from transportation of hazardous material on roads;
  - Unclear what inputs would be - whether include incinerator bottom ash;
  - Perception and fear of increased risk to environment;

- Inadequate public consultation/engagement;
- Cumulative impact with existing waste plants;

## 9. **Consideration of Key Issues**

9.1 The main material planning considerations are whether the proposal:

- is needed to manage waste arising in the County;
- accords with the Waste Local Plan, Policy W10 (site allocation as a non-inert landfill extension);
- is acceptable with regard to impacts on highway capacity and road safety;
- is acceptable with regard to impacts on residential amenity; and
- is acceptable with regard to impacts on the environment.

### ***Need for the Facility***

9.2 The application seeks to process up to 10,000 tonnes of contaminated soils, to divert them from landfill. It is necessary, in accordance with the WLP, to consider whether there is a need for a facility to manage these waste streams.

9.3 Policy W1(c) of the WLP states that *"proposals on unallocated sites for the recycling of inert waste will be permitted where it can be demonstrated that there is a market need, consistent with the principle of net self-sufficiency"*. The site is allocated, but for non-inert landfill, so it is necessary to demonstrate a market need.

9.4 The West Sussex Annual Monitoring Report for the WLP notes that there were 1.295 million tonnes of inert construction/demolition waste produced in the County in 2017/18, an increase over the previous year (paragraph 5.4.5). It also notes that West Sussex was a net exporter of construction/demolition waste (paragraph 5.4.6), and that there was a decrease in construction/demolition waste recycling facilities in the County, leading to an under-provision (Table 10). Therefore, there is an identified need for additional inert construction/demolition waste capacity in the County, which this facility would help to meet, in accordance with Policy W1 of the WLP.

9.5 In relation to the provision of capacity for the management of hazardous waste, Policy W7 of the WLP supports proposals for the management of hazardous waste *"providing it can be demonstrated that they make a substantial contribution to meeting the needs of West Sussex for the treatment of the relevant waste stream(s)"*. Supporting paragraph 6.8.4 notes that *"Due to the specific requirements for the management of hazardous wastes, the relatively small amounts generated, and the costs of establishing specialist facilities (which are likely to serve a national or regional need), there are currently no major facilities in West Sussex"*.

9.6 The Annual Monitoring Report for the WLP does not include separate figures relating to hazardous waste arisings or management because these are included within the commercial/industrial or construction/demolition waste streams. Further, as noted in the WLP, hazardous wastes often require small, specialist facilities, so the aggregated data may not be relevant to the type of facility proposed.



- 9.7 Nonetheless, officers have interrogated the limited data held by the Environment Agency and confirmed the following, albeit it is noted that is unlikely to represent the full picture:

<b>Hazardous Waste Management in West Sussex (tonnes)</b>			
<b>Year</b>	<b>Year</b>	<b>Year</b>	<b>Year</b>
2016	2016	2016	2016
2017	2017	2017	2017

- 9.8 Therefore, this confirms that there is a general need for additional hazardous waste management capacity in the County.
- 9.9 Given the scale of construction/demolition waste arisings in West Sussex (1.295 million tonnes in 2017/18), it is likely that a proportion of this is contaminated soil that could be recycled if facilities were available (which they are currently not in West Sussex). Further, officers have no information to suggest that the facility would not make a 'substantial contribution' to meeting the needs for the treatment of contaminated soils in the County, and that the operator is best placed to understand the market – and unlikely to bring forward a facility if the market dictated otherwise.
- 9.10 On the basis of the above, it is considered that there is a demonstrated need for the additional inert waste recycling capacity, and the new hazardous waste recycling capacity the facility would provide. Therefore, it would help to move the management of waste up the hierarchy, away from landfill.
- 9.11 *Monitoring data confirms that there is an identified need for additional capacity to recycle the construction/demolition waste arising in West Sussex, which this facility would provide. Although the data is less clear in relation to hazardous waste, particularly contaminated soils, it confirms that the County is currently a net exporter of hazardous waste, which suggests that additional capacity in West Sussex is required. Therefore, it is considered that there is a demonstrated need for the additional inert waste recycling capacity, and the new hazardous waste recycling capacity the facility would provide. Furthermore, it would help to move the management of waste up the hierarchy, away from landfill.*

**Policy W10 of the West Sussex Waste Local Plan (April 2014)**

- 9.12 Although the application site is generally well-located for a waste management facility, it falls within the site allocated in Policy W10(b) of the WLP to meet an identified shortfall in non-inert landfill capacity. The allocated site extends to some 3.5 hectares, encompassing the application site along with land to the north and west, including areas containing the landfill's site offices and gas/leachate plant. The application site's access road effectively loops around the perimeter of the site allocation.
- 9.13 Policy W1 of the WLP notes that there is the need for 0.605 million tonnes of non-inert landfill capacity over the Plan period to 2031, to be delivered through the allocation of the non-inert landfill extension at Brookhurst Wood under Policy W10. Paragraph 7.3.18 of the WLP notes that the site is allocated to

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provide up to 1,000,000m<sup>3</sup> (0.86 million tonnes) of non-inert landfill capacity for the transitional period to zero waste to landfill.

- 9.14 The existing landfill stopped taking waste in 2018 and is now being restored, and the Lidsey Landfill site near Bognor Regis ceased operations in 2015. Therefore, there are no operational non-inert landfill sites in the County. Any non-inert waste requiring disposal to landfill is, because of a commercial decision by the operator, being taken out of the County to Redhill in Surrey, where the landfill site is expected to cease operation in 2028.
- 9.15 The applicant has confirmed that it is not currently economically viable to use the site allocation for landfill due to engineering/accommodation costs when compared to the size of the void, and the fact that mineral extraction would be required. They note that should the economic situation change and there be a need to use the allocated site for non-inert waste disposal, the proposed soil heat treatment facility could be removed because it is of a modular design.
- 9.16 Although there is no need at this time for non-inert landfill capacity, there may be a need in the longer-term (that is, towards the end of the WLP period) and, therefore, it is not considered appropriate to permit development that would prevent the allocated site coming forward in perpetuity. However, it is considered beneficial to enable the site to be used for a development that would facilitate the movement of waste 'up the hierarchy', away from disposal. On this basis, it is considered that, for a short period of time, the use of the site for soil heat treatment, rather than non-inert landfill, is considered acceptable.
- 9.17 Accordingly, it is proposed that a condition is imposed allowing a temporary, five year permission from first operation, after which the need for non-inert landfill can be reviewed. It is considered this is necessary to ensure that the need for non-inert landfill capacity in the County is considered in the public interest, even if it is not necessarily wanted at this time by the operator for economic reasons. PPG: Use of Conditions states that temporary permissions may be appropriate "*where it is expected that the planning circumstances will change in a particular way at the end of that period.*" (paragraph 014). This is considered to be the case with this proposal, where the need for non-inert landfill capacity can be assessed after a period of time.
- 9.18 Policy W10 requires that development on allocated sites must satisfactorily address the 'development principles' for that site identified in the supporting text. Although the proposed use is not for non-inert landfill, it is considered appropriate to consider the proposal against each of the nine development principles relating to the site allocation.
- *assessment of protected species and possible mitigation required;*
- 9.19 No impact on protected species is anticipated as a result of the development and no objection has been raised by WSCC Ecology. This is discussed in detail below (see 'Key Issue: Impacts on the Environment').
- *industrial archaeological impact assessment and possible mitigation required;*
- 9.20 The former kiln buildings which were of archaeological interest are beyond the boundary of this application site, and have been demolished following prior notification approval and archaeological recording. No objection to the

development of the application site has been raised by WSCC Archaeology and this principle is therefore met.

- *assessment of impacts on the water environment and possible mitigation required;*

9.21 The site is in flood zone 1 so at the lowest risk of flooding. It is sealed in its entirety, so the development would not result in an increase in impermeable surfacing, or therefore any increase in run-off. Appropriate drainage measures would be put in place to ensure the water environment is protected, as considered below (see 'Key Issue: Impacts on the Environment'). This principle is therefore considered to be met.

- *assessment of impact (e.g. traffic, noise, odour) on the amenity of nearby dwellings and businesses and possible mitigation required;*

9.22 It is considered that the impact of the development on amenity would be acceptable, subject to conditions being imposed to control vehicle numbers, noise and emissions, and the additional controls imposed through the Environmental Permitting process, as is discussed below (see 'Key Issue: Impact on Residential Amenity').

- *the cumulative impacts of traffic, noise, and odour within the wider area to satisfactorily addressed;*

9.23 The development of the application site has the potential to result in significant cumulative impacts alongside existing uses, particularly within the wider Brookhurst Wood site, as well as proposed uses including the soil washing facility to the immediate west (subject of planning application WSCC/051/19), and potentially, an energy-from-waste plant to the south (subject of appeal against refusal of planning permission WSCC/015/18/NH). The cumulative impact of, and upon, the North Horsham development approved to the east of Langhurstwood Road must also be taken into account. This is discussed in detail below (see 'Key Issue: Impacts on Highway Capacity and Road Safety'; and Key Issue: Impact on Residential Amenity').

- *development to comply with Aerodrome Safeguarding requirements to ensure that the operational integrity and safety of the airport are not compromised. This may result in restrictions on height, on the detailed design of buildings or on development which might create a bird hazard. A bird hazard management plan may be required;*

9.24 The development is not of a type or scale considered to create a bird hazard or otherwise affect aerodrome operational requirements. It is therefore considered to meet this principle.

- *assessment of impact of any additional HGV movements on highway capacity and road safety, including at the Langhurstwood Road/A264 junction and on the A264, A24, A23/M23, and possible mitigation required;*

9.25 Discussed in detail below (see 'Key Issue: Impacts on Highway Capacity and Road Safety').

- *phased restoration to an appropriate after-use, such as meadowland and woodland; and*

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- 9.26 No waste infill is proposed, so site restoration is not a material consideration in relation to this application.
- *development must not prejudice the delivery of the site to the south allocated in Policy W10(a)."*

- 9.27 The proposal would not prejudice the delivery of development at Wealden Brickworks to the south, or the adjacent land within the allocated site. The development is relatively small in scale, both physically and in terms of on-site activity.

### *Overall Conclusion*

- 9.28 *The application seeks to bring forward a soil heat treatment facility on a site allocated in Waste Local Plan (WLP) Policy W10 for non-inert landfill. Therefore, the use does not accord with the site allocation. However, there is no current need for additional non-inert landfill capacity and there is an identified need for additional construction/demolition waste recycling capacity. It is considered that, in principle, the proposed use is acceptable for a temporary period of five years, after which the need for non-inert landfill capacity can be reviewed. The proposed use would move the management of waste 'up the waste hierarchy', by providing recycling of material which would otherwise be disposed of to landfill. The proposal would otherwise accord with the development principles set out in Policy W10 of the WLP as it would protect species and habitats, archaeological features are not detrimentally affected, the water environment would be protected, and conditions would ensure that the impact on residential amenity, including cumulatively with other development, is acceptable. The development would not prejudice the delivery of a strategic waste use on allocated land to the south. Overall, therefore, it is considered that the proposal is acceptable in relation to the development principles that apply to the application site's allocation under WLP Policy W10.*

### **Impacts on Highway Capacity and Road Safety**

- 9.29 The development has the potential to result in adverse impacts on highway capacity and road safety due to the increase in HGVs travelling to/from the site, anticipated to be a maximum of 15 HGV movements each day (8 HGVs travelling to/from the site).
- 9.30 Given the large scale uses on the wider Brookhurst Wood site and the resulting significant HGV numbers, there is also the potential for cumulative highway impacts. The former Wealden Brickworks has permission for up to 284 HGV movements/weekday (142 HGVs travelling to/from the site each day)(ref. WSCC/021/15/NH). The landfill and MBT have a combined maximum daily limit of 392 HGV movements/weekday (196 HGVs travelling to/from the site each day) (refs. WSCC/055/09/NH (MBT) and WSCC/005/16/NH (landfill)). The current application for soil washing is expected to result in 60 HGVs/day (30 HGVs travelling to/from the site).
- 9.31 In addition, the potential impact of, and on, the North Horsham residential development to the east is also relevant, particularly as when it comes forward, the Langhurstwood Road link with the A264 would be closed and HGVs would travel east along the southern edge of the new development.

- 9.32 A Traffic Survey was undertaken by the applicant in September 2018 on Langhurstwood Road, south of the site, to feed in to a Transport Assessment relating to the combined impact of the proposed soil heat treatment facility along with the proposed soil washing development (application ref. WSCC/051/19). This concluded that together, the two developments would result in an increase of 13% in HGVs travelling on Langhurstwood Road, and an increase of 2.6% in total traffic. It is not considered that this increase would pose a risk to either road safety or highway capacity.
- 9.33 WSCC Highways agrees with the applicant's conclusion that once the North Horsham development comes forward, the revised road layout would have the capacity to manage the additional vehicle trips the developments would result in, along with those which may come forward if the adjacent energy-from-waste facility is approved on appeal. Officers also note that the proposals would not make traffic conditions on Langhurstwood Road less acceptable in terms of road capacity, concluding that *"the network has sufficient current and future capacity for both uses."*
- 9.34 Further, Horsham District Council, in their response to the application, notes that the infrastructure to facilitate the North Horsham development has been designed for a number of trips far outweighing the current scheme, even if the energy-from-waste facility on the adjacent site also comes forward. They note that the highway network *'is currently accommodating fewer trips than its theoretical capacity'*.
- 9.35 It is therefore concluded that the development would accord with the NPPF which notes that development should only be refused on highway grounds if the impact on highway safety would be unacceptable or residual cumulative impacts on highway capacity severe, which is not the case in the view of WSCC Highways.
- 9.36 WSCC Highways has sought a condition requiring the provision of vehicle parking and turning spaces prior to occupation of the development. However, no vehicle parking has been shown on submitted plans, and it is considered unreasonable to require that it is provided, given there is parking within the applicant's control on land to the north, beside the landfill gas/leachate compound. It is considered the existing parking is sufficient to cater to the new facility, particularly as only two new staff would be employed on the site.
- 9.37 *To establish a worst case scenario, the applicant has undertaken an assessment of the impact on the highway network of the proposal, combined with the adjacent soil washing proposal (WSCC/051/19), a total of 75 additional HGV movements/day (38 HGVs travelling to/from the site). This has confirmed that there would be no unacceptable impact on highway safety, or residual cumulative impacts on highway capacity, including in terms of cumulative impact with the wider Brookhurst Wood site and North Horsham development. Therefore, the development is acceptable with regard to impacts on highway capacity and road safety.*

### **Impact on Residential Amenity**

- 9.38 The development has the potential to result in adverse impacts on residential amenity through increased noise and emissions to air from both the site operations and HGVs travelling to/from the site. There is also the potential for

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cumulative impacts alongside existing uses, and the proposed soil washing use on the adjacent site, and the potential impact on future residents of the North Horsham development must also be considered.

- 9.39 An Air Quality Impact Assessment has been submitted with the application in relation to the combined emissions from both the soil heat treatment facility and the proposed soil washing facility (ref. WSCC/051/19), noting emissions to air have the potential to affect both human health and ecosystems. The main emissions from the facilities would result from the LPG heating plant and thermal oxidiser/granulated activated carbon (air treatment system), resulting in oxides of nitrogen (NO<sub>x</sub>), carbon monoxide (CO), and sulphur dioxide (SO<sub>2</sub>). The impact of emissions from increased vehicle numbers resulting from operations has also been taken into account. The assessment has concluded that the facility would have a negligible impact on air quality.
- 9.40 Horsham District Council's Environmental Health Officer (EHO) does not object to the proposal on air quality grounds, but notes that a mitigation plan has not been provided in relation to the additional traffic emissions, and in relation to fugitive emissions from the thermal treatment process. In relation to the former, it is considered that this can satisfactorily be addressed by a condition requiring such a plan. In relation to the latter, the applicant has confirmed that the pile would be entirely enclosed, not just at the top. Additional information has been provided setting out the monitoring that would be undertaken under the Environmental Permit. It is considered this is sufficient to overcome the concerns raised, particularly as the Environmental Permitting Regime will be the primary mechanism to control emissions to air and ensure they are monitored appropriately.
- 9.41 In relation to noise, a Noise Impact Assessment has been submitted with the application, again identifying potential impacts from both the heat treatment and soil washing facilities. This confirms that the soil heat treatment facility would result in noise impacts below existing background levels, albeit the existing levels include landfill operations that will soon cease. Nonetheless, predicted levels are at most 42dB at the nearest sensitive receptors (in this case, all residential properties) which is below the 55dB level considered to be acceptable. When combined with noise from the soil washing facility, the noise levels are still expected to be below background levels, and at most 47dB so considered acceptable. It is concluded that there is a low likelihood of the facilities resulting in any increase in noise for the closest properties.
- 9.42 Horsham District Council's EHO agrees with the conclusion that the noise impact would be acceptable and cumulative noise impacts would be below background noise levels. They have, however, asked that to ensure this is the case, a Noise Management Plan is required by condition, which it would be.
- 9.43 Horsham District Council note in their response that once it comes forward, the main access to the site would be through housing in the North Horsham development. However, the impact of vehicles travelling along this route, including HGVs, would have been taken into account when considering that development. While the present proposal would result in an increase in HGV numbers on the new road, as previously noted it has been designed for a capacity in excess of that resulting from this development, including in accumulation with that proposed on adjacent sites.

- 9.44 On the basis of the above, it is considered that the development would be acceptable in relation to its impact on residential amenity.
- 9.45 *The development has the potential to result in increased impacts on residential amenity through increased noise and emissions to air from both the site operations and HGVs travelling to/from the site. There is also the potential for cumulative impacts alongside existing uses, and the proposed soil washing use on the adjacent site, and the potential impact on future residents of the North Horsham development must also be considered. An Air Quality Impact Assessment has been submitted, confirming that the facility, along with the proposed soil washing facility, would result in negligible impacts on air quality, particularly taking into account the processes in place to treat outputs and monitor emissions. A Noise Impact Assessment has been submitted, confirming that the facilities would not increase noise for the nearest residential properties, and the number of HGVs travelling to/from the site would not be detrimental to residential amenity.*

### **Impacts on the Environment**

- 9.46 Given the controls in place to contain and monitor emissions to air, and the limited impact on the noise environment, it is concluded that the impact on the environment resulting from air and noise emissions would not be significant.
- 9.47 The facility would be small in scale, with the tallest element (the exhaust from the thermal oxidiser) at some 4.4m above ground level. The physical development would comprise steel containers containing various types of plant, and thermal treatment piles with concrete retaining walls to 4m in height. Land slopes upwards to the north and east of the facility, so it would be screened from view in these directions, while there are large scale uses to the south (the former Wealden Brickworks, Warnham Brickworks), and the railway corridor to the west. Given the relatively small scale of the facility, there would be limited, if any, impact on the surrounding landscape, and little visual impact, as confirmed in Horsham District Council's response to the application. They also note that less than substantial harm would result to the setting of surrounding heritage assets, so the proposal is considered acceptable in this regard.
- 9.48 The development would be undertaken entirely on impermeable brownfield land, so there would be no increase in flood risk as a result. A detailed drainage scheme has been sought by condition to ensure that greenfield rates of run-off are achieved, and that water quality is protected.
- 9.49 A Preliminary Ecological Assessment was submitted with the application, and confirmed that buildings and scrub within the site have the potential to support common nesting bird species, and some areas of habitat may support reptiles. An informative is proposed noting the requirements of the Wildlife and Countryside Act 1981 to avoid impact on nesting birds, while the potential reptile habitat is beyond the boundary of this application, and separated from the site by buildings, hardstanding and hoardings. No objection has been raised by WSCC Ecology and in planning terms, therefore, it is not considered any mitigation is required and that this principle is met.
- 9.50 *The development has the potential to result in impacts on the environment in relation to emissions to air, noise emissions, landscape and visual impact, impact on the water environment, and impact on ecology. Given the measures*

*in place to ensure there is no impact on residential amenity resulting from noise or air emissions, it is concluded the impact on the environment in this regard would also be acceptable. There would be no increase in impermeable surfacing so no increase in flood risk, and water quality would be protected through requiring a detailed drainage scheme by condition. There would be no impact on habitat or species as a result of the development. It is therefore concluded that the proposal's impact on the environment would be acceptable.*

## **10. Overall Conclusion and Recommendation**

- 10.1 Planning permission is sought for a soil heat treatment facility adjacent to the non-inert landfill site at Brookhurst Wood in Horsham. The facility would process up to 10,000 tonnes of soils per annum contaminated with hydrocarbons, enabling them to be used in landfill restoration, rather than disposed of.
- 10.2 The proposal would provide a small-scale facility to move the management of waste away from landfill, making use of contaminated soils that would otherwise be disposed of. The proposed development would take place on a site allocated in the West Sussex Waste Local Plan (WLP) for non-inert landfill. Therefore, the development does not accord with the allocated use. However, it is considered that given the lack of immediate demand, the use would be acceptable for a temporary period of time, after which consideration could be given as to whether the land is required for landfill.
- 10.3 The impact on the highway is considered to be acceptable and without detriment to highway capacity or road safety. Emissions from the site would be controlled to ensure there would be no loss of air quality, and noise from the site would be below existing levels. It is not, therefore, considered there would be a detrimental impact on residential amenity. The development would be relatively small in scale so would not affect the surrounding landscape, or visual amenity. There would be no impact on habitat and species as a result of the development, and the water environment would be protected.
- 10.4 Overall, therefore, the development is considered to be acceptable in terms of its impacts on people and the environment, and on balance, to accord with development plan policies.
- 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 the conditions and informatives set out in **Appendix 1** of this report.

## **11. Equality Duty**

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**

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**

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

**Contact:** Jane Moseley telephone 0330 222 6948.

### **Background Papers**

As set out in Section 6.

**List of Appendices**

Appendix 1 - Conditions and Informatives

Appendix 2 - Site Location Plan

Appendix 3 - Approved North Horsham Allocation Illustrative Masterplan

Appendix 4- Proposed Site Plan

Appendix 5 – Elevations

## **Appendix 1: Conditions and Informatives**

### **GENERAL**

#### **Commencement**

1. The development hereby permitted shall commence before the expiration of three years from the date of this permission. Written notification of the date of the commencement of development shall be sent to the County Planning Authority within at least seven days of development commencing.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990 and allow monitoring of the commencement of the temporary development.*

#### **Approved Plans and Documents**

2. The development hereby permitted shall not take place other than in accordance with the following approved plans and documents:
  - Proposed Site Plan (ref. BA039900, 17/01/19);
  - Proposed Soil Heat Treatment Facility Elevations (ref. BA039600, 17/01/19).

save as varied by the conditions hereafter.

*Reason: To ensure the development is carried out as proposed in the application submission.*

#### **Temporary Permission**

3. The structures identified on the approved Site Plan (ref. BA039900, 17/01/19), and all associated development excluding hardstanding shall be removed from the site and waste shall stop being imported to the site for the purposes of this approved development on or before a date five years after the date of the commencement of development.

*Reason: To allow consideration of the need for the allocated non-inert landfill capacity at the end of the temporary timeframe, in accordance with Policy W10 of the West Sussex Waste Local Plan 2014.*

### **PRIOR TO COMMENCEMENT**

#### **Construction Management Plan**

4. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
  - the anticipated number, frequency and types of vehicles used during construction,
  - the method of access and routing of vehicles during construction,
  - the parking of vehicles by site operatives and visitors,
  - the loading and unloading of plant, materials and waste,

- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), details of public engagement both prior to and during construction works.

*Reason: In the interests of highway safety and the amenities of the area in accordance with paragraphs 109, 170 and 180 of the NPPF (2019).*

### **Noise Management Plan**

5. Prior to the first operation of the waste facility hereby permitted, a Noise Management Plan shall be submitted to and approved by the County Planning Authority. The Plan shall consider noise from plant, machinery or deliveries resulting from the granting of this permission, and shall specify the provisions to be made for the control of noise. The approved Plan shall thereafter be implemented in full and operated throughout the lifetime of the development.

*Reason: To protect the amenities of local residents, in accordance with paragraph 180 of the NPPF (2019). Required prior to commencement to ensure that the development can be undertaken without significant adverse impacts on local residents.*

### **Air Quality Mitigation Statement & Strategy**

6. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the County Planning Authority setting out an Air Quality Mitigation Statement and Strategy. The approved Strategy shall thereafter be implemented in full, throughout the operation of the approved development.

*Reason: to mitigate the impact of the additional HGVs resulting from the development on the air quality of the area, in accordance with paragraphs 170 and 181 of the NPPF (2019). Required prior to commencement to ensure that local air quality can be protected throughout the course of the development.*

### **Surface Water Drainage Scheme**

7. No development shall take place until a scheme of surface water drainage has been submitted to and approved in writing by the County Planning Authority. The scheme shall include:
- Design for 1:100yr return period,
  - Inclusion of 30% peak run-off and 20% additional volume for climate change,
  - Inclusion of pollution/siltation control measures,
  - Provision for maintenance of the drainage system throughout the operation of the development hereby approved.

Once approved, the surface water drainage scheme shall be implemented in full and maintained throughout the operation of the development.

*Reason: To protect the water environment from increased and/or polluted run-off, in accordance with paragraphs 163 and 170 of the NPPF (2019). Required prior to commencement to ensure the development can be undertaken without increasing off-site flood risk or otherwise harming the water environment.*

## **CONTROL OF CONSTRUCTION**

### **Hours of Construction**

8. Construction (including any demolition and site clearance) of the development hereby permitted, involving the use of plant/machinery/equipment/vehicles and the deliveries of construction materials/plant/machinery/equipment being received by or despatched shall only take place between the hours of:
- 07.30 and 18.00 on Monday to Friday inclusive;
  - 07.30 and 13.00 on Saturdays; and
  - not at any time on Sundays, Bank Holidays or Public Holidays.

*Reason: In the interests of the amenity of the locality and of local residents in accordance with paragraphs 170 and 180 of the NPPF (2019).*

### **Vegetation clearance**

9. Vegetation clearance shall only be undertaken during late autumn/winter in any year, and shall be carried out under the supervision of an Ecological Clerk of Works unless otherwise approved in advance and in writing by the County Planning Authority.

*Reason: To avoid detrimental impact on reptiles and breeding birds in accordance with paragraph 175 of the NPPF (2019).*

## **OPERATIONAL CONTROLS**

### **HGV Numbers**

10. No more than 8 HGVs shall enter and 8 HGVs shall leave the site each weekday (Monday to Friday inclusive), and no more than 4 HGVs shall enter and 4 HGVs shall leave the site on Saturdays.

*Reason: In the interests of minimising noise impacts on local residents resulting from HGVs entering/leaving the site, in accordance with paragraphs 170 and 180 of the NPPF (2019).*

### **Quantities of Waste and Record Keeping**

11. No more than 10,000 tonnes of waste shall be managed at the site in any one year. A record of the annual quantities (in tonnes) of wastes delivered to the site and the number of all goods vehicle movements entering and exiting the site in any one year shall be maintained by the applicant at all times and made available to the County Planning Authority upon request.

*Reason: To enable the County Planning Authority to ensure adequate control of the development so as to protect both local amenity and the local environment in accordance with paragraphs 170 and 180 of the NPPF (2019).*

### **Hours of Use**

12. There shall be no operations associated with the development hereby permitted, including the use of plant and machinery, and vehicles entering/leaving the site, outside the hours of:
- 07.30 and 18.00 on Monday to Friday inclusive; and
  - 07.30 and 13.00 on Saturdays

No operations shall take place on Sundays, Bank Holidays or Public Holidays.

*Reason: In the interests of protecting the amenity of residents as a result of HGVs travelling to/from the site and any noise from on-site operations, in accordance with paragraphs 170 and 180 of the NPPF (2019).*

### **Reversing Alarms**

13. Vehicles coming to and operating at the site that are required to emit reversing warning noise, shall use only white noise/broadband alarms rather than single tone alarms.

*Reason: To protect the amenities of local residents, in accordance with paragraphs 170 and 180 of the NPPF (2019).*

### **Storage of Oil, Fuel or Chemicals**

14. Any facilities for the storage of oil, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is a multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging into the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

*Reason: To ensure that potential contaminants are appropriately contained, to prevent impact on people and the environment , in accordance with paragraph 170 of the NPPF (2019).*

### **Cleaning of Wheels**

15. No vehicle shall enter the highway in such a condition that material adheres to the wheels in a quantity which may introduce a nuisance of hazard to the road network.

*Reason: to ensure the operation of the site is not detrimental to highway safety, and does not adversely affect people or the environment through increased mud and dust, in accordance with paragraphs 109 and 170 of the NPPF (2019).*

### **Enclosed Loads**

16. All vehicles associated with delivery of wastes to the site and the removal of waste/treated waste materials/products from the site shall have their loads enclosed so as to prevent spillage or loss of materials on the public highway and the release of emissions to air.

*Reason: In the interests of road safety and ensuring the development does not increase litter or other emissions which may affect people and the environment, in accordance with paragraphs 109 and 170 of the NPPF (2019).*

## **INFORMATIVES**

### *Positive and Proactive Working*

- A. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the County Planning Authority has approached the determination of this application in a positive way, and has worked proactively with the applicant by:
- 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.

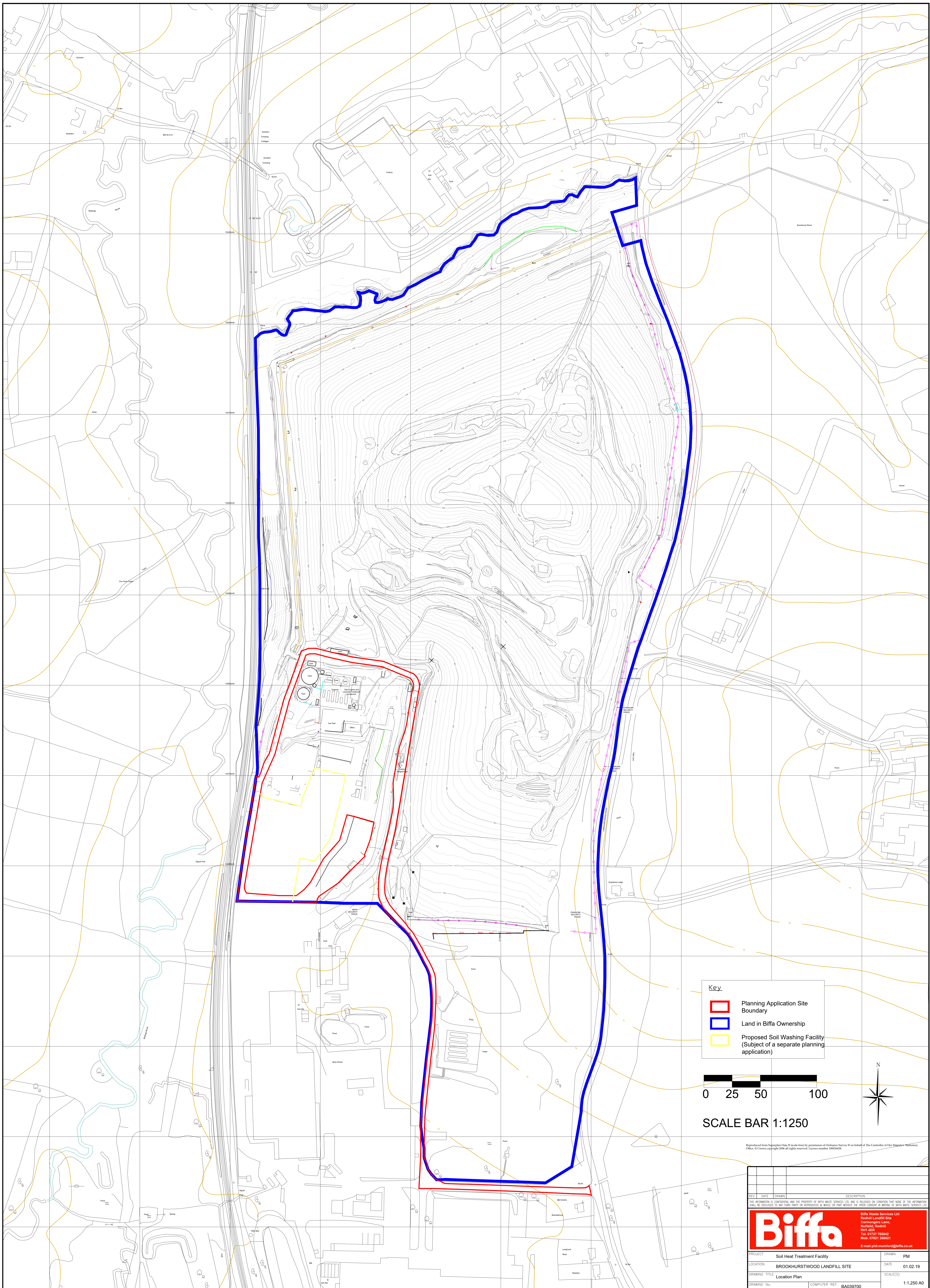
As a result, the County Planning Authority has been able to recommend the grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

### *Breeding Birds*

- B. To avoid any risk of harm to breeding birds and contravention of the Wildlife and Countryside Act 1981, removal of any vegetation or other nesting feature should be undertaken between September and the end of February. If this is not possible, and vegetation or building are due to be removed between March and August, an Ecologist should check for active bird nests no more than seven days before works commence and any active nest found shall be protected as advised by the Ecologist until the chicks have fledged.

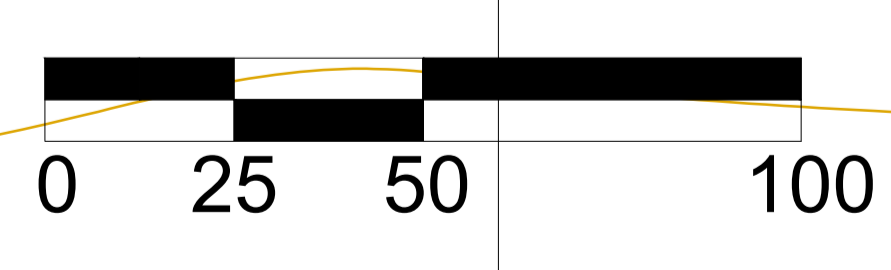
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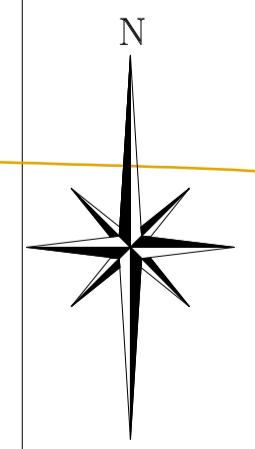


**Key**

- Planning Application Site Boundary
- Land in Biffa Ownership
- Proposed Soil Washing Facility (Subject of a separate planning application)



SCALE BAR 1:1250



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REV	DATE	DRAWN	DESCRIPTION

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PROJECT	Soil Heat Treatment Facility	DRAWN	PM
LOCATION	BROOKHURSTWOOD LANDFILL SITE	DATE	01.02.19
DRAWING TITLE	Location Plan	SCALE(S)	1:1250 A0
DRAWING No.		COMPUTER REF.	BA039700

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Land North of Horsham

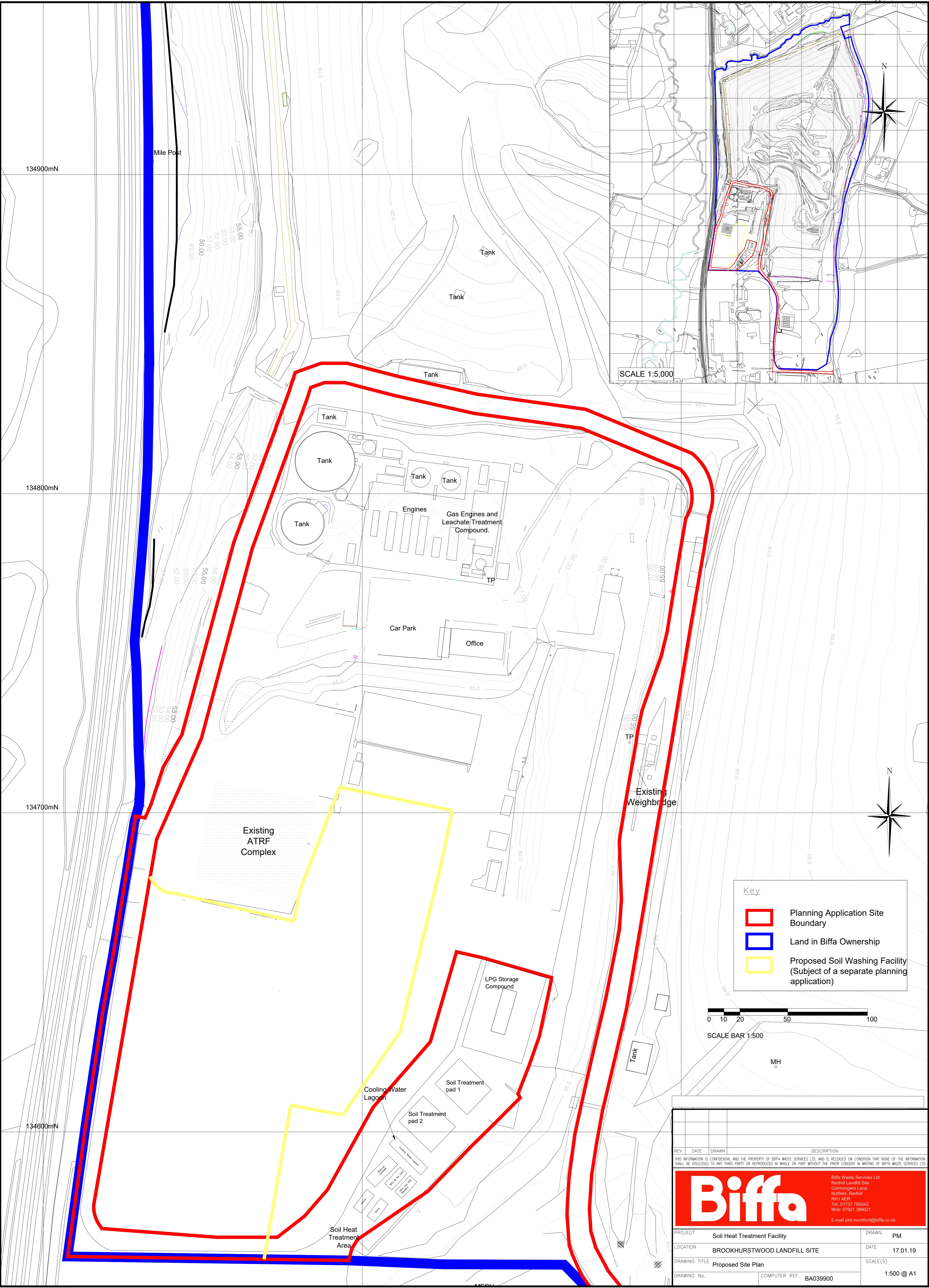


Client Liberty Property Trust UK Ltd.	Project Land North of Horsham, West Sussex	Drawing Illustrative Masterplan
Scale 1:5000 @ A1	Drawn By AWW	Date September 2015
		Drawing No. 2153A - 150Q



Church Barn, Milton Manor Farm, Ashford Road, Canterbury, CT4 7PP  
t: 01227 456699 www.bdb-design.co.uk

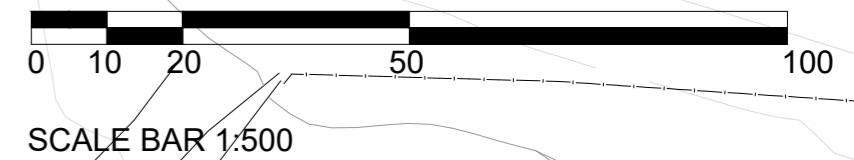
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SCALE 1:5,000

**Key**

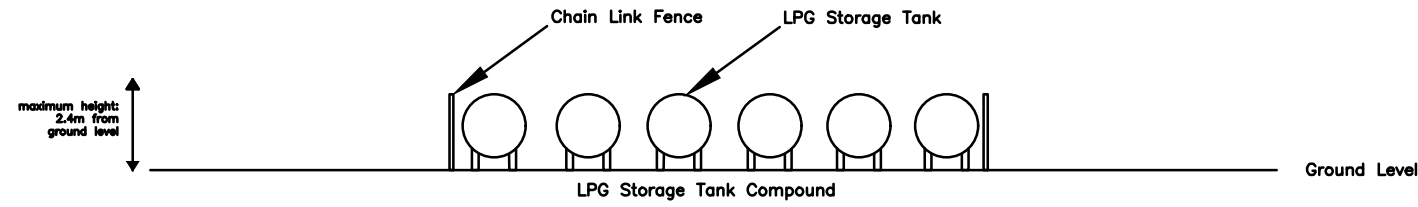
- Planning Application Site Boundary
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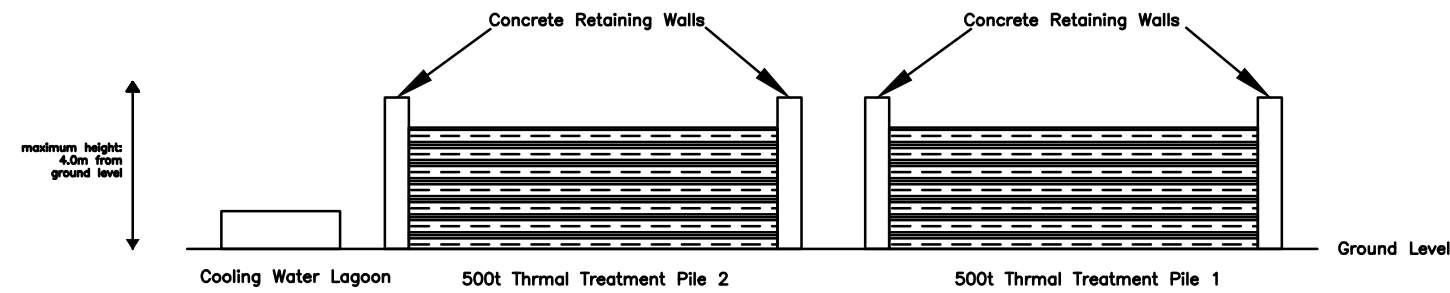
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			<p><small>Biffa Waste Services Ltd Redhill Landfill Site Commoners Lane, Nutfield, Redhill RH11 4ER Tel: 01737 765042 Mob: 07921 386021 E-mail: phil.mumford@biffa.co.uk</small></p>
PROJECT	Soil Heat Treatment Facility		DRAWN PM
LOCATION	BROOKHURSTWOOD LANDFILL SITE		DATE 17.01.19
DRAWING TITLE	Proposed Site Plan		SCALE(S)
DRAWING No.	COMPUTER REF.	BA039900	1:500 @ A1

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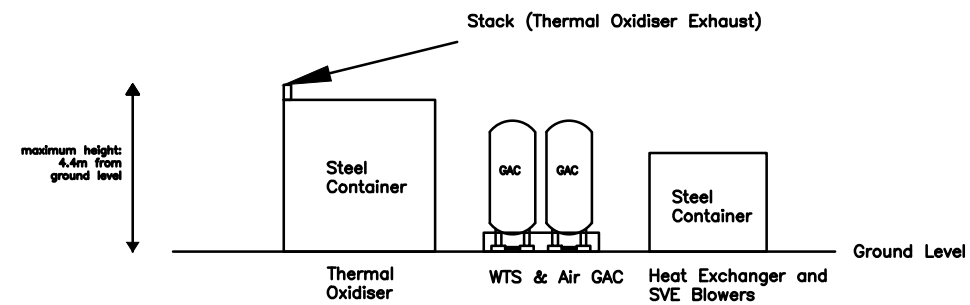
### East Elevation



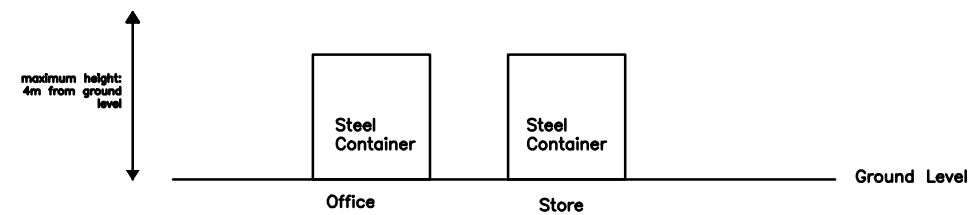
### South East Elevation



### South West Elevation



### South West Elevation



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REV.	DATE	DRAWN	DESCRIPTION

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PROJECT	Soil Heat Treatment Facility		
LOCATION	BROOKHURSTWOOD LANDFILL SITE		
DRAWING TITLE	Proposed Soil Heat Treatment Facility Elevations		
DRAWING No.		COMPUTER REF.	BA039600
DRAWN	PM	DATE	17.01.19
		SCALE(S)	1:200 @A3

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**Planning Committee****7 January 2020****Waste Planning Application accompanied by an Environmental Statement  
(County Matter)****Installation and Operation of a Soil Washing Facility****Brookhurst Wood, Langhurstwood Road, Horsham, West Sussex, RH12 4QD****Application No: WSCC/051/19****Report by Head of Planning Services****Local Member: Peter Catchpole****District: Horsham****Executive Summary**

This report relates to an application for a soil washing facility adjacent to the landfill at Brookhurst Wood in Horsham. The facility would process up to 100,000 tonnes of construction/demolition/excavation waste per year, comprising up to 29,999 tonnes of hazardous waste, and 70,001 tonnes of non-hazardous waste. It would operate alongside a soil heat treatment facility being considered under a separate application (ref. WSCC/050/19).

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.

There have been no objections from statutory consultees, though WSCC Drainage has sought further clarification, and North Horsham Parish Council has raised concerns about the impact of additional HGV movements.

Horsham District Council has raised concerns over traffic impact, but does not object, subject to the imposition of conditions to control emissions to air, and noise.

Objections were received from 27 residents, as well as the Langhurstwood Road Residents' Group. The main issues raised in objection were the increase in traffic and resulting impact on highway capacity, road safety, and air quality; impact of emissions on air quality; impacts on human health and the environment; proximity to existing and proposed residential development; sustainability of providing regional facility; industrialisation of area; inadequate public consultation; and cumulative impact alongside other development.

**Consideration of Key Issues**

The main material planning considerations are whether the proposal:

- is needed to manage waste arising in the County;
- accords with the Waste Local Plan, Policy W10 (site allocation as a non-inert landfill extension);
- is acceptable with regard to impacts on highway capacity and road safety;

- is acceptable with regard to impacts on residential amenity; and
- is acceptable with regard to impacts on the environment.

### ***Need for the Facility***

Monitoring data confirms that there is an identified need for additional capacity to recycle the construction/demolition waste arising in West Sussex, which this facility would provide. Although the data is less clear in relation to hazardous waste, including contaminated soils, it confirms that the County is currently a net exporter, which suggests that additional capacity in West Sussex is required. Therefore, it is considered that there is a demonstrated need for the additional inert waste recycling capacity, and the new hazardous waste recycling capacity the facility would provide. Furthermore, it would help to move the management of waste up the hierarchy, away from landfill.

### ***Accordance with Waste Local Plan Policy W10***

The application seeks to bring forward a soil washing facility on a site allocated in Waste Local Plan (WLP) Policy W10 for non-inert landfill. Therefore, the use does not accord with the site allocation. However, there is no current need for additional non-inert landfill capacity and there is an identified need for additional construction/demolition waste recycling capacity. It is considered that, in principle, the proposed use is acceptable for a temporary period of five years, after which the need for non-inert landfill capacity can be reviewed. The proposal would otherwise accord with the development principles set out in Policy W10 of the WLP as it would protect species and habitats, archaeological features are not detrimentally affected, the water environment would be protected, and conditions would ensure that the impact on residential amenity, including cumulatively with other development, is acceptable. The development would not prejudice the delivery of a strategic waste use on allocated land to the south. Overall, therefore, it is considered that the proposal is acceptable in relation to the development principles that apply to the application site's allocation under WLP Policy W10.

### ***Impact on Highway Capacity and Road Safety***

To establish a worst case scenario, the applicant has undertaken an assessment of the impact on the highway network of the proposal, combined with the adjacent soil heat treatment proposal (WSCC/050/19), a total of 75 additional HGV movements/day (38 HGVs travelling to/from the site). This has confirmed that there would be no unacceptable impact on highway safety, or residual cumulative impacts on highway capacity, including in terms of cumulative impact with the wider Brookhurst Wood site and North Horsham development. Therefore, the development is acceptable with regard to impacts on highway capacity and road safety.

### ***Impact on Residential Amenity***

The development has the potential to result in increased impacts on residential amenity through increased noise and emissions to air from both the site operations and HGVs travelling to/from the site. There is also the potential for cumulative impacts alongside existing uses, and the proposed soil heat treatment facility on the adjacent site, and the potential impact on future residents of the North Horsham development must also be considered. An Air Quality Impact Assessment has been submitted, confirming that the facility, along with the proposed soil heat treatment facility, would result in negligible impacts on air quality, particularly taking into account the processes in place to treat outputs and monitor emissions. A Noise

Impact Assessment has been submitted, confirming that the facilities would not increase noise for the nearest residential properties, and the number of HGVs travelling to/from the site would not be detrimental to residential amenity.

### ***Impacts on the Environment***

The development has the potential to result in impacts on the environment in relation to emissions to air, noise emissions, landscape and visual impact, impact on the water environment, and impact on ecology. Given the measures in place to ensure there is no impact on residential amenity resulting from noise or air emissions, it is concluded the impact on the environment in this regard would also be acceptable. There would be no increase in impermeable surfacing so no increase in flood risk, and water quality would be protected through requiring a detailed drainage scheme by condition. There would be no impact on habitat or species as a result of the development. It is therefore concluded that the proposal's impact on the environment would be acceptable.

### **Conclusion**

Planning permission is sought for a soil washing facility adjacent to the non-inert landfill site at Brookhurst Wood in Horsham. The facility would process up to 100,000 tonnes of construction/demolition/excavation waste per year, comprising up to 29,999 tonnes of hazardous waste, and 70,001 tonnes of non-hazardous waste.

The proposal would provide a facility to move the management of waste away from landfill, making use of construction/demolition waste, including contaminated soils, that would otherwise be disposed of. The proposed development would take place on a site allocated in the West Sussex Waste Local Plan (WLP) for non-inert landfill. Therefore, the development does not accord with the allocated use. However, it is considered that given the lack of immediate demand, the use would be acceptable for a temporary period of time, after which consideration could be given as to whether the land is required for landfill.

The impact on the highway is considered to be acceptable and without detriment to highway capacity or road safety. Emissions from the site would be controlled to ensure there would be no loss of air quality, and noise from the site would be below existing levels. It is not, therefore, considered there would be a detrimental impact on residential amenity. The development would be relatively small in scale so would not affect the surrounding landscape, or visual amenity. There would be no impact on habitat and species as a result of the development, and the water environment would be protected.

Overall, therefore, the development is considered to be acceptable in terms of its impacts on people and the environment, and on balance, to accord with development plan policies.

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**

That planning permission be granted subject to the conditions and informatives set out in **Appendix 1** of this report.

### **1. Introduction**

- 1.1 This report relates to an application for a soil washing facility adjacent to the landfill at Brookhurst Wood in Horsham. The facility would process up to 100,000 tonnes of construction/demolition/excavation waste per year, comprising up to 29,999 tonnes of hazardous waste, and 70,001 tonnes of non-hazardous waste.
- 1.2 It would operate alongside, and share an access road with, a soil heat treatment facility being considered under a separate application (ref. WSCC/050/19).

### **2. Site and Description**

- 2.1 The application site comprises an area located at the southern end of the Brookhurst Wood landfill site, bounded by the railway corridor to the west, the former Wealden Brickworks to the south (subject of an appeal against refusal for an energy-from-waste plant (ref. WSCC/015/18/NH), the aggregate treatment and recycling facility to the north, and the proposed soil heat treatment facility to the east (see **Appendix 2 – Site Location Plan**). The site extends to some 1.8 hectares in area, but this includes a long access road extending in a loop to the north, east, then south, making use of the existing access road and weighbridge also used by vehicles accessing the landfill gas/leachate plant, and an aggregate treatment and recycling facility. The road links to the landfill access road, which adjoins Langhurstwood Road some 750m north of the A264.
- 2.2 The site is in the parish of North Horsham, in Horsham District.
- 2.3 The site is within an area allocated in the West Sussex Waste Local Plan (2014), for an extension to the Brookhurst Wood non-inert landfill site. The landfill site is no longer receiving non-inert waste and is currently being restored.
- 2.4 The site contained kilns and other buildings which were previously used as part of the wider Wealden Brickworks. Following prior notification approval (ref. WSCC/018/18/NH/PNO), these buildings have now been removed and the site cleared.
- 2.5 To the east of the site is a site the subject of a separate application for soil heat treatment (ref. WSCC/050/19).
- 2.6 The application site is located outside of the defined built-up area of Horsham which is 900m south-east of the site, beyond the A264. The village of Warnham lies approximately 1.3km to the south-west. The Horsham to Dorking railway line abuts the western boundary of the site.
- 2.7 To the west, south, and east of the wider Brookhurst Wood site are small groups of dwellings and open countryside. To the north, beyond the landfill site, are large industrial and commercial developments including Fisher

Scientific Services and Broadlands Business Park. To the north-east is the active Warnham Clay Pit. A cluster of commercial/industrial companies is located around Warnham Railway Station, some 350m south-west of the site.

- 2.8 The closest residential properties to the main site are at Graylands Lodge, some 250m to the east on Langhurstwood Road; adjacent to the Brookhurst Wood site entrance on Langhurstwood Road, some 450m to the south-east; and along Station Road, approximately 600m to the south.
- 2.9 In addition to existing properties, a large development to the east of Langhurstwood Road was granted outline planning permission by Horsham District Council (HDC) on 1 March 2018 for "*a mixed use strategic development to include housing (up to 2,750 dwellings), business park (up to 46,450 m<sup>2</sup>), retail, community centre, leisure facilities, education facilities, public open space, landscaping and related infrastructure*" (HDC ref. DC/16/1677 - see **Appendix 3 - Approved North Horsham Allocation Illustrative Masterplan**).
- 2.10 If the development comes forward in accordance with the approved masterplan, the closest residential properties would be 630m south-east of the application site, with open space 425m and a school 850m to the south-east. The junction of Langhurstwood Road with the A264 will be closed and replaced with a new roundabout on the A264 and new access road serving the wider Brookhurst Wood site and other industrial and commercial developments.
- 2.11 There are several historic features in the vicinity of the site, including Graylands Moat Scheduled Monument (480m south-east of the main site) and Warnham Conservation Area (1.3km south-west). There are listed buildings at Westons Place and the Granary some 750m south-west of the site, and at Holbrook Park 1.25km to the south-east.
- 2.12 On the eastern side of Langhurstwood Road, some 260m east of the main site, is a strip of Ancient Woodland, with another east of Graylands, some 730m east of the main site. The access to Graylands extending east from Langhurstwood Road is shared with a public right of way (footpath 1573), linking with a north-south route (footpath 1421) extending along a ridgeline parallel to Langhurstwood Road.
- 2.13 The application site is 3.3km north-west of the High Weald Area of Outstanding Natural Beauty (AONB); 6.4km south-east of the Surrey Hills AONB; and 15km north-east of the South Downs National Park.

### 3. **Relevant Planning History**

- 3.1 Prior approval was given for the demolition of seven former brickworks buildings on the site (ref. WSCC/018/18/NH/PNO).
- 3.2 Otherwise the application site has no planning history, but as part of the wider Brookhurst Wood site, it has been in use for brick making since 1914. The surrounding land has extensive planning history for a range of waste development, of which the key relevant decisions are as follows:

Former Wealden Brickworks (to south)

- WSCC/015/18/NH: Recycling, Recovery and Renewable Energy Facility and Ancillary Infrastructure (refused 11 July 2018; refusal appealed, decision pending);
- WSCC/021/15/NH: Amendment of conditions 22 and 29 of planning permission WSCC/018/14/NH to increase site throughput from 200,000 tonnes per annum to 230,000 tonnes per annum, and increase associated HGV movements (granted 03 June 2015);
- WSCC/018/14/NH: Proposed Waste Transfer Facility to handle inert and non-inert waste with associated open air inert waste recycling operations, landscape improvements and vehicle parking (granted 01 July 2014);

Aggregate Facility (to west)

- WSCC/003/14/NH: Installation and operation of aggregate treatment and recycling facility (granted 17 April 2014);

MBT (to south-east)

- WSCC/055/09/NH: Construction and operation of a mechanical and biological treatment facility, including offices and visitor centre and ancillary plant and infrastructure (granted 1 April 2010);

MBT / Landfill

- DC/2919/06(NH): Construction and operation of a materials recycling facility, including offices and visitor centre, an anaerobic digestion plant, and extension to an existing landfill site, and ancillary infrastructure (granted 14 January 2009).

#### **4. The Proposal**

- 4.1 Planning permission is sought to develop land within the Brookhurst Wood estate as a soil washing facility. It would operate alongside, and share an access road with, a soil heat treatment facility being considered under a separate application (ref. WSCC/050/19)(see **Appendix 5: Proposed Site Plan**; and **Appendix 6: Elevations**). Although both facilities would operate independently of each other, the applicant has assessed the impact on people and the environment of both developments coming forward
- 4.2 The soil washing facility would treat up to 100,000 tonnes of waste each year, comprising up to 29,999 tonnes of hazardous, and 70,001 tonnes of non-hazardous material. The two waste streams would be processed separately. The waste would primarily be material from construction / demolition / excavation sites, with the hazardous stream contaminated with metals and hydrocarbons.
- 4.3 Material would be separated into batches and loaded into a hopper, from which it would fall onto a conveyor along which ferrous metals would be removed using a suspended magnet. The material would then be screened into sizes, separating gravel, sands and fines. The separated gravel would move to a 'log washer' to remove clays and other material such as wood, paper, plastics and fibre which would be separated into a storage bay. The clean 'oversized' (aggregate) product would travel by conveyor to a stockpile, while the washwater and fine material would enter a series of cyclones where particles

would be separated by size using centrifugal force. Coarser sand would be discharged by conveyor into a stockpile, while the finest material would be processed further to remove organic material.

- 4.4 Water used in the process would be collected and cleaned before being recirculated back into the system for use.
- 4.5 The development would include seven material bays for stockpiling of outputs from the process. It is expected that around 60% of the outputs would be sand and aggregate which could be used in place of 'virgin' material; 20% would be 'fines' for use in landfill restoration; 10% contaminated fines which would be taken for further treatment; 5% organic material for use in landfill restoration/further treatment; and 5% metals which would be recycled.
- 4.6 The proposal is expected to result in approximately 60 HGV movements (30 HGVs travelling to/from the site each day). Vehicles would access the site using an existing haul roads and weighbridge used by the aggregates treatment and recycling facility.
- 4.7 The hours of operation sought are 0730 to 1800 Monday to Friday; and 0730 to 1300 on Saturdays, with no operations on Sundays or public/bank holidays.

## 5. **Environmental Impact Assessment (EIA)**

- 5.1 The proposal is considered to fall within Part 9 of Schedule 1 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as it involves *'Waste disposal installations for the incineration, chemical treatment... or landfill of hazardous waste'*. Soil contaminated with hydrocarbons is considered to fall within the definition of hazardous waste, and the process is considered to involve incineration/chemical treatment, as defined in the EIA Regulations. For this reason, the proposal is, therefore, considered capable of having a significant environmental effect on the environment and so was required to be supported by an EIA.
- 5.2 On 1 April 2019, the County Council issued a Screening Opinion confirming the information to be considered in the EIA for the previous application.

## 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 2 of the National Planning Policy Framework ('the NPPF')). For the purposes of the application, the following approved or adopted planning policy documents form the statutory development plan: the Horsham District Planning Framework (2015)('HDPF') and the West Sussex Waste Local Plan (2014)('WLP').
- 6.2 The key policies in the development plan that are material to the determination of the application are summarised below, and their conformity or otherwise with the NPPF considered. 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.

**Horsham District Planning Framework (2015)(the HDPF).**

- 6.3 The HDPF was adopted in November 2015 and forms part of the 'development plan'. The application site is identified on the proposals map as being within the 'Brookhurst Wood Site (allocated in 2014 Waste Local Plan)', as well as under Policy AL14 of the HDPF (see below).
- 6.4 The relevant policies are: 1 (Sustainable Development), 3 (Development Hierarchy), 7 (Economic Growth), 9 (Employment Development), 24 (Environmental Protection), 25 (Natural Environment and Landscape Character), 26 (Countryside Protection), 32 (Quality of New Development), 33 (Development Principles), and 39 (Infrastructure Provision). There are also a suite of policies relating to the strategic allocation of land North Horsham (east of Langhurstwood Road and north of the A264) to bring forward 2500 homes and associated facilities, namely Policy SD1 (Land North Horsham), SD2 (Employment and Business Opportunities), SD3 (Local Centre), SD5 (Open Space, Sport and Recreation), SD6 (Landscape Buffer, Landscape Character, Biodiversity and Green Infrastructure), SD7 (Design) and SD9 (Transport Infrastructure).

**Horsham District Local Development Framework: Site Specific Allocations of Land (2007)**

- 6.5 The site is allocated under Policy AL14 of the Site Specific Allocations of Land (2007) for a 'comprehensive redevelopment mixed use scheme' to include the retention of brick making and power generation from the landfill along with a new waste management facility, and various employment uses. Supporting text notes that around 14 hectares of land at the site are underused or vacant, so it was considered appropriate to 'examine the future use of this site' (paragraph 3.45).

**West Sussex Waste Local Plan (April 2014)**

- 6.6 The WLP was adopted by the County Council on 11 April 2014 and forms part of the 'development plan'. The WLP 2014 was subject to a five year review in 2019, as required by national policy, to consider whether it remains relevant and effective. The plan is still considered to be consistent with national policy, relevant and effective, and working to achieve the vision and strategic objectives of the Plan.
- 6.7 Policy W10 allocates strategic sites, including an 'extension to Brookhurst Wood Landfill Site' to meet an identified shortfall in non-inert landfill capacity. The area identified includes the application site.
- "(c) The development of a site ... must take place in accordance with the policies of this Plan and satisfactorily address the 'development principles' for that site identified in the supporting text to this policy";*
- "(d) The sites allocated...will be safeguarded from any development either on or adjoining the sites that would prevent or prejudice their development (in whole or part) for the allocated waste management use or uses."*



- 6.8 The supporting text to Policy W10 sets out the development principles for each allocated site including:

*Non-Inert Landfill*

*7.3.18 Extension to Brookhurst Wood Landfill Site (Inset Map 4): In keeping with the aspiration of 'zero waste to landfill', the Plan only allocates an extension (approximately 3.5 hectares) to the existing non-inert landfill site at Brookhurst Wood, near Horsham. The extension site is currently used (in part) for site offices and gas plant and is allocated in Policy AL14 of the Horsham Local Development Framework for mixed-use development including waste management. Permitted capacity at the site (approximately 1.02mt at June 2012) is due to be used up by the end of 2015. Therefore, the allocation of an extension to the site of approximately 1,000,000m<sup>3</sup> (and which could accommodate approximately 0.86mt, subject to the actual compaction densities achieved) provides for a period of transition in the medium-term during which new recycling and treatment facilities can come forward on the sites allocated under Policy W10(a) and on other suitable sites.*

*7.3.19 The development principles for the Extension to Brookhurst Wood Landfill Site are as follows:*

- assessment of protected species and possible mitigation required;*
- industrial archaeological impact assessment and possible mitigation required;*
- assessment of impacts on the water environment and possible mitigation required;*
- assessment of impact (e.g. traffic, noise, odour) on the amenity of nearby dwellings and businesses and possible mitigation required;*
- the cumulative impacts of traffic, noise, and odour within the wider area to satisfactorily addressed;*
- development to comply with Aerodrome Safeguarding requirements to ensure that the operational integrity and safety of the airport are not compromised. This may result in restrictions on height, on the detailed design of buildings or on development which might create a bird hazard. A bird hazard management plan may be required;*
- assessment of impact of any additional HGV movements on highway capacity and road safety, including at the Langhurstwood Road/A264 junction and on the A264, A24, A23/M23, and possible mitigation required;*
- phased restoration to an appropriate after-use, such as meadowland and woodland; and*
- development must not prejudice the delivery of the site to the south allocated in Policy W10(a)."*

- 6.9 The following policies are also relevant in determining the application: Need for Waste Management Facilities (Policy W1); Hazardous and low Level Radioactive Waste (Policy W7); Character (Policy W11); High Quality Developments (Policy W12); Biodiversity and Geodiversity (Policy W14), Historic Environment (Policy W15), Air, Soil and Water (Policy W16), Flooding (Policy W17), Transport (Policy W18), Public Health and Amenity (Policy W19), Cumulative Impact (Policy W21) and Aviation (Policy W22).

***National Planning Policy Framework (2019)***

- 6.9 The NPPF sets out the Government's planning policies for England and outlines how these are expected to be applied. The Framework is a material consideration in determining planning applications. The relevant paragraphs in the NPPF are:

11 (approving development that accords with the development plan without delay), 38 (approaching decisions on development in a positive and creative way, approving sustainable development where possible), 47 (decisions on applications made as soon as possible), 54 (use of conditions/obligations to make otherwise unacceptable development acceptable), 55 (use of conditions, including the '6 tests'), 80 (significant weight placed on need to support economic growth and productivity), 83 - 84 (supporting a prosperous rural economy), 102 - 103 (impacts of development on transport networks), 108 (ensuring sustainable transport modes, safe/suitable access, and mitigation of congestion/highway safety impacts), 109 (development only refused on highway grounds if impact on highway safety unacceptable, or residual cumulative impacts on road network would be severe), 111 (development generating significant movements should be required to provide a travel plan and supported by a transport statement/assessment), 117/118 (making effective use of land), 127 (development achieving well-designed places), 130 (development of poor design should be refused), 131 (great weight given to outstanding/innovative design), 148 (planning system should support the transition to a low carbon future), 150 (development should avoid vulnerability to climate change and reduce greenhouse gas emissions), 170 (development should contribute to and enhance the natural and local environment), 175 (impacts on biodiversity), 178 (ground stability/contamination), 180 (effects on health, living conditions and the natural environment), 182 (reverse sensitivity), 183 (planning decisions should focus on land use, and not control of processes or emissions where subject to separate regimes which should be assumed to operate effectively), 189 - 199 (impact on heritage assets).

***Planning Practice Guidance (PPG)***

- 6.11 The PPGs set out the Government's planning guidance to be read in conjunction with the NPPF. They do not form part of the development plan but are a material consideration in determining planning applications.

*PPG: Waste (October 2015)*

- 6.12 Paragraph 5 notes that local planning authorities can ensure that human health and the environment are protected through the appropriate handling of waste, in considering individual planning applications against the criteria in Appendix B of the National Planning Policy for Waste (2014),

- 6.13 Paragraph 6 notes the obligation to consider the principles of self-sufficiency and proximity in relation to waste management. Paragraph 9 notes that driving waste up the waste hierarchy, away from disposal such as landfill, is an integral part of national policy for waste and a material consideration in decisions on waste applications.
- 6.14 Paragraphs 50 and 51 note that the planning system often needs to work with other regulatory regimes. With waste planning matters, waste planning authorities usually work with the Environment Agency and the Environmental Permitting regime, which they implement and regulate.

*PPG: Natural Environment (updated July 2019)*

- 6.15 Paragraph 1 notes that planning should recognise the intrinsic character and beauty of the countryside, while paragraph 4 notes that planning decisions should be based on up-to-date information about the natural environment and characteristics of the area. Paragraph 7 notes the statutory duty to have regard to the purpose of conserving biodiversity, while paragraph 17 seeks to include biodiversity enhancement in and around development, including improved links between existing sites.

***National Planning Policy for Waste (2014)***

- 6.16 This national policy guidance document 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.
- 6.17 At paragraph 7 it notes "*When determining waste planning application, waste planning authorities should ... consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed health assessment of epidemiological and other health studies*".
- 6.18 At paragraph 7 it also notes "*When determining waste planning application, waste planning authorities should ... ensure that waste management facilities are well-designed, so they contribute positively to the character and quality of the area in which they are located*".
- 6.19 Appendix B sets out key criteria for testing the suitability of waste management sites, in particular; protection of water resources, 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 use 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 (regulation 18), the County Council 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 **Environment Agency:** No objection. Note that the development may require an Environmental Permit.
- 7.2 **Horsham District Council Planning:** Acknowledges the site is allocated for the proposed use, but have reservations over the impact in terms of air quality and traffic impact, particularly on the North Horsham development. Do not consider these are sufficient to formally object but consider it essential the issues are addressed by condition or through Environmental Permitting.
- 7.3 **Horsham District Council Environmental Health Officer - Air Quality:** No formal objection but raise queries in relation to the soil pile being covered at the top but not the sides [which is not the case], and seek an emissions mitigation plan in relation to the additional traffic resulting.
- 7.4 **Horsham District Council Environmental Health Officer - Noise:** No objection subject to condition requiring a Noise Management Plan and operational compliance noise monitoring.
- 7.5 **WSCC Highways:** No objection subject to conditions seeking construction management plan, and creation and retention of parking.
- 7.6 **WSCC Archaeology:** no objection; archaeological assessment/mitigation not required.
- 7.7 **WSCC Ecology:** no objection subject to informative noting need to avoid risk of harm to nesting birds.
- 7.8 **WSCC Flooding:** Consider insufficient information has been provided to accord with WSCC Lead Local Flood Authority Policy, particularly in relation to the increase in impermeable surfacing on the site, and in relation to run-off rates on the redevelopment of brownfield land.
- 7.9 **North Horsham Parish Council:** No objection to use, but raise concerns over increase in HGV movements and impacts on Langhurstwood Road and wider road network.
- 7.10 **Warnham Parish Council:** No objection.
- 7.11 **Network Rail:** No comments.
- 7.2 **Natural England:** No objection; generic environmental impact and opportunity advice provided.
- 7.3 **WSCC Councillor Peter Catchpole:** Objection due to increase in HGV traffic, particularly as remaining 'headroom' to use HGV movements within MBT permission; understands source of waste will be southern part of the UK, not

West Sussex alone, with increased pollution, and hazardous content posing risk to health and safety.

## 8. **Representations**

8.1 The application was publicised in accordance with The Town and Country Planning (General Development Procedure) Order (England) 2015). This involved the erection of site notices located around the application site, an advertisement in the local newspaper, and neighbour notification letters being sent out. A further round of consultation was also undertaken in response to additional information being provided.

8.2 In response, objections were received from 27 people, as well as the Langhurstwood Road Residents' Group. The main concerns raised related to:

- Increased traffic – resulting congestion and road safety hazard, need for road improvements, should use rail;
- Query why need for more HGV movements, given MBT facility is not operating at capacity;
- Need to see the 'big picture' in relation to impact of developments, rather than each application in isolation;
- Increased noise pollution;
- Increased air pollution;
- Impact on water and water supply;
- Health concerns;
- Proximity to existing and proposed residential development, including schools and residential care home;
- Ongoing impact after years of landfill;
- Industrialising rural nature of Horsham town;
- Management of waste from all over southern England, not just West Sussex – concerns over sustainability;
- Potential for emissions and spillage from transportation of hazardous material on roads;
- Unclear what inputs would be - whether include incinerator bottom ash;
- Perception and fear of increased risk to environment;
- Inadequate public consultation/engagement;
- Cumulative impact with existing waste plants.

## 9. **Consideration of Key Issues**

9.1 The main material planning considerations are whether the proposal:

- is needed to manage waste arising in the County;
- accords with the Waste Local Plan, Policy W10 (site allocation as an inert landfill extension);
- is acceptable with regard to impacts on highway capacity and road safety;
- is acceptable with regard to impacts on residential amenity; and

- is acceptable with regard to impacts on the environment.

**Need for the Facility**

- 9.2 The application seeks to process up to 100,000 tonnes of inert construction and demolition waste, including up to 29,999 tonnes of hazardous material, to divert it from landfill. It is necessary, in accordance with the WLP, to consider whether there is a need for a facility to manage these waste streams.
- 9.3 Policy W1(c) of the WLP states that *"proposals on unallocated sites for the recycling of inert waste will be permitted where it can be demonstrated that there is a market need, consistent with the principle of net self-sufficiency"*. The site is allocated, but for non-inert landfill, so it is necessary to demonstrate a market need.
- 9.4 The West Sussex Annual Monitoring Report for the WLP notes that there were 1.295 million tonnes of inert construction/demolition waste produced in the County in 2017/18, an increase over the previous year (paragraph 5.4.5). It also notes that West Sussex was a net exporter of construction/demolition waste (paragraph 5.4.6), and that there was a decrease in construction/demolition waste recycling facilities in the County, leading to an under-provision (Table 10). Therefore, there is an identified need for additional inert construction/demolition waste capacity in the County, which this facility would help to meet, in accordance with Policy W1 of the WLP.
- 9.5 In relation to the provision of capacity for the management of hazardous waste, Policy W7 of the WLP supports proposals for the management of hazardous waste *"providing it can be demonstrated that they make a substantial contribution to meeting the needs of West Sussex for the treatment of the relevant waste stream(s)"*. Supporting paragraph 6.8.4 notes that *"Due to the specific requirements for the management of hazardous wastes, the relatively small amounts generated, and the costs of establishing specialist facilities (which are likely to serve a national or regional need), there are currently no major facilities in West Sussex"*.
- 9.6 The Annual Monitoring Report for the WLP does not include separate figures relating to hazardous waste arisings or management because these are included within the commercial/industrial or construction/demolition waste streams. Further, as noted in the WLP, hazardous wastes often require small, specialist facilities, so the aggregated data may not be relevant to the type of facility proposed.
- 9.7 Nonetheless, officers have interrogated the limited data held by the Environment Agency and confirmed the following, albeit it is noted that is unlikely to represent the full picture:

**Hazardous Waste Management in West Sussex (tonnes)**

<b>Year</b>	<b>Arisings</b>	<b>Exports</b>	<b>Imports</b>
2016	39,610	21,407	11,293
2017	42,718	21,917	11,979

- 9.8 Therefore, this confirms that there is a general need for additional hazardous waste management capacity in the County.

- 9.9 Given the scale of construction/demolition waste arisings in West Sussex (1.295 million tonnes in 2017/18), it is likely that a proportion of this is contaminated soil that could be recycled if facilities were available (which they are currently not in West Sussex). Further, officers have no information to suggest that the facility would not make a 'substantial contribution' to meeting the needs for the treatment of contaminated soils in the County, and that the operator is best placed to understand the market – and unlikely to bring forward a facility if the market dictated otherwise.
- 9.10 On the basis of the above, it is considered that there is a demonstrated need for the additional inert waste recycling capacity, and the new hazardous waste recycling capacity the facility would provide. Therefore, it would help to move the management of waste up the hierarchy, away from landfill.
- 9.11 *Monitoring data confirms that there is an identified need for additional capacity to recycle the construction/demolition waste arising in West Sussex, which this facility would provide. Although the data is less clear in relation to hazardous waste, including contaminated soils, it confirms that the County is currently a net exporter, which suggests that additional capacity in West Sussex is required. Therefore, it is considered that there is a demonstrated need for the additional inert waste recycling capacity, and the new hazardous waste recycling capacity the facility would provide. Furthermore, it would help to move the management of waste up the hierarchy, away from landfill.*

**Policy W10 of the West Sussex Waste Local Plan (April 2014)**

- 9.12 Although the application site is generally well-located for a waste management facility, it falls within the site allocated in Policy W10(b) of the WLP to meet an identified shortfall in non-inert landfill capacity. The allocated site extends to some 3.5 hectares, encompassing the application site along with land to the north and west, including the landfill's site offices and gas/leachate plant. The application site's access road effectively loops around the perimeter of the site allocation.
- 9.13 Policy W1 of the WLP notes that there is the need for 0.605 million tonnes of non-inert landfill capacity over the Plan period to 2031, to be delivered through the allocation of the non-inert landfill extension at Brookhurst Wood under Policy W10. Paragraph 7.3.18 of the WLP notes that the site is allocated to provide up to 1,000,000m<sup>3</sup> (0.86 million tonnes) of non-inert landfill capacity for the transitional period to zero waste to landfill.
- 9.14 The existing landfill stopped taking waste in 2018 and is now being restored, and the Lidsey Landfill site near Bognor Regis ceased operations in 2015. Therefore, there are no operational non-inert landfill sites in the County. Any non-inert waste requiring disposal to landfill is, because of a commercial decision by the operator, being taken out of the County to Redhill in Surrey, where the landfill site is expected to cease operation in 2028.
- 9.15 The applicant has confirmed that it is not currently economically viable to use the site allocation for landfill due to engineering/accommodation costs when compared to the size of the void, and the fact that mineral extraction would be required. They note that should the economic situation change and there be a

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need to use the allocated site for non-inert waste disposal, the proposed soil heat treatment facility could be removed because it is of a modular design.

- 9.16 Although there is no need at this time for non-inert landfill capacity, there may be a need in the longer-term (that is, towards the end of the WLP period) and, therefore, it is not considered appropriate to permit development that would prevent the allocated site coming forward in perpetuity. However, it is considered beneficial to enable the site to be used for a development that would facilitate the movement of waste 'up the hierarchy', away from disposal. On this basis, it is considered that, for a short period of time, the use of the site for soil heat treatment, rather than non-inert landfill, is considered acceptable.
- 9.17 Accordingly, it is proposed that a condition is imposed allowing a temporary, five year permission from first operation, after which the need for non-inert landfill can be reviewed. It is considered this is necessary to ensure that the need for non-inert landfill capacity in the County is considered in the public interest, even if it is not necessarily wanted at this time by the operator for economic reasons. PPG: Use of Conditions states that temporary permissions may be appropriate "*where it is expected that the planning circumstances will change in a particular way at the end of that period.*" (paragraph 014). This is considered to be the case with this proposal, where the need for non-inert landfill capacity can be assessed after a period of time.
- 9.18 On balance, therefore, it is not considered appropriate to require the site to be retained for non-inert landfill when there is no demand for it, at least over the short-medium term that a temporary permission would encompass. Further, it is considered beneficial to enable the site to be used for a development which would facilitate the movement of waste 'up the hierarchy', away from disposal. On this basis, it is considered that for a short period of time, the use of the site for soil washing, rather than non-inert landfill, is considered acceptable.
- 9.19 Policy W10 requires that development on allocated sites must satisfactorily address the 'development principles' for that site identified in the supporting text. Although the proposed use is not for non-inert landfill, it is considered appropriate to consider the proposal against each of the nine development principles relating to the site allocation.
- *assessment of protected species and possible mitigation required;*
- 9.20 No impact on protected species is anticipated as a result of the development and no objection has been raised by WSCC Ecology. This is discussed below (see 'Key Issue: Impacts on the Environment').
- *industrial archaeological impact assessment and possible mitigation required;*
- 9.21 The former kiln buildings that were on the site and of archaeological interest have been demolished following prior notification approval and archaeological recording (ref. WSCC/018/18/NH/PNO). No objection has been raised by WSCC Archaeology so this principle is therefore met.
- *assessment of impacts on the water environment and possible mitigation required;*
- 9.22 The site is in flood zone 1 so at the lowest risk of flooding. Appropriate drainage measures would be put in place to ensure the water environment is protected,



as set out in further detail below (see 'Key Issue: Impacts on the Environment'). This principle is therefore considered to be met.

- *assessment of impact (e.g. traffic, noise, odour) on the amenity of nearby dwellings and businesses and possible mitigation required;*

9.23 It is considered that the impact of the development on amenity would be acceptable, subject to conditions being imposed to control vehicle numbers, noise and emissions, and the additional controls imposed through the Environmental Permitting process, as is discussed in detail below (see 'Key Issue: Impact on Residential Amenity').

- *the cumulative impacts of traffic, noise, and odour within the wider area to satisfactorily addressed;*

9.24 The development of the application site has the potential to result in significant cumulative impacts alongside existing uses, particularly within the wider Brookhurst Wood site, as well as proposed uses including the soil heat treatment facility to the immediate east (subject of planning application WSCC/050/19), and potentially, an energy-from-waste plant to the south (subject of appeal against refusal for planning permission WSCC/015/18/NH). The cumulative impact of, and upon, the North Horsham development approved to the east of Langhurstwood Road must also be taken into account.

9.25 This is discussed in detail below (see 'Key Issue: Impacts on Highway Capacity and Road Safety'; and Key Issue: Impact on Residential Amenity').

- *development to comply with Aerodrome Safeguarding requirements to ensure that the operational integrity and safety of the airport are not compromised. This may result in restrictions on height, on the detailed design of buildings or on development which might create a bird hazard. A bird hazard management plan may be required;*

9.26 The proposal does not fall within development which may create a bird hazard or otherwise affect aerodrome operational requirements by virtue particularly of height. It is therefore considered to meet this principle.

- *assessment of impact of any additional HGV movements on highway capacity and road safety, including at the Langhurstwood Road/A264 junction and on the A264, A24, A23/M23, and possible mitigation required;*

9.27 Discussed in detail below (see 'Key Issue: Impacts on Highway Capacity and Road Safety').

- *phased restoration to an appropriate after-use, such as meadowland and woodland; and*

9.28 No waste infill is proposed, so site restoration is not a material consideration in relation to this application.

- *development must not prejudice the delivery of the site to the south allocated in Policy W10(a)."*

9.29 The proposal would not prejudice the delivery of development at Wealden Brickworks to the south, or the adjacent land within the allocated site. The development is relatively small in scale, both physically and in terms of on-site activity.

Overall Conclusion

- 9.30 *The application seeks to bring forward a soil washing facility on a site allocated in Waste Local Plan (WLP) Policy W10 for non-inert landfill. Therefore, the use does not accord with the site allocation. However, there is no current need for additional non-inert landfill capacity and there is an identified need for additional construction/demolition waste recycling capacity. It is considered that in principle, the proposed use is acceptable for a temporary period of five years, after which the need for non-inert landfill capacity can be reviewed. The proposed use would move the management of waste 'up the waste hierarchy', by providing recycling of material which would otherwise be disposed of to landfill. The proposal would otherwise accord with the development principles set out in Policy W10 of the WLP as it would protect species and habitats, archaeological features are not detrimentally affected, the water environment would be protected, and conditions would ensure that the impact on residential amenity, including cumulatively with other development, is acceptable. The development would not prejudice the delivery of a strategic waste use on allocated land to the south. Overall, therefore, it is considered that the proposal is acceptable in relation to the development principles that apply to the application site's allocation under WLP Policy W10.*

**Impacts on Highway Capacity and Road Safety**

- 9.31 The development has the potential to result in adverse impacts on highway capacity and road safety due to the increase in HGVs travelling to/from the site, anticipated to be a maximum of 30 HGV movements each day (15 HGVs travelling to/from the site).
- 9.32 Given the large scale uses on the wider Brookhurst Wood site and the resulting significant HGV numbers, there is also the potential for cumulative highway impacts. The former Wealden Brickworks has permission for up to 284 HGV movements/weekday (142 HGVs travelling to/from the site)(ref. WSCC/021/15/NH); the landfill and MBT which has a combined maximum daily limit of 392 HGV movements/weekday (196 HGVs travelling to/from the site)(refs. WSCC/055/09/NH (MBT) and WSCC/005/16/NH (landfill)); and the current application for a soil heat treatment facility is expected to result in 15 HGVs/day (8 HGVs travelling to/from the site).
- 9.33 In addition, the potential impact of and on the North Horsham residential development to the east is also relevant, particularly as when it comes forward, the Langhurstwood Road link with the A264 would be closed and HGVs would travel east along the southern edge of the new development.
- 9.34 A Traffic Survey was undertaken in September 2018 on Langhurstwood Road, south of the site, to feed in to a Transport Assessment relating to the combined impact of the proposed soil washing facility along with the proposed soil heat treatment development (application ref. WSCC/050/19). This concluded that together, the two developments would result in an increase of 13% in HGVs travelling on Langhurstwood Road, and an increase of 2.6% in total traffic. It is not considered that this increase would pose a risk to either road safety or highway capacity.

- 9.35 WSCC Highways agrees with the applicant's conclusion that once the North Horsham development comes forward, the revised road layout would have the capacity to manage the additional vehicle trips the developments would result in, along with those which may come forward if the adjacent energy-from-waste facility is approved on appeal. Officers also note that the proposals would not make traffic conditions on Langhurstwood Road less acceptable in terms of road capacity, concluding that *"the network has sufficient current and future capacity for both uses."*
- 9.36 Further, Horsham District Council, in their response to the application, notes that the infrastructure to facilitate the North Horsham development has been designed for a number of trips far outweighing the current scheme, even if the energy-from-waste facility on the adjacent site also comes forward. They note that the highway network *'is currently accommodating fewer trips than its theoretical capacity'*.
- 9.37 It is therefore concluded that the development would accord with the NPPF which notes that development should only be refused on highway grounds if the impact on highway safety would be unacceptable or residual cumulative impacts on highway capacity severe, which is not the case in the view of WSCC Highways.
- 9.38 WSCC Highways has sought a condition requiring the provision of vehicle parking and turning spaces prior to occupation of the development. However, no vehicle parking has been shown on submitted plans, and it is considered unreasonable to require that it is provided, given there is parking within the applicant's control on land to the north, beside the landfill gas/leachate compound. It is considered the existing parking is sufficient to cater to the new facility, particularly as only two new staff would be employed on the site.
- 9.39 *To establish a worst case scenario, the applicant has undertaken an assessment of the impact on the highway network of the proposal, combined with the adjacent soil heat treatment proposal (WSCC/050/19), a total of 75 additional HGV movements/day (38 HGVs travelling to/from the site). This has confirmed that there would be no unacceptable impact on highway safety, or residual cumulative impacts on highway capacity, including in terms of cumulative impact with the wider Brookhurst Wood site and North Horsham development. Therefore the development is acceptable with regards to impacts on highway capacity and road safety.*

### ***Impact on Residential Amenity***

- 9.40 The development has the potential to result in adverse impacts on residential amenity through increased noise and emissions to air from both the site operations and HGVs travelling to/from the site. There is also the potential for cumulative impacts alongside existing uses, and the proposed soil heat treatment use on the adjacent site, and the potential impact on future residents of the North Horsham development must also be considered.
- 9.41 An Air Quality Impact Assessment has been submitted with the application in relation to the combined emissions from both the soil washing facility and the proposed soil heat treatment facility (ref. WSCC/050/19), noting emissions to air have the potential to affect both human health and ecosystems. The main emissions from the facilities would result from operations on the heat treatment

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site, but the impact of emissions from increased vehicle numbers resulting from operations has also been taken into account.

- 9.42 The assessment has concluded that the facilities would have a negligible impact on air quality.
- 9.43 Horsham District Council's Environmental Health Officer (EHO) does not object to the proposal on air quality grounds, but note that a mitigation plan has not been provided in relation to the additional traffic emissions. It is considered that this can satisfactorily be addressed by a condition requiring such a plan. Additional information has been provided setting out the monitoring that would be undertaken under the Environmental Permit. It is considered this is sufficient to overcome the concerns raised, particularly as the Environmental Permitting Regime will be the primary mechanism to control emissions to air and ensure they are monitored appropriately.
- 9.44 In relation to noise, a Noise Impact Assessment has been submitted with the application, again identifying potential impacts from both the soil washing and heat treatment facilities. This confirms that the facilities would result in noise impacts below existing background levels, albeit the existing levels include landfill operations that will soon cease. Nonetheless, predicted levels are at most 42dB at the nearest sensitive receptors (in this case, all residential properties) which is below the 55dB level considered to be acceptable. When combined with noise from the soil washing facility, the noise levels are still expected to be below background levels, and at most 47dB so considered acceptable. It is concluded that there is a low likelihood of the facilities resulting in any increase in noise for the closest properties.
- 9.45 Horsham District Council's EHO agrees with the conclusion that the noise impact would be acceptable and cumulative noise impacts would be below background noise levels. They have, however, asked that to ensure this is the case, a Noise Management Plan is required by condition, which it would be.
- 9.46 Horsham District Council note in their response that once it comes forward, the main access to the site would be through housing in the North Horsham development. However, the impact of vehicles travelling along this route, including HGVs, would have been taken into account when considering that development. While the present proposal would result in an increase in HGV numbers on the new road, as previously noted it has been designed for a capacity in excess of that resulting from this development, including in accumulation with that proposed on adjacent sites.
- 9.47 On the basis of the above, it is considered that the development would be acceptable in relation to its impact on residential amenity.
- 9.48 *The development has the potential to result in increased impacts on residential amenity through increased noise and emissions to air from both the site operations and HGVs travelling to/from the site. There is also the potential for cumulative impacts alongside existing uses, and the proposed soil washing use on the adjacent site, and the potential impact on future residents of the North Horsham development must also be considered. An Air Quality Impact Assessment has been submitted, confirming that the facility, along with the proposed soil heat treatment facility, would result in negligible impacts on air quality. A Noise Impact Assessment has been submitted, confirming that the*

*facilities would not increase noise for the nearest residential properties, and the number of HGVs travelling to/from the site would not be detrimental to residential amenity.*

### **Impacts on the Environment**

- 9.49 Given the controls in place to contain and monitor emissions to air, and the limited impact on the noise environment, it is concluded that the impact on the environment resulting from air and noise emissions would not be significant.
- 9.50 The proposed soil washing plant would have a maximum height of some 8.4 metres, and it would be some 50.6m in length, so it would be a relatively large facility. However, it is not considered to result in significant landscape or visual impacts, given its location next to other waste facilities and large scale uses such as the former Wealden Brickworks and Warnham Brickworks to the south, the MBT to the south-east, and the aggregate treatment facility and landfill compound to the north. The site abuts the railway corridor to the west, beyond which the land slopes up towards the A24. Views into the site from this area would be limited, particularly given the mature woodland west of the railway line, and would be seen in the context of the dome of the landfill to the east, and the large buildings to the south. There would therefore be limited impact on the surrounding landscape, and little visual impact, as confirmed in Horsham District Council's response to the application. They also note that less than substantial harm would result to the setting of surrounding heritage assets, so the proposal is considered acceptable in this regard.
- 9.51 The development would be undertaken entirely on impermeable brownfield land, so there would be no increase in flood risk as a result. A detailed drainage scheme has been sought by condition to ensure that greenfield rates of run-off are achieved, and that water quality is protected.
- 9.52 A Preliminary Ecological Assessment was submitted with the application, and confirmed that buildings and scrub within the site have the potential to support common nesting bird species, and some areas of habitat may support reptiles. An informative is proposed noting the requirements of the Wildlife and Countryside Act 1981 to avoid impact on nesting birds, while the potential reptile habitat is beyond the boundary of this application, and separated from the site by buildings, hardstanding and hoardings. No objection has been raised by WSCC Ecology and in planning terms, therefore, it is not considered any mitigation is required and that this principle is met.
- 9.53 *The development has the potential to result in impacts on the environment in relation to emissions to air, noise emissions, landscape and visual impact, impact on the water environment, and impact on ecology. Given the measures in place to ensure there is no impact on residential amenity resulting from noise or air emissions, it is concluded the impact on the environment in this regard would also be acceptable. There would be no increase in impermeable surfacing so no increase in flood risk, and water quality would be protected through requiring a detailed drainage scheme by condition. There would be no impact on habitat or species as a result of the development. It is therefore concluded that the proposal's impact on the environment would be acceptable.*

## 10. Overall Conclusion and Recommendation

- 10.1 Planning permission is sought for a soil washing facility adjacent to the non-inert landfill site at Brookhurst Wood in Horsham. The facility would process up to 100,000 tonnes of construction/demolition/excavation waste per annum, comprising up to 29,999 tonnes of hazardous waste, and 70,001 tonnes of non-hazardous waste.
- 10.2 The proposal would provide a facility to move the management of waste away from landfill, making use of contaminated soils that would otherwise be disposed of. The proposed development would take place on a site allocated in the West Sussex Waste Local Plan (WLP) for non-inert landfill. Therefore, the development does not accord with the allocated use. However, it is considered that given the lack of immediate demand, the use would be acceptable for a temporary period of time, after which consideration could be given as to whether the land is required for landfill.
- 10.3 The impact on the highway is considered to be acceptable and without detriment to highway capacity or road safety. Emissions from the site would be controlled to ensure there would be no loss of air quality, and noise from the site would be below existing levels. It is not, therefore, considered there would be a detrimental impact on residential amenity. The development would be relatively small in scale so would not affect the surrounding landscape, or visual amenity. There would be no impact on habitat and species as a result of the development, and the water environment would be protected.
- 10.4 Overall, therefore, the development is considered to be acceptable in terms of its impacts on people and the environment, and on balance, to accord with development plan policies.
- 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 the conditions and informatives set out in **Appendix 1** of this report.

## 11. Equality Duty

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

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**

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

**Contact:** Jane Moseley telephone 0330 222 6948.

#### **Background Papers**

As set out in Section 6.

#### **List of Appendices**

Appendix 1 - Conditions and Informatives

Appendix 2 - Site Location Plan

Appendix 3 - Approved North Horsham Allocation Illustrative Masterplan

Appendix 4 - Proposed Site Plan

Appendix 5 - Elevations

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## Conditions and Informatives

### GENERAL

#### Commencement

1. The development hereby permitted shall commence before the expiration of three years from the date of this permission. Written notification of the date of the commencement of development shall be sent to the County Planning Authority within at least seven days of development commencing.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990 and allow monitoring of the commencement of the temporary development.*

#### Approved Plans and Documents

2. The development hereby permitted shall not take place other than in accordance with the following approved plans and documents:
  - Proposed Site Plan: Soil Washing Facility (ref. BA039900, 17/01/19);
  - Proposed Soil Washing Elevations (ref. BA039600, 17/01/19).

save as varied by the conditions hereafter.

*Reason: To ensure the development is carried out as proposed in the application submission.*

#### Temporary Permission

3. The structures identified on the approved Site Plan: Soil Washing Facility (ref. BA039900, 17/01/19), and all associated development excluding hardstanding shall be removed from the site and waste shall stop being imported to the site for the purposes of the approved development on or before a date five years after the date of the commencement of development.

*Reason: To allow consideration of the need for the allocated non-inert landfill capacity at the end of the temporary timeframe, in accordance with Policy W10 of the West Sussex Waste Local Plan 2014.*

### PRIOR TO COMMENCEMENT

#### Construction Management Plan

4. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
  - the anticipated number, frequency and types of vehicles used during construction,
  - the method of access and routing of vehicles during construction,
  - the parking of vehicles by site operatives and visitors,
  - the loading and unloading of plant, materials and waste,

- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), details of public engagement both prior to and during construction works.

*Reason: In the interests of highway safety and the amenities of the area in accordance with paragraphs 109, 170 and 180 of the NPPF (2019).*

### **Noise Management Plan**

5. Prior to the first operation of the waste facility hereby permitted, a Noise Management Plan shall be submitted to and approved by the County Planning Authority. The Plan shall consider noise from plant, machinery or deliveries resulting from the granting of this permission, and shall specify the provisions to be made for the control of noise. The approved Plan shall thereafter be implemented in full and operated throughout the lifetime of the development.

*Reason: To protect the amenities of local residents, in accordance with paragraph 180 of the NPPF (2019). Required prior to commencement to ensure that the development can be undertaken without significant adverse impacts on local residents.*

### **Air Quality Mitigation Statement & Strategy**

6. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the County Planning Authority setting out an Air Quality Mitigation Statement and Strategy. The approved Strategy shall thereafter be implemented in full, throughout the operation of the approved development.

*Reason: to mitigate the impact of the additional HGVs resulting from the development on the air quality of the area, in accordance with paragraphs 170 and 181 of the NPPF (2019). Required prior to commencement to ensure that local air quality can be protected throughout the course of the development.*

### **Surface Water Drainage Scheme**

7. No development shall take place until a scheme of surface water drainage has been submitted to and approved in writing by the County Planning Authority. The scheme shall include:
- Design for 1:100yr return period,
  - Inclusion of 30% peak run-off and 20% additional volume for climate change,
  - Inclusion of pollution/siltation control measures,
  - Provision for maintenance of the drainage system throughout the operation of the development hereby approved.

Once approved, the surface water drainage scheme shall be implemented in full and maintained throughout the operation of the development.

*Reason: To protect the water environment from increased and/or polluted run-off, in accordance with paragraphs 163 and 170 of the NPPF (2019).. Required prior to commencement to ensure the development can be undertaken without increasing off-site flood risk or otherwise harming the water environment.*

## **CONTROL OF CONSTRUCTION**

### **Hours of Construction**

8. Construction (including any demolition and site clearance) of the development hereby permitted, involving the use of plant/machinery/equipment/vehicles and the deliveries of construction materials/plant/machinery/equipment being received by or despatched shall only take place between the hours of:
- 07.30 and 18.00 on Monday to Friday inclusive;
  - 07.30 and 13.00 on Saturdays; and
  - not at any time on Sundays, Bank Holidays or Public Holidays.

*Reason: In the interests of the amenity of the locality and of local residents in accordance with paragraphs 170 and 180 of the NPPF (2019).*

### **Vegetation clearance**

9. Vegetation clearance shall only be undertaken during late autumn/winter in any year, and shall be carried out under the supervision of an Ecological Clerk of Works unless otherwise approved in advance and in writing by the County Planning Authority.

*Reason: To avoid detrimental impact on reptiles and breeding birds in accordance with paragraph 175 of the NPPF (2019).*

## **OPERATIONAL CONTROLS**

### **HGV Numbers**

10. No more than 8 HGVs shall enter and 8 HGVs shall leave the site each weekday (Monday to Friday inclusive), and no more than 4 HGVs shall enter and 4 HGVs shall leave the site on Saturdays.

*Reason: In the interests of minimising noise impacts on local residents resulting from HGVs entering/leaving the site, in accordance with paragraphs 170 and 180 of the NPPF (2019).*

### **Quantities of Waste and Record Keeping**

11. No more than 10,000 tonnes of waste shall be managed at the site in any one year. A record of the annual quantities (in tonnes) of wastes delivered to the site and the number of all goods vehicle movements entering and exiting the site in any one year shall be maintained by the applicant at all times and made available to the County Planning Authority upon request.

*Reason: To enable the County Planning Authority to ensure adequate control of the development so as to protect both local amenity and the local environment in accordance with paragraphs 170 and 180 of the NPPF (2019).*

### **Hours of Use**

12. There shall be no operations associated with the development hereby permitted, including the use of plant and machinery, and vehicles entering/leaving the site, outside the hours of:
- 07.30 and 18.00 on Monday to Friday inclusive; and
  - 07.30 and 13.00 on Saturdays

No operations shall take place on Sundays, Bank Holidays or Public Holidays.

*Reason: In the interests of protecting the amenity of residents as a result of HGVs travelling to/from the site and any noise from on-site operations, in accordance with paragraphs 170 and 180 of the NPPF (2019).*

### **Reversing Alarms**

13. Vehicles coming to and operating at the site that are required to emit reversing warning noise, shall use only white noise/broadband alarms rather than single tone alarms.

*Reason: To protect the amenities of local residents, in accordance with paragraphs 170 and 180 of the NPPF (2019).*

### **Storage of Oil, Fuel or Chemicals**

14. Any facilities for the storage of oil, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is a multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging into the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

*Reason: To ensure that potential contaminants are appropriately contained, to prevent impact on people and the environment, in accordance with paragraph 170 of the NPPF (2019).*

### **Cleaning of Wheels**

15. No vehicle shall enter the highway in such a condition that material adheres to the wheels in a quantity which may introduce a nuisance of hazard to the road network.

*Reason: to ensure the operation of the site is not detrimental to highway safety, and does not adversely affect people or the environment through increased mud and dust, in accordance with paragraphs 109 and 170 of the NPPF (2019).*

### **Enclosed Loads**

16. All vehicles associated with delivery of wastes to the site and the removal of waste/treated waste materials/products from the site shall have their loads enclosed so as to prevent spillage or loss of materials on the public highway and the release of emissions to air.

*Reason: In the interests of road safety and ensuring the development does not increase litter or other emissions which may affect people and the environment, in accordance with paragraphs 109 and 170 of the NPPF (2019).*

## **INFORMATIVES**

### *Positive and Proactive Working*

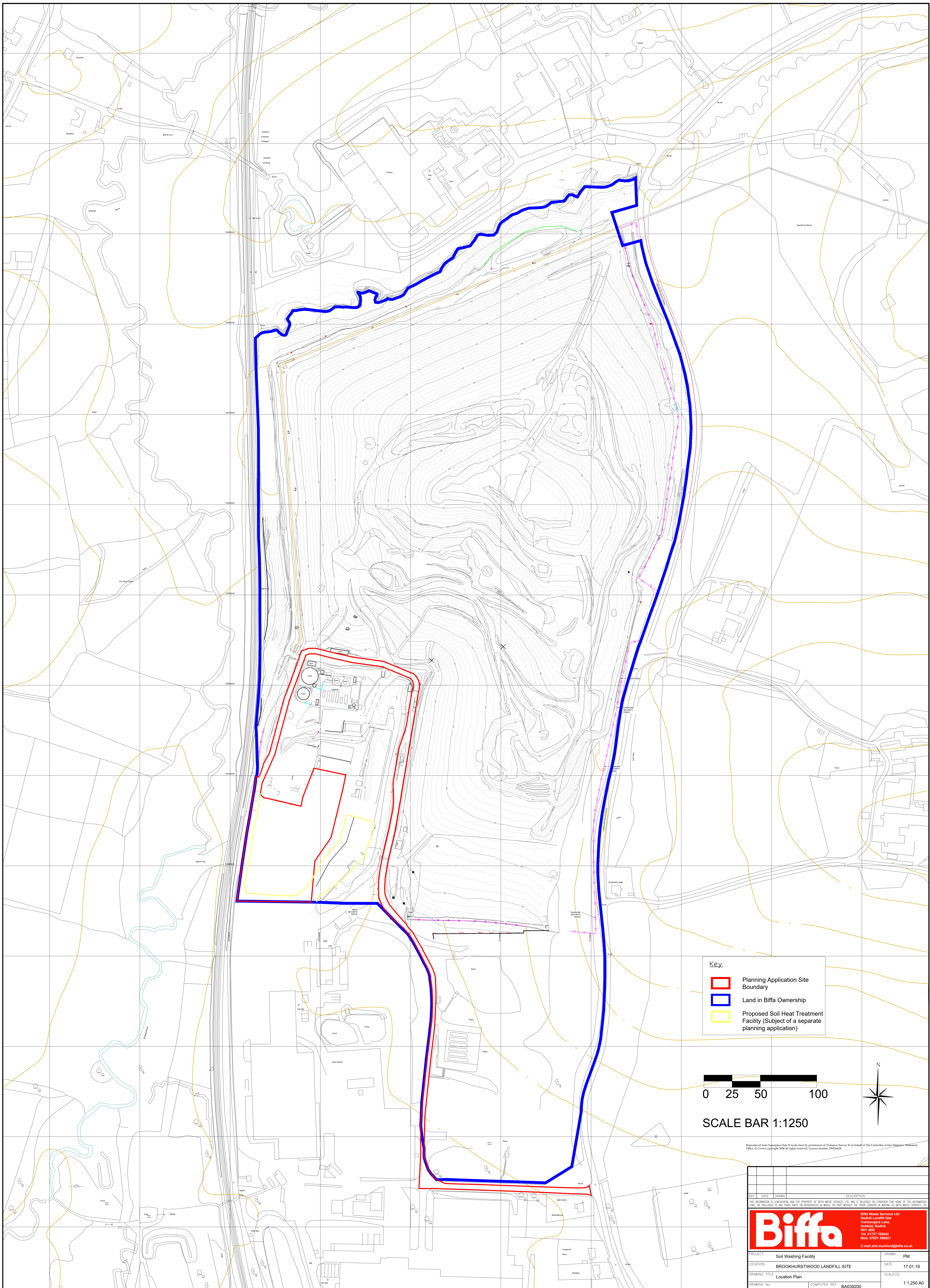
- A. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the County Planning Authority has approached the determination of this application in a positive way, and has worked proactively with the applicant by:
- Discussing issues of concern as early as possible, including 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 planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

### *Breeding Birds*

- B. To avoid any risk of harm to breeding birds and contravention of the Wildlife and Countryside Act 1981, removal of any vegetation or other nesting feature should be undertaken between September and the end of February. If this is not possible, and vegetation or building are due to be removed between March and August, an Ecologist should check for active bird nests no more than seven days before works commence and any active nest found shall be protected as advised by the Ecologist until the chicks have fledged.

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**Key**

- Planning Application Site Boundary
- Land in Biffa Ownership
- Proposed Soil Heat Treatment Facility (Subject of a separate planning application)

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**Biffa**

Biffa Waste Services Ltd  
Redhill Landfill Site  
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Northfield, Redhill  
RH11 4ER  
Tel: 01252 766042  
Mob: 07921 386021  
E-mail: phil.mumford@biffa.co.uk

PROJECT	Soil Washing Facility	DRAWN	PM
LOCATION	BROOKHURSTWOOD LANDFILL SITE	DATE	17.01.19
DRAWING TITLE	Location Plan	SCALE(S)	1:1250 A0
DRAWING No.		COMPUTER REF.	BA039200

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Land North of Horsham

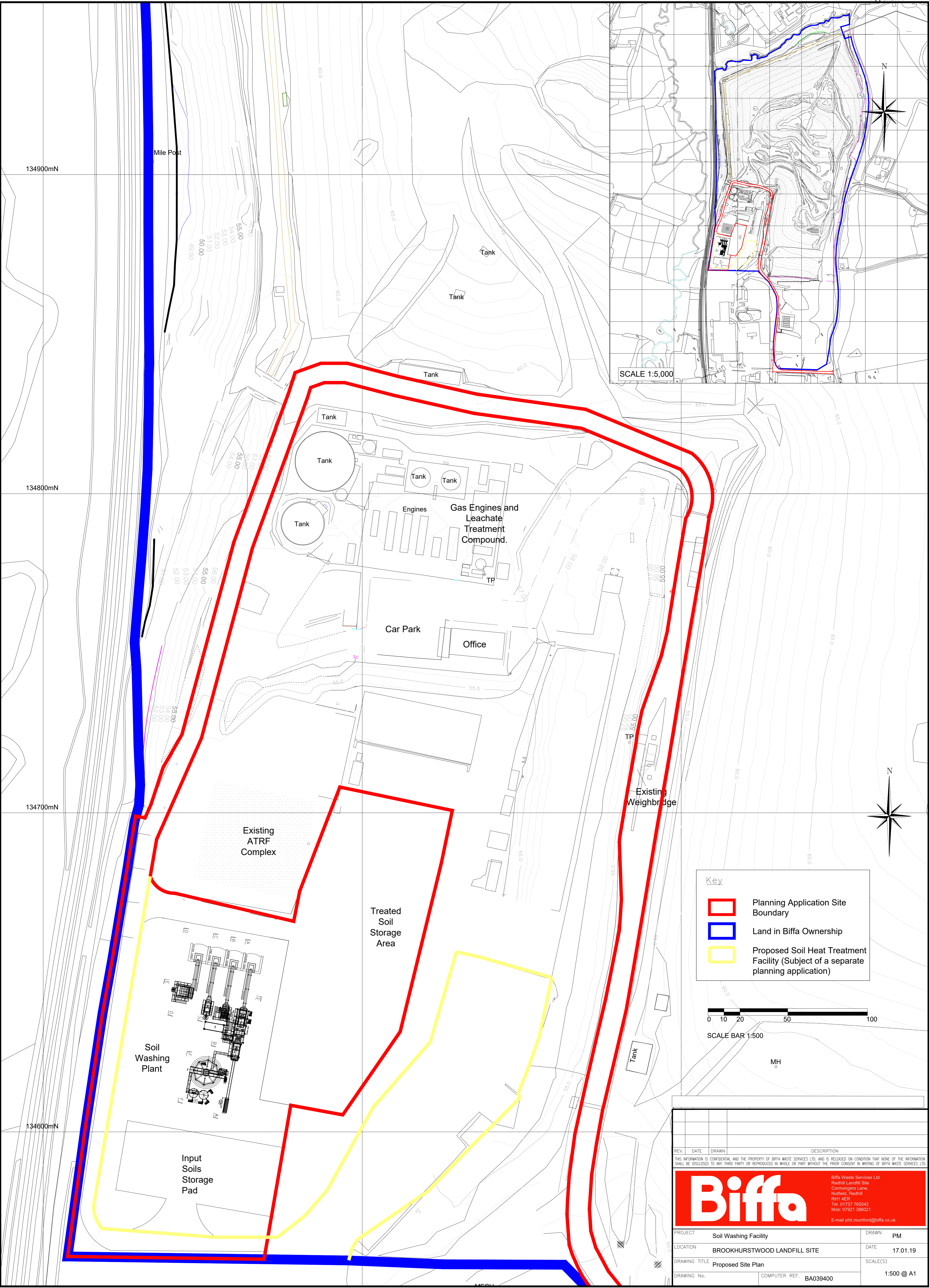


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Scale 1:5000 @ A1	Drawn By AWW	
Date September 2015	Drawing No. 2153A - 150Q	



Church Barn, Milton Manor Farm, Ashford Road, Canterbury, CT4 7PP  
t: 01227 456699 www.bdb-design.co.uk

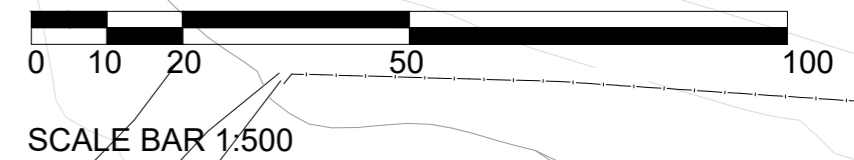
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SCALE 1:5,000

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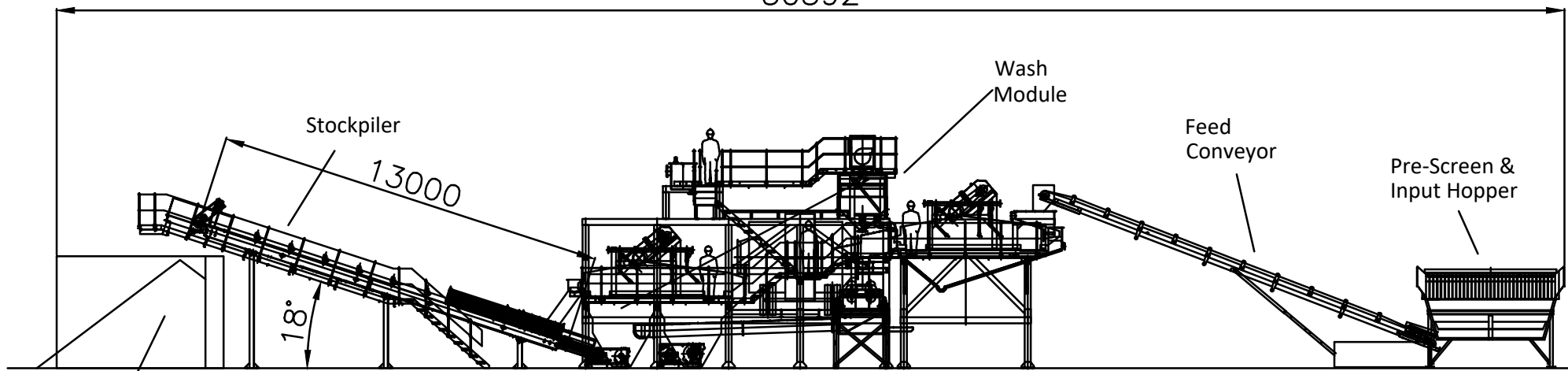
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- Land in Biffa Ownership
- Proposed Soil Heat Treatment Facility (Subject of a separate planning application)



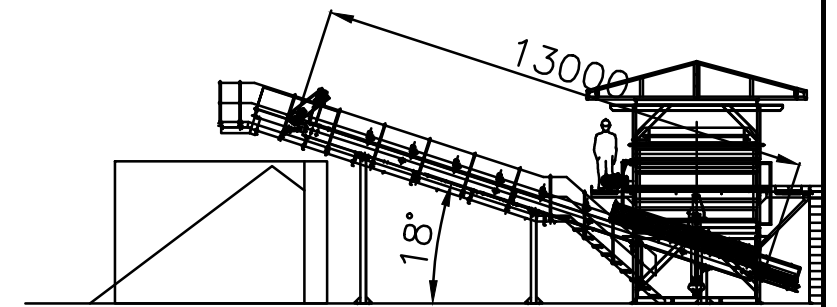
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<b>Biffa</b>			
Biffa Waste Services Ltd Redhill Landfill Site Commoners Lane, Nutfield, Redhill RH11 4ER Tel: 01737 765042 Mob: 07921 386021 E-mail: phil.mumford@biffa.co.uk			
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LOCATION	BROOKHURSTWOOD LANDFILL SITE		DATE 17.01.19
DRAWING TITLE	Proposed Site Plan		SCALE(S)
DRAWING No.	COMPUTER REF.	BA039400	1:500 @ A1

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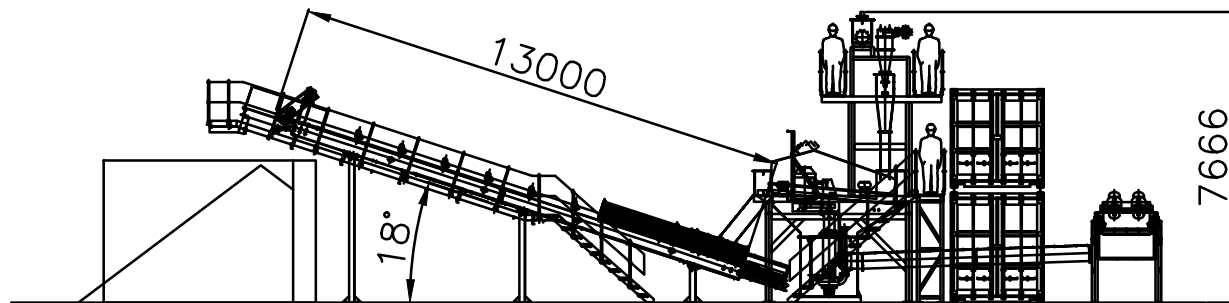


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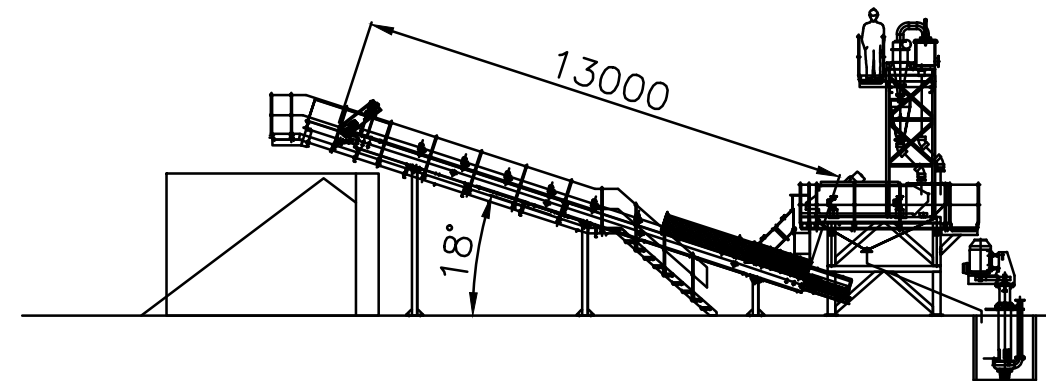


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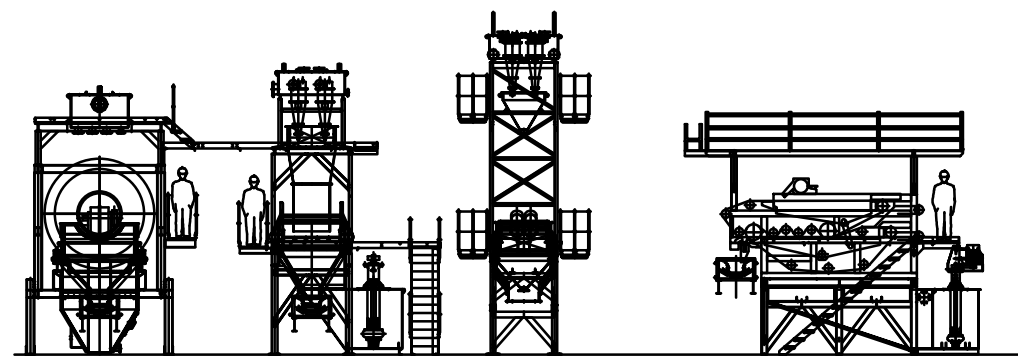
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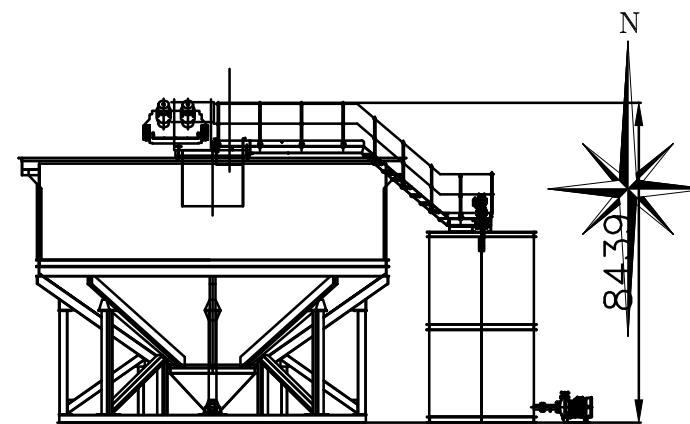
SECTION B-B



SECTION C-C




SECTION E-E



SECTION F-F

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			<p>Biffa Waste Services Ltd Redhill Landfill Site Commoners Lane, Rutfield, Redhill GU11 4ER Tel: 01737 765042 Mob: 07921 386021 E-mail: phil.mumford@biffa.co.uk</p>
PROJECT Soil Washing Facility			
LOCATION BROOKHURSTWOOD LANDFILL SITE			
DRAWING TITLE Proposed Soil Washing Elevations			
DRAWING No.		COMPUTER REF. BA039500	
DRAWN PM	DATE 17.01.19	SCALE(S) 1:250 @A3	

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## **Planning Committee**

**7 January 2020**

### **Waste Planning Application (County Matter)**

**Certificate of Lawful Development for an existing use or operation or activity: the importation, deposit, re-use and recycling of waste material and use of land for storage purposes**

**Land at Bolney Park Farm, Broxmead Lane, Bolney RH17 5RJ**

**Application No: WSCC/070/19**

**Report by Head of Planning Services**

**Local Member: Joy Dennis**

**District: Mid Sussex**

#### **Executive Summary**

An application for a Certificate of Lawful Development has been submitted under Section 191 of the Town and Country Planning Act 1990 (the TCPA 1990) to determine the lawfulness of an existing use of land at Bolney Park Farm, east of the A23 in Bolney, Mid Sussex.

The Certificate is sought for the importation, deposit, re-use and recycling of waste material and the use of the land for storage purposes. The applicant contends the use has become lawful through the passage of time; that is it has taken place for a continuous period in excess of ten years and, therefore, it is immune from enforcement.

In considering the application, the existing and potential impacts of the development cannot be taken into account. Similarly, national and local planning policy and guidance is not material and it must not be considered in assessing the application. The only matter under consideration is whether or not development is lawful.

Although there is no statutory requirement to consult, interested parties were notified about the application. In response, details of the site history were received from the Environment Agency, Mid Sussex District Council and neighbouring residents.

#### **Consideration of Key Issue**

The only issue in determining this application is whether the applicant has demonstrated that the use of the site for the importation, deposit, re-use and recycling of waste material and storage has been undertaken for a continuous period of ten years, and is thereby lawful due to the passage of time.

If the County Council has no evidence to contradict the applicant's version of events, and provided the evidence provided by the applicant is sufficiently precise and unambiguous, the application must be approved.

There is no definitive information to indicate what the site was used for between 2009 (the beginning of the ten year period) and 2012. Based on aerial photographs and information from the applicant, parts of the site appear to have been in use as a depot from 2007, although this is not conclusive. From 2012, the site appears, from aerial photographs, to have been in storage use but not in use for waste processing. When officers visited the site in 2014, it was in use as a construction compound, albeit with an ancillary waste use through the creation of bunds and storage of road planings and bricks. When officers visited the site in 2018, it had clearly changed to primarily being in waste use, with recycled construction material stockpiled on the site, and new bunds having been created.

On this basis, it is considered that the site has not been in any continual use for a period of ten years. Evidence from 2012 confirms that the site was in storage use, with ancillary waste use, with part of the site remaining in agricultural use. Evidence from 2018 confirms that the site is now in waste use, with some elements of ancillary storage.

Further, none of the aerial photographs, until 2018, indicate that the entire site is in non-agricultural use. The aerial photographs from 2007, 2012, and 2015 all show land to the north, east, and south of the site retained as part of the surrounding agricultural landholding. Therefore, it cannot be concluded that the application site has been in a single use for a period of ten years because it has, in part, also remained in agricultural use.

### **Overall Conclusion**

The applicant has failed to prove, on the balance of probability, that the use of the application site for the importation, deposit, re-use and recycling of waste material and use of the land for storage purposes, is lawful due to the passage of time. Evidence from the past ten years confirms that the site was in storage use, with ancillary waste use, with part of the site remaining in agricultural use. This has recently changed to a waste use, with some elements of ancillary storage.

Accordingly, a Certificate of Lawful Development should not be granted.

### **Recommendation**

It is recommended that a Certificate of Lawful Development be refused on the basis that the applicant has not demonstrated, on the balance of probability, that the importation, deposit, reuse and recycling of waste material and the use of the land for storage purposes has taken place on land at Bolney Park Farm, Broxmead Lane, Bolney, for a period exceeding ten years (as set out in Appendix 1 of this report).

## **1. Introduction**

- 1.1 An application for a Certificate of Lawful Development (CLD) has been submitted under Section 191 of the Town and Country Planning Act 1990



(the TCPA 1990) to determine the lawfulness of an existing use of land at Bolney Park Farm, east of the A23 in Bolney, Mid Sussex.

- 1.2 The Certificate is sought for the importation, deposit, re-use and recycling of waste material and the use of the land for storage purposes. The applicant contends that the use has become lawful through the passage of time, that is, it has taken place for a continuous period in excess of ten years (and so is immune from enforcement).

## 2. **Site and Description**

- 2.1 The application site comprises a 5.3 hectares parcel of land located on former farmland to the rear (east) of a permitted dwelling at Dan Tree Farm (see **Appendix 2: Site Location Plan**; and **Appendix 3: Site Boundary Plan**). The site shares an access directly to/from the A23 with Dan Tree Farm, although this is excluded from the site boundary. The site is some 220m east of the A23 near the Bolney junction.
- 2.2 The site falls entirely within the High Weald Area of Outstanding Natural Beauty (AONB). It is not within an area at increased risk of flooding, and is not subject to any ecological or historic designations.
- 2.3 To the north of the site is mature, semi-natural ancient woodland (Seven Acre Hanger), which is also a Site of Nature Conservation Interest (SNCI).
- 2.4 To the south and east is farmland forming part of Park Farm, which includes an equine operation to the south-west.

## 3. **Relevant Planning History**

- 3.1 There is no planning history relating to the application site. However, the access used to link the site to the A23 and the adjacent sites have planning permissions and history that are relevant considerations.
- 3.2 On land immediately south of the site, planning permission was granted in 2012 allowing the importation of some 76,500 cubic metres of inert waste to create a bund along the A23 (ref. WSC/077/11/BK). The access used for that development is the access to the application site. The construction of the bunds has been completed, with only their landscaping remaining outstanding.
- 3.3 The site access and land immediately west of the site has planning permission for a dwelling (Mid Sussex District Council (MSDC) ref. DM/15/1971). Although this permission has been implemented, the dwelling has not yet been constructed.
- 3.4 More recently, planning permission was refused by the County Council for bunds to be created around the dwelling through the importation of some 45,000 tonnes of inert waste (ref. WSCC/050/18/BK).

#### 4. **The Proposal**

- 4.1 Although the historic use of the land is agriculture, the applicant is seeking a CLD for an existing use, namely the *"importation, deposit, re-use and recycling of waste material, and the use of land for storage purposes"*. Accordingly, the applicant has to demonstrate that the site has been used for this purpose for a continuous period in excess of ten years.
- 4.2 A covering letter submitted with the application states that the site has been in continuous waste use since 2007, although the applicants have had an interest in the land since 2006 and operated from the site prior to that, from at least 2004.
- 4.3 Aerial photographs from various years have been provided with the application (see **Appendix 4: Aerial Photographs from Applicant**), which the applicant states show:
- 2007: container, general storage and material piles;
  - 2012: material storage;
  - 2018: material storage.
- 4.4 The applicant states that the material shown was screened and reused in their operations.
- 4.5 Other documents have also been provided namely:
- Documents from Finning UK & Ireland Ltd.: Six 'daily service reports' relating to field repairs at Bolney dated 2004; and an email stating that since 2006, they have *"carried out warranty and general repairs to their concrete crushing and screening equipment and repairs to their excavators, loading shovels and dozers."*
  - A letter from Pirtek confirming that they *"have been continuously carrying out onsite repairs for plant and auxiliary equipment for the past 10 years"*, with works orders confirming plant repairs, albeit with records only dating from 2014.
  - An invoice from Bolney Park Farm dated 2 May 2007 relating to *"storage advance payment"* and *"planings aggregate and machinery"*.

#### 5. **Legal Context**

- 5.1 The purpose of a CLD under Section 191 of the TCPA 1990 is to establish whether the use or development described in it, on the land it describes, is lawful in planning terms and thereby immune from enforcement action. Development is lawful if, or to the extent that, any of the following apply:
- (a) the activity does not constitute 'development' subject to planning control; or
  - (b) the development has been granted express planning permission; or
  - (c) the development is lawful through the passage of time (due to the four or ten year rule) and it is not subject to an extant enforcement notice.

- 5.2 In this case, the CLD is sought under criterion (c) on the basis that the time for enforcement action has expired. Under Section 171B of the TCPA 1990, no enforcement action may be taken, in relation to the change of use of land, after the end of a period of ten years beginning with the date of the breach.
- 5.3 Therefore, consideration of the application is entirely based on the length of time over which the use has taken place. The existing and potential impacts of the development cannot be taken into account. Similarly, national and local planning policy and guidance is not material and it must not be considered in assessing the application. The only matter under consideration is whether or not development is lawful.
- 5.4 For the CLD to be issued, the onus is on the applicant to supply sufficient evidence to show that, on the balance of probability, the identified use has been continuous for a period of ten years.
- 5.5 Planning Practice Guidance (PPG): 'Lawful Development Certificates' states:
- "In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability."*
- 5.6 If granted, a CLD must precisely set out what is permitted and any limitations. Without precision, there is a risk of further disagreement as to the scope of the lawful development. The PPG states that any certificate must be precise *"so there is no room for doubt about what was lawful at a particular date, as any subsequent change may be assessed against it."*
- 5.7 A CLD remains effective in respect of the use or development described in it on the land it describes, as long as there is no subsequent material change in the circumstances.

## 6. **Environmental Impact Assessment (EIA)**

- 6.1 The nature of a Certificate of Lawfulness application is that it seeks to establish what development can lawfully take place. Therefore, the use does not constitute EIA development as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## 7. **County Council Evidence**

- 7.1 County Council officers have evidence about the use of the site based on visits to the site since 2014.
- 7.2 Officers first visited the application site on 18 February 2014 because it was being used as a construction compound by the applicant in relation to

creating the bund being created on land to the south (at Park Farm under planning permission ref. WSCC/77/11/BK). The site is referred to in officer notes from 2014 as a 'hardcore area' enclosed with trees to the west and an earth bund to the east.

- 7.3 Officer notes state that the site is "*littered with old portable office accommodation, drainage pipes, fuel containers, and approximately 30 6 yard skips. At the far point of the site there is a considerable pile of construction and demolition waste which appear [sic] to be part bladed into the ground extending the area out into the field. I asked NP [Nick Page, PJ Brown Ltd.] the reason for the waste pile, which he said was for constructing tracks within the planning permission area*" [i.e. the Park Farm bund site]. (see **Appendix 5: WSCC Site Photographs from 18 February 2014**).
- 7.4 Therefore, this suggests that the site was being used in early 2014 as a construction compound for works being undertaken to the south, namely creating the bund west of Park Farm and associated tracks. Some waste deposit was likely taking place for the purpose of extending the compound into surrounding land.
- 7.5 Photographs of the site from 4 March 2014 (see **Appendix 6: WSCC Site Photographs from 4 March 2014**) show similar, with stacks of skips and heras fencing, with other material such as tyres, drainage pipes, sheets of metal and storage containers.
- 7.6 Notes and photographs from a visit on 22 January 2015 confirm that the site was now unsealed, and that it contained road planings and broken bricks which the operator confirmed were to be used for the creation of tracks within the site. The site contained several storage containers and drainage pipes, as well as stockpiles of material (see **Appendix 7: WSCC Site Photographs from 22 January 2015**).
- 7.7 The application site was again visited on 17 July 2015 when notes refer to the site containing portacabins, new palletted bricks/blocks and other building materials; skips (several containing road salt); pieces of plant; a power screener and shovel; and stockpiles of inert, screened material (see **Appendix 8: WSCC Site Photographs from 17 July 2015**). The photographs suggest that the site remained in storage use, with no evidence of waste being processed.
- 7.8 Officer notes from a site visit on 8 October 2018 quote a representative of the applicant stating that "*the crusher and screener observed previously had been moved to another site, and that previously they were in this location for storage purposes*". During that visit, the site contained plant, skips, storage containers and stockpiles of crushed brick and aggregate (see **Appendix 9: WSCC Site Photographs from 8 October 2018**). It was also noted that there was a pair of new soil bunds along the north of the compound, which the representative confirmed had been created from imported, screened material (southern bund) and site-derived material (northern bund).

- 7.9 Officer notes from a site visit on 3 January 2019 state that a wheelwash had been installed, and that the site contained stockpiles of construction waste, skips with waste metal and wood waste, and various containers, as well as two screeners, although they were in such close proximity that they could not be used for processing waste (see **Appendix 10: WSCC Site Photographs from 3 January 2019**).

## 8. Consultations

- 7.1 There is no statutory or third party consultation in relation to Certificate of Lawfulness applications, as planning considerations and the impacts of development are not a relevant consideration.
- 7.2 However, PPG: Lawful Development Certificates advises that it may be reasonable for a local planning authority to seek evidence from these sources if there is good reason to believe they may possess relevant information about the content of the specific application - while stressing that views expressed by third parties on the planning merits of the case are irrelevant when determining the application.
- 7.3 The following organisations were notified about the application and invited to submit evidence.
- 7.4 **Environment Agency:** note observations from visiting the site between 2013 and 2018 that it has been in use as a construction storage area, in their opinion an 'overflow' for the applicant. Large quantities of material imported in 2014 but subsequently removed. Rarely witnessed anyone working in the storage area, or any waste activity other than the temporary and occasional storage of materials.
- 7.5 **Mid Sussex District Council Planning:** note several residential permissions relating to land at Dan Tree Farm to west; as well as:

*01/01232/AGRDET Agricultural determination application for the infilling of the old bomb crater, levelling and re-seeding of area; easing of the slope of the field, and banking and planting of the lower slope. Approved July 2001. [relates to land to the north of the application site]"*

Enforcement cases were also listed:

*EF/88/0308 - Material change of use of land to a mixed use for the purpose of agriculture and the storage and manufacture/alteration of window frames ("the Development"). - Appeared a Notice was issued and then complied with. Closed in 1989.*

*EF/14/0238 - Change of use to construction compound with the crushing of waste. Was referred to WSCC as a waste matter.*

Site notes from 4 March 2014 state Bob Penticost from PJ Brown Ltd.'s confirmed area was used for "contracting equipment, materials storage, generators and portable officers which come and go as the

*business requires. None of the activities constituted waste development."*

*EF/18/0446 – COU to waste transfer – Was also referred to WSCC as a waste matter and it's this complaint which has led to the LDC you're now considering."*

**7.6 Mid Sussex District Council Environmental Health:**

*"In August 2002 we received a complaint that 60 to 100 lorries per day were visiting the site (Bolney Park Farm) causing noise and dust issues. Database entries state that a contractor, SE Tipping Ltd, were tipping spoil at the site of Browns Ltd. We checked with J Charlton of the EA who advised site was registered as exempt from waste licensing as only inert earth being tipped.*

*In December 2002 we received a similar complaint and our officer visited and saw several lorries visiting the site from SE Tipping Ltd.*

*In May 2004 there was a further complaint. Complainant was advised to contact WSCC Planning re enforcement of conditions. EA had visited site and were happy with the conditions.*

*There was another complaint in 2005, but no further complaints after this."*

**7.7 Bolney Parish Council:** verbally advised they have no information to add.

**7.8 WSCC Local Member Cllr Joy Dennis:** no comment received.

**8. Representations**

**8.1** Although there is no statutory requirement to undertake any consultation on this type of applications, neighbours in close proximity to the site were notified about the application and asked for any evidence they had relating to the use. In response, the following comments were received:

- Acknowledge the site has been in use for a number of years, but recent change and additional activity of waste handling, treatment, burning of non-aggregate by-products and onward distribution of aggregates (i.e. building waste treatment).
- Noted moved to area in July 2012; in recent years, they have noticed noise, smells and deterioration in the clean air as a result of site operations.
- Note activity not in operation in February 2013 (based on noise and smoke emissions more recently experienced).

**9. Consideration of Key Issues**

**9.1** The only issue in determining this application is whether the applicant has demonstrated that the use of the site for the importation, deposit, re-use and recycling of waste material and storage has been undertaken for a

continuous period of ten years, and is thereby lawful due to the passage of time.

- 9.2 If the County Council has no evidence to contradict the applicant's version of events, and provided the evidence provided by the applicant is sufficiently precise and unambiguous, the application must be approved.
- 9.3 As noted above, it is the applicant's contention that the site has been used for a number of operations (namely waste importation, deposit, re-use and recycling, as well as storage) for a period of ten years (i.e. from at least October 2009 to October 2019). Effectively, the applicant needs to show that the site has been in this specific mix of uses for more than ten years.
- 9.4 The following considers the evidence provided by the applicant, and the Council's own evidence, to establish whether this is likely, on the balance of probability, to be the case.
- 9.5 There is no definitive information to indicate what the site was used for between 2009 (the beginning of the ten year period) and 2012. The applicant has submitted evidence from a business confirming that they carried out repairs of plant on the site since 2006, and an aerial photograph from 2007 (see **Appendix 4: Aerial Photographs from Applicant**) shows a small area along the western boundary of the site containing containers.
- 9.6 It is not considered that this is conclusive evidence that the site was in waste use at this time (2007). Although plant repair may have been undertaken on site, this could relate to the use of the site as a depot for the storage of plant by the operator, and is not necessarily conclusive proof that the site was used for waste importation/deposit/reuse/recycling.
- 9.7 The submitted invoice from Bolney Park Farm from 2007 relating to storage of 'planings, aggregate and machinery' is evident from later site visits where material and plant was seen to be stored on site. However, this does not necessarily lead to the conclusion that the site was in a waste processing use. Furthermore, the 2007 aerial photograph does not support the applicant's contention.
- 9.8 The 2012 aerial photograph is the first evidence that shows the site in use for storage of some nature, with stacks of blocks or similar evident along the western and eastern boundary, and portacabins or containers in the eastern part of the site (see **Appendix 12: Aerial Photographs 2005 - 2018**). However, it is not clear from these photographs that any sort of waste processing is taking place. No waste processing or screening equipment can be seen, and no open stockpiles of material are visible, as would usually be the case with such sites, and is the case today. Even if the material was sorted or screened by hand, there would be an area for depositing waste brought to the site, and a pile of sorted material.
- 9.9 From 2014 onwards, WSCC officers visited the site, taking notes and photographs of the site. It is considered that these details, particularly when combined with aerial photographs, provide conclusive evidence that the site has not been in a single use for the period from 2014 to 2019.

- 9.10 When officers visited the site in February and March 2014, they considered that it was in use as a construction compound used for the storage of plant and materials used by the site to the south, rather than a waste site. This view is borne out in photographs of the site from that time, and was confirmed verbally on site by the operator, adding weight to that conclusion.
- 9.11 Therefore, although it is likely that waste was being imported to the site in 2014, and that the site was in use for storage, there is no evidence that the waste was being re-used or recycled on the site at that time. Therefore, it is concluded that the site was in use for the storage of plant and materials, with an ancillary waste use including deposit and management.
- 9.12 It is evident that the use of the site had changed by 2018, by which time there were stockpiles of sorted aggregate and recycled construction material on the site, indicating that a waste importation and sorting activity was taking place, and waste had been deposited to create new bunds on the site. By 2019, a wheel wash had been installed, and separated piles of construction waste were evident, with skips containing non-inert waste on site.
- 9.13 On this basis, it is concluded that the site is now in waste use, involving the re-use and recycling of waste material, with an ancillary use for the storage of plant and equipment, albeit related to the waste operation. However, it is not considered that the site has been in a single, uninterrupted use for a period of ten years.
- 9.14 Further, none of the aerial photographs, until 2018, indicate that the entire site is in non-agricultural use. The aerial photographs from 2007, 2012, and 2015 all show land to the north, east, and south of the site retained as part of the surrounding agricultural landholding. Therefore, it cannot be concluded that the application site (see **Appendix 3: Site Boundary**) has been in a single use for a period of ten years because it has, in part, also remained in agricultural use.

## 10. **Overall Conclusion and Recommendation**

- 10.1 The applicant has failed to prove, on the balance of probability, that the use of the application site for the importation, deposit, re-use and recycling of waste material and use of the land for storage purposes, is lawful due to the passage of time. Based on aerial photographs and information from the applicant, parts of the site appear to have been in use as a depot from 2007, although this is not conclusive.
- 10.2 From 2012, the site appears, from aerial photographs, to have been in storage use but not in use for waste processing. When officers visited the site in 2014, it was in use as a construction compound, albeit with an ancillary waste use through the creation of bunds and storage of road planings and bricks. When officers visited the site in 2018, it had clearly changed to primarily being in waste use, with recycled construction material stockpiled on the site, and new bunds having been created.



- 10.3 Further, none of the aerial photographs, until 2018, indicate that the entire site is in non-agricultural use. The aerial photographs from 2007, 2012, and 2015 all show land to the north, east, and south of the site retained as part of the surrounding agricultural landholding. On this basis, it cannot be concluded that the application site has been in a single use for a period of ten years because it has, in part, also remained in agricultural use
- 10.4 On this basis, it is considered that the site has not been in any continual use for a period of ten years. Evidence from 2012 confirms that the site was in storage use, with ancillary waste use, with part of the site remaining in agricultural use. Evidence from 2018 confirms that the site is now in waste use, with some elements of ancillary storage.
- 10.5 Accordingly, a Certificate of Lawful Development should not be granted for the importation, deposit, re-use and recycling of waste material and use of land for storage purposes.
- 10.6 It is **recommended**, therefore, that a Certificate of Lawful Development be refused for the reasons set out in Appendix 1 of this report.

## 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.

## 12 **Risk Management Implications**

- 12.1 The statutory framework covering 'lawfulness' for lawful development certificates is set out in the 1990 Act. Any decision that is not taken in accordance with the statutory requirements 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 5.

**List of Appendices**

Appendix 1: Draft Refusal of Certificate of Lawful Development  
Appendix 2: Site Location Plan  
Appendix 3: Site Boundary Plan  
Appendix 4: Aerial Photographs from Applicant  
Appendix 5: WSCC Site Photographs from 18 February 2014  
Appendix 6: WSCC Site Photographs from 4 March 2014  
Appendix 7: WSCC Site Photographs from 22 January 2015  
Appendix 8: WSCC Site Photographs from 17 July 2015  
Appendix 9: WSCC Site Photographs from 8 October 2018  
Appendix 10: WSCC Site Photographs from 3 January 2019  
Appendix 11: WSCC Site Photographs from 18 February 2014  
Appendix 12: Aerial Photographs 2005 - 2018

Contact: Jane Moseley, ext. 26948

## **Appendix 1 – Draft Refusal of Certificate of Lawful Development**

West Sussex County Council is not satisfied that on 30 September 2019 the use described in the First Schedule in respect of the land specified in the Second Schedule to this certificate and edged in red on the plan attached to this certificate, was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason:

- 1) On the basis of the evidence submitted with the application, the Council is not satisfied, on the balance of probabilities, that the use has taken place for ten (10) years prior to the County Council receiving application reference WSCC/070/19.

### **First Schedule**

The importation, deposit, re-use and recycling of waste material and use of land for storage purposes for a period exceeding 10 years.

### **Second Schedule**

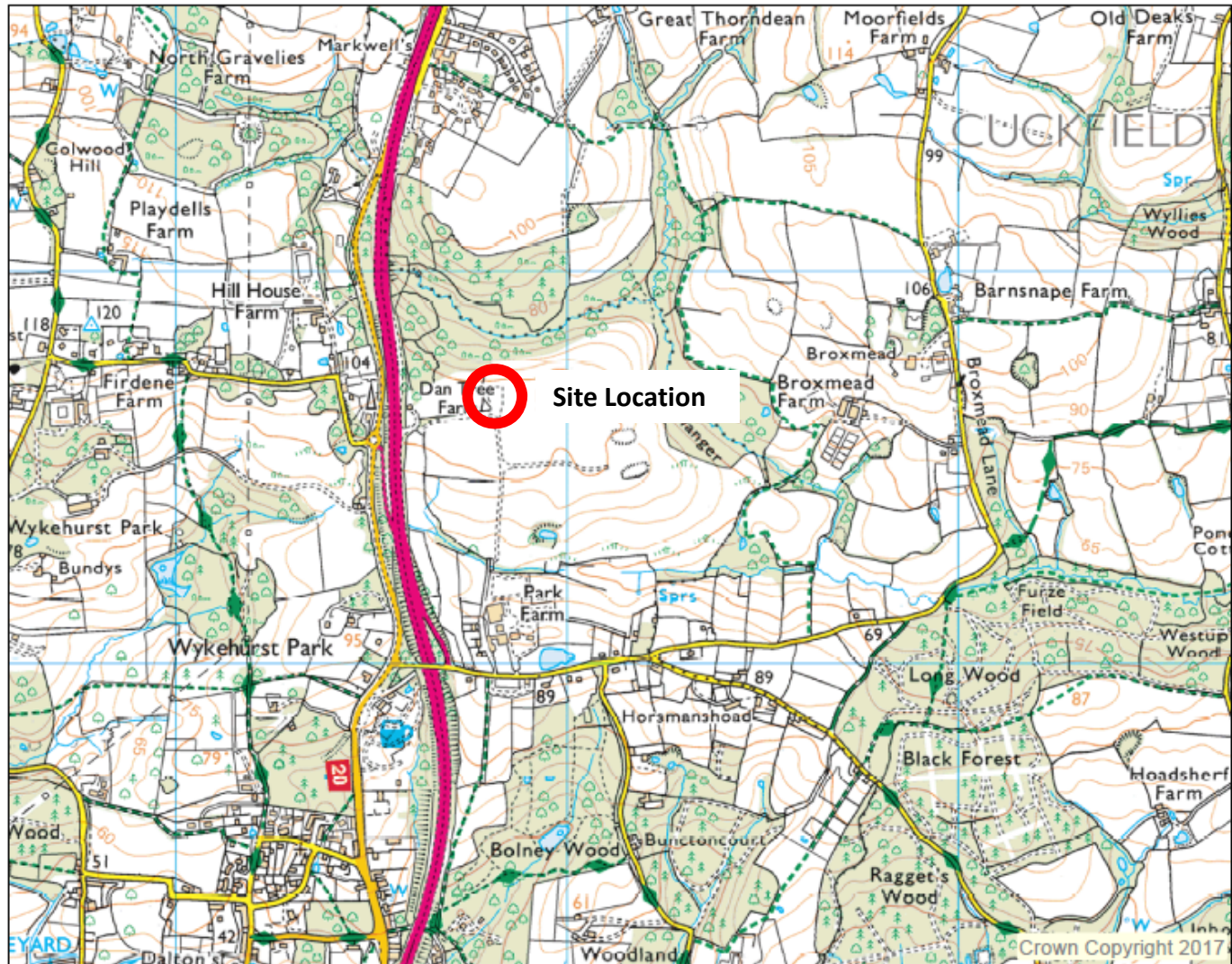
Land at Bolney Park Farm, Broxmead Lane, Bolney RH17 5RJ

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# Site Location Plan



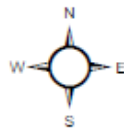
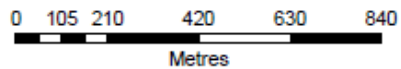
Legend



Date: 12 December 2019

Author: WSCC

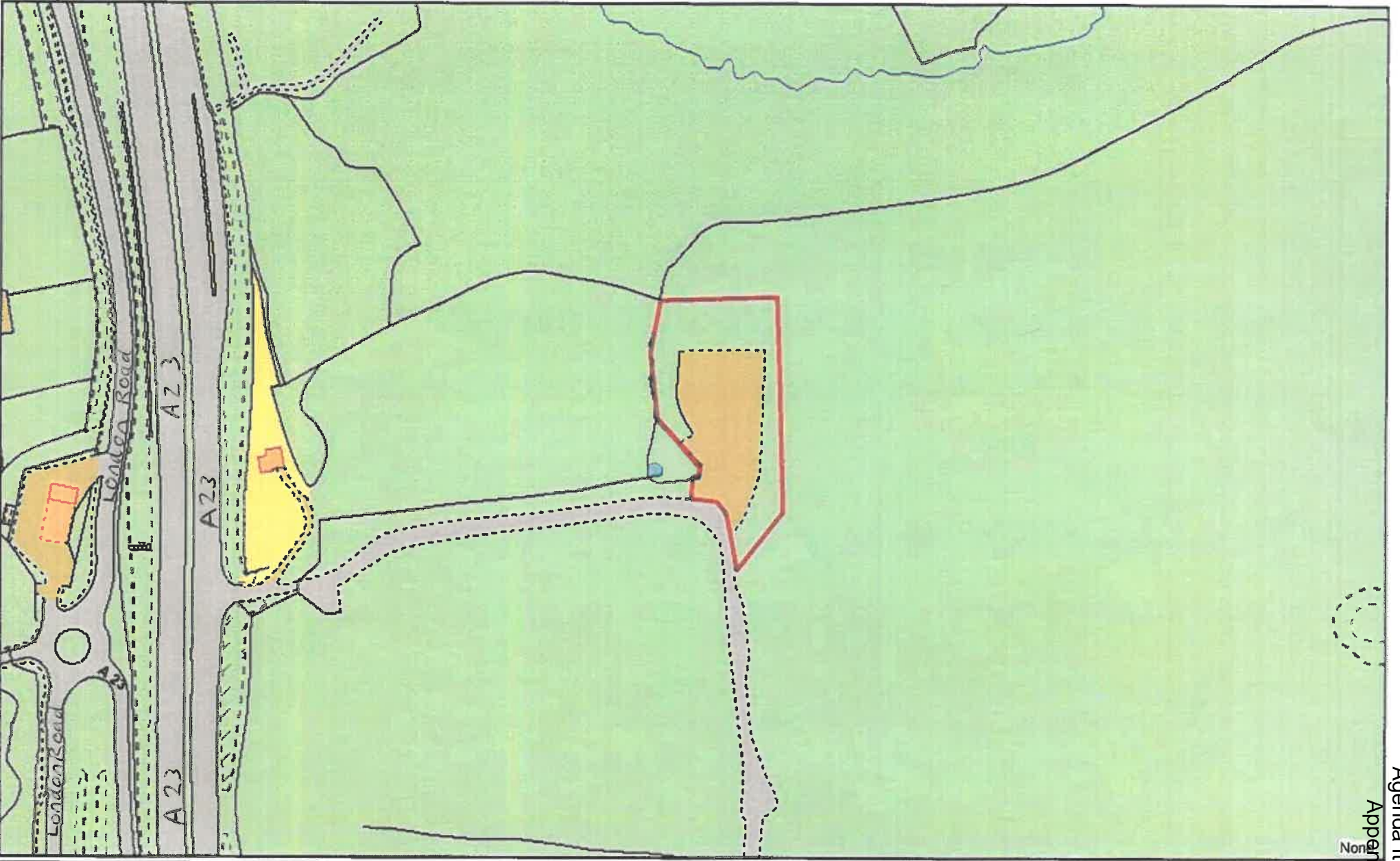
Scale 1:15,000



Map Notes

Crown Copyright. All rights reserved.  
West Sussex County Council  
100023447 (2017)

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**PJ Brown Yard, Park Farm, Bolney**

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30 April 2007





14 May 2018

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Appendix 5



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Agenda Item 6  
Appendix 9



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Appendix 10



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1 January 2005



Image © 2019 Getmapping plc

Google earth

Imagery Date: 1/1/2005 51°00'25.94" N 0°11'36.47" W elev 105 m eye alt 461 m

Agenda Item 6  
Appendix 11

31 August 2012

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9/13/2012

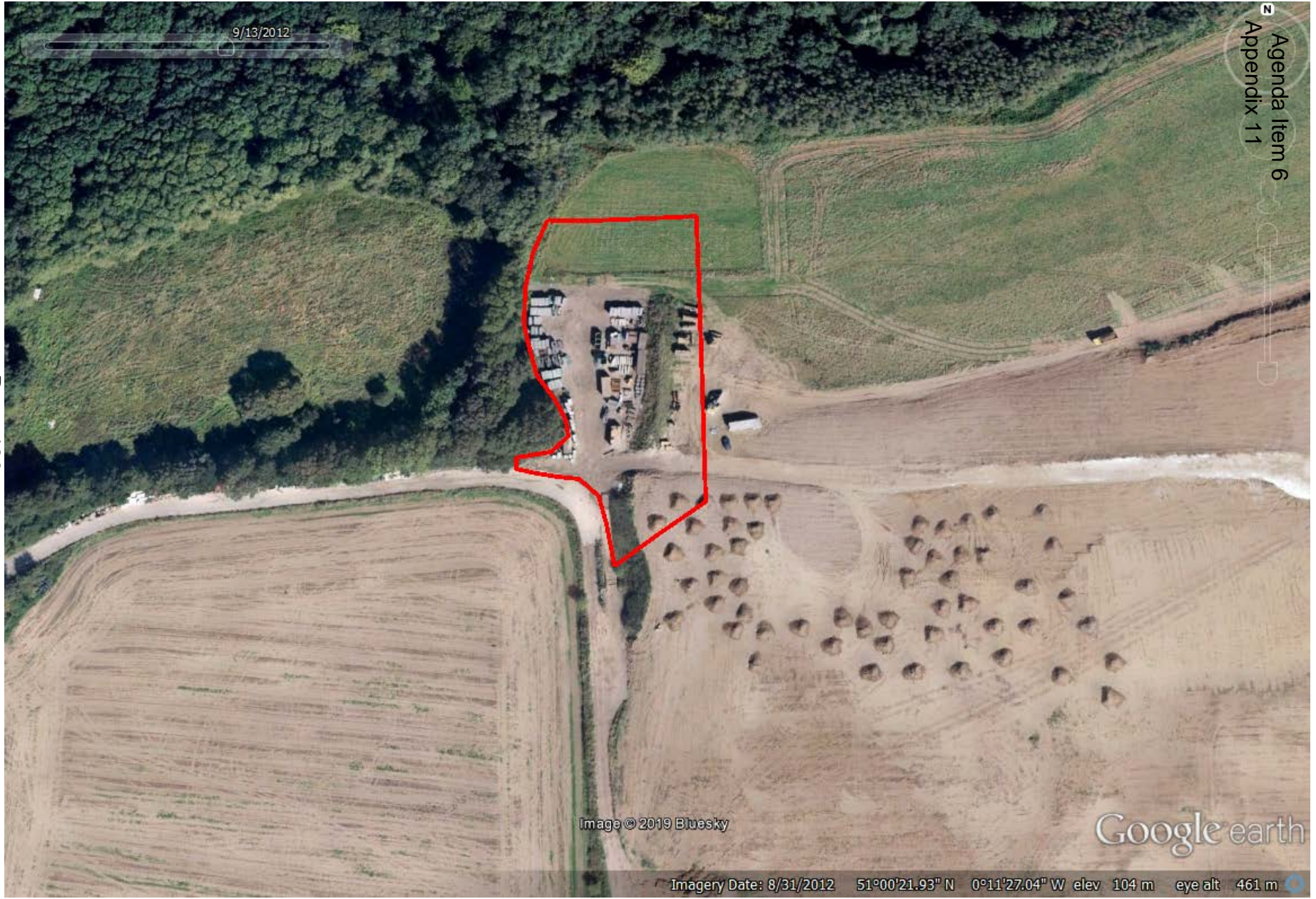


Image © 2019 Bluesky

Google earth

Imagery Date: 8/31/2012 51°00'21.93" N 0°11'27.04" W elev 104 m eye alt 461 m

10 September 2015



10 October 2018

Agenda Item 6  
Appendix 11



# Update on Mineral, Waste and Regulation 3 Planning Applications

Planning Committee date 7 January 2020

Report by Strategic Planning, County Planning Manager

## Minerals and Waste Planning Applications

Report run on 19 December 2019

Type	Reference (Case Officer)	Applicant	Proposal	Location	Member	Date Valid	Recommended determination date	Extension Deadline Date	Period post validation	Update comments
Certificate of Lawful Development	WSCC/070/19 (Jane Moseley)	PJ Brown (Construction) Ltd	Importation, deposit, re-use and recycling of waste material and use of land for storage purposes	Land at Bolney Park Farm Broxmead Lane Bolney RH17 5RJ	Mrs Joy A Dennis	07/10/19	02/12/19		72	This Committee
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	15/10/2018	14/01/19		429	Section 106 to be agreed
County Matter Mineral	WSCC/071/19 (Chris Bartlett)	Angus Energy Ltd	Remove drilling fluids and carry out an extended well test. This proposal is a two-stage activity: 1) Pumping out previously used drilling fluids to ascertain any oil flow (up to 4 weeks) 2) Should oil be seen to flow, an extended well test would be carried out over a period of 3 years.	Lower Stumble Exploration Site, off London Road, Balcombe, Haywards Heath, RH17 6JH	Mr Bill Acraman	08/10/19	07/01/2020		71	Environment Agency has objected. Awaiting further information from agent/applicant.

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/078/19 (Chris Bartlett)	UKOG (234) LTD	Amendment of condition no. 1 of planning permission WSCC/033/18/WC to enable the retention of security fencing, gates and cabins for a further 24 months	Wood Barn Farm, Adversane Lane, Broadford Bridge, Billingshurst, West Sussex	Mrs Pat A C Arculus	13/12/19	13/03/20		5	Out for consultation
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, RH17 6TJ	Mr Bill Acraman	19/02/19	21/05/19		302	Reviewing of consultee comments and report to be written
County Matter Waste	WSCC/021/19/AR (Chris Bartlett)	Mr Paul Wilson	Infilling of a hollow to restore garden land	Fulling Mill Farmhouse, Selsfield Road, Ardingly, Haywards Heath, RH17 6TJ	Mr Bill Acraman	19/02/19	21/05/19		302	Reviewing of consultee comments and 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		233	106 to be agreed
County Matter Waste	WSCC/050/19 (Jane Moseley)	Biffa Waste Services	Planning application for a Soil Heat Treatment Facility	Biffa Waste Services Ltd Brookhurst Wood Landfill Site Langhurstwood Road Horsham RH12 4QD	Mr Peter C Catchpole	02/08/19	22/11/19	25/11/19	138	This Committee

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/051/19 (Jane Moseley)	Biffa Waste Services	Planning application for a soil washing facility	Biffa Waste Services Ltd Brookhurst Wood Landfill Site Langhurstwood Road Horsham RH12 4QD	Mr Peter C Catchpole	02/08/19	22/11/19	25/11/19	138	This Committee
County Matter Waste	WSCC/052/19 (Jane Moseley)	Brett Concrete Ltd	Variation of condition 7 of planning permission WSCC/053/16/CR to allow 24 hour operations Monday to Friday	Crawley Goods Yard, Gatwick Road, Crawley, RH10 9RE	Mrs Brenda Burgess	10/07/19	09/10/19	10/01/20	161	CBC's Environmental Health Officers sought additional noise information; applicant preparing/ discussing.
County Matter Waste	WSCC/053/19 (Chris Bartlett)	Landacre Trading Limited	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 Westbourne PO18 8UL	Mr Mike Magill	22/07/19	21/10/19		149	Section 106 to be agreed
County Matter Waste	WSCC/066/19 (Edward Anderson)	Mr G Love	Replacement of existing below ground drainage to provide an improved foul and waste drainage system for existing dwellings at the property, comprising the installation of new pipes, a new bio-digester and field drain.	Climping College The Mill Climping Street Climping BN17 5RN	Mrs Jacky A Pendleton	20/11/19	19/02/20		28	Awaiting consultee responses. Likely to be acceptable subject to more information regarding drainage and ecological impacts being OK.
County Matter Waste	WSCC/067/19 (Jane Moseley)	Biffa Waste Services	Amendment of Restoration Scheme approved through WSCC/005/16/NH to provide rich grassland rather than woodland	Brookhurst Wood Landfill Site Langhurst Wood Road Horsham RH12 4QD	Mr Peter C Catchpole	24/09/19	24/12/19		85	To be determined in coming week.

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/068/19 (Edward Anderson)	Five Oaks Farm	Erection of a bund on the northern boundary	Land at Five Oaks Farm Haven Road Slinfold	Mr Christian R Mitchell	30/09/19	25/11/19		79	Objection from Horsham DC. More information requested to justify need.



## 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/047/19 (Edward Anderson)	Director of Highways, Transport and Planning	The installation of a daily mile track at Colgate Primary School	Colgate Primary School, Blackhouse Road, Colgate, Horsham, RH13 6HS	Mrs Liz Kitchen	03/07/19	28/08/19		168	Awaiting new layout/design details that demonstrate trees would not be harmed.
Reg 3	WSCC/073/19 (Edward Anderson)	Director of Highways, Transport and Planning	Replacement all-weather pitch with new surfacing, sub-base, fencing and drainage provision. New lighting electric head units and wiring.	The Weald School, Station Road, Billingshurst, RH14 9RY	Mrs Amanda J Jupp	07/11/19	02/01/20		41	Discussion with school to maintain drainage on-site. Report in progress.
Reg 3	WSCC/074/19 (Edward Anderson)	Director of Highways, Transport and Planning	Retrospective Planning Application to extend timeframe for one single temporary classroom and conservatory to provide teaching space for year R children	3 Blackthorns County Primary School, Blackthorns Close, Lindfield, RH16 2UA	Mr Andrew C Lea	27/11/19	22/01/20		21	Out for consultation.
Reg 3	WSCC/075/19 (Edward Anderson)	Director of Highways, Transport and Planning	The continued use and siting of a temporary classroom unit	3 Blackthorns County Primary School, Blackthorns Close, Lindfield, RH16 2UA	Mr Andrew C Lea	27/11/19	22/01/20		21	Out for consultation.
Reg 3	WSCC/076/19 (James Neave)	Director of Highways, Transport and Planning	Erection of a 1 story modular building for use as a classroom. Demolition of existing hutted single story classroom.	Albourne Primary School The Street Albourne BN6 9DH	Mrs Joy A Dennis	16/12/19	10/02/20		2	Out for consultation.

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# Report of Delegated Action; Applications approved subject to conditions

Planning Committee date: 7 January 2020

Report by Strategic Planning, County Planning Manager

Decided between: Period Start Date : '27-JUN-2019' , and Period End Date : '18-DEC-2019'

Report run on 19 December 2019

Application Type	District	Application No	Proposal	Location
County Matter Mineral	Adur	WSCC/044/19	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
County Matter Waste	Arun	WSCC/027/18/F	Proposed new access road	New Circular Technology Park (former Ford Blockworks), Ford Airfield Industrial Estate, Ford, Arundel, BN18 0HY
	Horsham	WSCC/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
	Horsham	WSCC/042/19	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, Henfield, BN5 9XH

<b>Application Type</b>	<b>District</b>	<b>Application No</b>	<b>Proposal</b>	<b>Location</b>
County Matter Waste	Horsham	WSCC/072/19	Placement of a portacabin	Billingshurst Household Waste Recycling Site, Newbridge Road, Billingshurst RH14 9HZ
	Horsham	WSCC/040/19	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, Horsham, RH12 3DH
	Mid Sussex	WSCC/032/19	Construction and operation of a sludge cake reception building and sludge cake loading tunnel/building	Goddards Green Sewage Treatment Works, Ansty, Haywards Heath, RH17 5AL
	Worthing	WSCC/056/19	The construction and operation of two switchgear kiosks	East Worthing Wastewater Treatment Works, Western Road, East Worthing BN15 8SB
	Worthing	WSCC/058/19	Installation of litter netting and associated infrastructure	Worthing Household Waste Recycling Site Ham Bridge Trading Estate, Willowbrook Road, Broadwater, Worthing, BN14 8NA
Regulation 3	Adur	WSCC/046/19	Installation of a single storey, double class base temporary classroom for a period of 5 years.	Sompting Village Primary School, White Styles Road, Sompting, Lancing, BN15 0BU
	Adur	WSCC/065/19	Demolition of a 3 storey building in a conservation area. Works will include the excavation of foundations and removal of services to the site. The trees located to the site will be retained.	Burrscofte, Pond Road, Shoreham-by-Sea, BN43 5WZ
	Arun	WSCC/045/19	Laying of a Daily Mile all-weather track.	Eastergate CofE Primary School, Church Lane, Eastergate, Chichester, PO20 3UT
	Crawley	WSCC/036/19	Installation of 'daily mile' track to school playing field.	Northgate Primary School, Green Lane, Northgate, Crawley, RH10 8DX
	Crawley	WSCC/043/19	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

<b>Application Type</b>	<b>District</b>	<b>Application No</b>	<b>Proposal</b>	<b>Location</b>
Regulation 3	Crawley	WSCC/048/19	The construction of a new single storey special educational need (SEND), two classroom extension using traditional construction and external works involving landscape and drainage and the provision of a single temporary classroom required for the duration of the works only	Manor Green Primary School, Lady Margaret Road, Crawley, RH11 0DU
	Crawley	WSCC/060/19	Amendment to condition 2 of WSCC 036 19. Alteration from 1.2 meter wide Daily Mile Track to 1.5m wide Daily Mile Track as requested by school to accommodate a diverse range of users.	Northgate Primary School, Green Lane Northgate, Crawley, RH10 8DX
	Horsham	WSCC/026/19	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
	Mid Sussex	WSCC/059/19	Replacement of curtain walling, fascia, guttering, and general repairs	Fairway Infant School, Fairway, Crawley, RH10 3QD
	Mid Sussex	WSCC/069/19	Install a new 2.4m fence to provide extra security for the children and staff at Blackwell primary School.	Blackwell Primary School, Blackwell Farm Road, East Grinstead, RH19 3JL
	Worthing	WSCC/064/19	Proposed works are to install a Log Cabin onto the existing site to provide key curriculum support facilities	Palatine School, Palatine Road, Goring-By-Sea, Worthing, BN12 6JP

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