

# Public Document Pack

**Tony Kershaw**  
Director of Law and Assurance

If calling please ask for:

Tracey Guinea on 033 022 28679  
Email: [tracey.guinea@westsussex.gov.uk](mailto:tracey.guinea@westsussex.gov.uk)

[www.westsussex.gov.uk](http://www.westsussex.gov.uk)

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



28 October 2022

## Planning and Rights of Way Committee

A meeting of the committee will be held at **10.30 am** on **Tuesday, 8 November 2022** at **County Hall, Chichester, PO19 1RQ**.

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, contact Democratic Services before the meeting.

#### 2. **Minutes of the last meeting of the Committee** (Pages 3 - 14)

The Committee is asked to confirm the minutes of the meeting held on 11 October 2022 (cream paper).

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

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

#### 4. **Planning Application: Waste** (Pages 15 - 64)

Report by Head of Planning Services.

The Committee is asked to consider and determine the following application:

**WSSC/025/22 - Variation of Conditions 28 and 31 of Planning Permission WSSC/055/09/NH to Extend Bank Holiday Waste Acceptance Hours and to Increase Vehicle Movements at Mechanical**

**and Biological Treatment Facility, land south of Brookhurst Wood  
Landfill Site, Langhurstwood Road, Horsham, West Sussex, RH12 4QD**

**5. Date of Next Meeting**

The next meeting of the Committee will be held at 10.30 am on Tuesday, 6 December 2022.

**To all members of the Planning and Rights of Way 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.

## **Planning and Rights of Way Committee**

11 October 2022 – At a meeting of the Committee held at County Hall, Chichester, PO19 1RQ.

Present: Cllr Burrett (Chairman)

Cllr Atkins, Cllr Ali, Cllr Duncton, Cllr Gibson, Cllr Joy, Cllr McDonald, Cllr Montyn, Cllr Oakley, Cllr Patel, Cllr Quinn and Cllr Sharp

Apologies were received from Cllr Hall

### **Part I**

#### **8. Declarations of Interest**

8.1 The following declarations of interest were made in relation to Agenda Item 4 – Definitive Map Modification Order DMMO 11/18:

- In accordance with the County Council's Code of Conduct, Cllr Gibson declared a Personal Interest due to his membership of the British Horse Society (BHS). The Committee noted that BHS is not in support of the application, as stated by Miss Wood, speaker in objection (see minute 11.2 below).

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

9.1 Resolved – That the minutes of the Planning and Rights of Way Committee held on 18 May 2022 be approved and that they be signed by the Chairman.

#### **10. Urgent Matters**

10.1 There were no urgent matters.

#### **11. Definitive Map Modification Order**

**DMMO 11/18 To upgrade parts of public footpaths 165 and 166 to bridleway and to add new lengths of bridleway in the parishes of Yapton, Climping and Middleton-on-Sea**

11.1 The Committee considered a report by the Director of Law and Assurance, as amended by the Agenda Update Sheet (copies appended to the signed copy of the minutes). The report was introduced by Georgia Hickland, Trainee Legal Executive, who outlined the proposals, key points and amendments and advised that the approximate location of Park Farm, as noted in the Committee report, was marked on the plan on the Committee presentation.

11.2 Miss Amanda Wood, local resident, horse owner and rider, spoke in objection to the application. The claimed route [F to G] cuts a diagonal line across her land including a private driveway, outbuildings and pony paddocks. The route was only ever a footpath. It was formally diverted away from the property by the local authority in 1954. The diverted

footpath, marked on all OS maps, is clearly indicated on Ancton Lane pointing along Kingsmead Road and Sunnymead Close. It would not be lawful to rescind an official diversion. The claimed route would be disruptive to the business. Lost grazing would mean pony owners being forced to find other facilities. Horse riders could be a danger to users of her static caravan site, who access the site along the private driveway. It would increase security concerns and may impact on her insurance premiums. The rest of the proposed route is unsuitable as a bridleway without considerable upgrading and expense. The footpath through the woods is too narrow and trees protected by TPOs may need to be felled. Crossing the busy A259 is dangerous and would require an underpass. The whole route does not link to anywhere of interest to a horse rider. Mark Weston, Director of Access, British Horse Society via email on 30 November 2018 states the BHS has not chosen to support this claimed route.

11.3 Mr Jonathan Cheal, Solicitor at Mogers Drewett, representing Mr D W Langmead as owner of the route between the parish boundary and point D, and also Mrs S M Abbot, the owner of the central section of the route from the parish boundary northwards to point C, spoke in objection to the application. Reference is only to points C to D and Mr Cheal does not represent nor speak for any of the owners of the rest of the route. The evidence is insufficient to demonstrate that public bridleway rights have come into being between point C and D, which is privately owned; the definitive route is public footpath and the applicant has failed to supply proof of a higher status, based on the historic documents available. There is no real evidence that the route has become a bridleway, whether by creation or dedication. There is no inclosure evidence to demonstrate bridleway status and no Tithe evidence - the Climping Tithe Map does not show the route at all. The Yeakell & Gardner Map shows a faint dotted line approximating to the route, but the Map's prospectus stated that private routes were shown and also footpath routes. The old OS Map and Greenwood show a route going as far as Park Farm but no further. OS Maps tended to show what was on the ground, without indication of status. Greenwood also portrayed private routes. It was claimed as a footpath in the parish survey prior to the first definitive map.

11.4 The clerk to the Committee read out a statement in objection to the application from Shelley Towse, local resident [F to G]. This bridleway would have a negative impact on the yard where she keeps her horse, as it would go through paddocks and mean a loss of grazing. With a shortage of local stable yards it could result in horses having to be sold. The claimed bridleway would not be safe as it is currently not wide enough for a horse let alone a horse and member of the public passing in opposite directions. The path would need to be widened considerably and resurfaced. The bridge, which has steps, is not bike or horse friendly. The claimed route leads to the A259 which is not a safe road to cross on foot or horseback; it would need an underpass. This application would be of no benefit to riders.

11.5 Miss Amanda Wood read out a statement in objection to the application from Christine Chamberlain, Arun District resident and horse and pony owner, one of which resides on the land in question [F to

G]. Mrs Chamberlain has been party to this land and the local area since the late 1960s and at no time has been aware of a bridle path nor would ever have had a reason to use it or cross over the fields in this way. There is a question as to whether it was ever such a right of way, looking back over the years. There is no direct access to the beach unless you were to ride via Yapton Road and through the village. The A259 is treacherous at the best of times. The claimed route is a most impractical suggestion. The population of horse riders in the vicinity has diminished over the years. None of the remaining local riders would ever consider attempting a journey on horseback to a beach, which since the new sea defences, is not ideal, and also the times of day available to ride have now been restricted.

11.6 Mr Paul Brown, representing the Open Spaces Society, spoke in support of the application. The landowner deposit, noted in para. 5.1.11 of the Committee report is irrelevant to an archive evidence DMMO application. The applicant's evidence, Appendix 1 (ACA/MD 2345), refers to a 1564 Sherriff's Court ruling where three individuals were indicted for closing up a gate on the route through the former Ford Park, which was described as being part of a longer road from Felpham to Madehurst. This was not properly explored in the Committee report and in para. 4.2 it states that 'it is not possible to determine the exact route.' This evidence should not be denigrated on the basis of a "feature", i.e. a gate, which is shown on the Yapton Tithe Map on Cinders Lane as bridleways commonly had gates. The claimed route is supported by 1838 Tithe Maps evidence and the 1872 Boundary Remarks Book, which show the same route is congruent with the 1564 indictment. In 1989 Wessex Archaeology stated that "Parish territorial boundaries often follow pre-existing landscape features such as roads, tracks and streams. Most parish boundaries were probably established by 1200". In *R v Exall*, 1866, Judge Pollock said that circumstantial evidence is to be considered not as the links of a chain but... "like the case of a rope composed of several cords. One strand of the cord might be insufficient to sustain the weight, but three stranded together may be quite of sufficient strength." Page 40 of *Rights of Way, A Guide to Law and Practice* by Riddall and Trevelyn states that "relatively few highways can be shown to have been expressly dedicated. The great majority have been accepted as being public since beyond memory".

11.7 Mrs Julie Robinson, the applicant, spoke in support of the application. The points raised by Mr Brown regarding the 1564 Sherriff of West Sussex's indictment were reiterated. There would not have been a meaningless deviation off to the east through Ford Park (shown on later maps as Park Farm), but it makes perfect sense when seen as a route to Ancton. The claimed route is one and the same and is still in existence, whilst the rest of the road to Madehurst became the B2132. Historically, land was an open and shared environment and would have been criss-crossed by bridleways used by pack horses and people on horseback. *Rights of Way Law*, 1896, by Sir Robert Hunter covers the definition of a bridleway and how, before good roads became commonplace, most transportation was effected by means of pack-horses, it notes that many of the oldest tracks are pack-horse ways and that such ways tended to either develop into cart ways, or to degenerate into footpaths. It also describes the common loss of bridleways by landowners obstructing them, or disputing there was a right for horses whilst that for

foot passengers was admitted, showing the widespread diminution of bridleways to only footpath status during the 19<sup>th</sup> century. Later OS mapping shows the coastal plain, in particular, to be practically devoid of bridleways and this should be taken with a very large pinch of salt. There is evidence of some sort of higher status public route on historic County maps, supporting it being the same route as the one in the Sherriff Court indictment. Not being shown on the Climping Tithe Map is not evidence against and a bridleway would not have affected the productivity of the land and its liability to tithe. Para. 4.6 of the Committee report misunderstands the applicant's comment about an easement - the legal definition of a highway is merely a right of the public over land, so the sale of Cinders Lane is irrelevant. The Finance Act 1910 evidence shows a higher status as public highway. Para. 4.13 of the Committee report misrepresents the supplied evidence regarding how the route fits the description of a highway from Felpham to Madehurst, describing this as speculative.

11.8 In response to points made by speakers, the Senior Solicitor clarified the following:

- In relation to the diversion of the footpath referred to by Miss Woods, footpath rights were stopped up, but it is likely any higher rights were not. It is right that the claimed historic route should be considered based on archive mapping and whether it meets the relevant tests.
- Section 31(6) deposits, that could negate a claim based on user evidence (para. 6.11 of the Committee report), are not relevant to an archive only based claim.

11.9 During the debate the Committee raised the points below and a response or clarification was provided by the Senior Solicitor and the Chairman, where applicable, as follows:

### **The difficulties of historic archive evidence claims**

**Points raised** – With archive evidence based applications it is extremely difficult to come to a definitive view because evidence is not up to modern standards of substantive evidence. Much has to be inferred. In this case it may be inferred that an historic bridleway existed but it is very difficult to show exactly the alignment of the route, an example being the 1564 Sheriff's Court indictment evidence.

**Response** – With the 1564 evidence, no plan was available. The evidence of the claimed route, referred to as a "Queen's highway used by pedestrians and horsemen", is speculative.

### **Amount of historic evidence required**

**Point raised** – How much historic evidence is required in order to make a decision?

**Response** – The maxim of ‘once a highway, always a highway’ applies. A view should be taken on the whole evidence.

**User evidence, including pedestrians and horse-riders**

**Points raised** – What evidence of use by pedestrians is there and what would be the likely use by horse-riders?

**Response** – This is not a user-based application, so no evidence of use was provided. The question of suitability of use by bridleway users would not be relevant to the determination of the application.

**B to C: development of land on this route and footpath**

**Points raised** – In reference to points B to C on the claimed route, the Committee report states there is outline planning permission [off Cinders Lane]. It is noted that the estate is now built with a diagonal path, which does not follow the claimed route, through to the northern boundary of the estate ending in a close board fence at the allotments; there is no path on the ground through the allotments to point B. Up to date information should have been included in the Committee report. It was queried whether it would be possible to upgrade the footpath, as it exists now on the ground, to a bridleway.

**Response** – At the time of the application in 2018, there were two outline planning permissions in place, off Cinders Lane. Since then the land has been developed and housing has been built and the “existing building” referred to in 5.2.2 (i) of the Committee report is no longer there. Only the claimed route can be considered by the Committee. If the Committee agreed that the archive evidence is sufficient to prove the claimed route, it could be added as a bridleway. This is irrespective of any development that now exists and if a bridleway were to ‘be made’ and it passed through an existing building then the property owner would need to apply for a diversion under the Highways Act; or the County Council could do so ‘in the interests of the public’.

**D to E and F to G: safety**

**Points raised** – Crossing the A259 at this point would be dangerous. The condition of Grevatt’s Bridge is unsuitable for bridleway use. The concerns raised by Miss Wood regarding the dangers of riding through paddocks occupied by other horses were understood.

**Response** – Safety is not a consideration that can be taken into account. The application must be considered only on the archival evidence against the relevant legal tests.

### **F to Sunnymead Close: condition of the route**

**Point raised** – Whilst suitability of the route cannot be considered, it was noted that from point F southward to Sunnymead Close the route on the ground is extremely overgrown.

**Response** – None required.

### **Decision based on archival evidence against the relevant legal tests under the Wildlife and Countryside Act 1981**

**Points raised** – Any comments in the report and discussions regarding the current situation on the ground are irrelevant. The Committee should not be distracted by this because it risks the decision being overturned by the Planning Inspector.

**Response** – The application is supported by historic documentary evidence and can only be considered on this basis. Sometimes the implications of the legislation are not fully understood by consultees. However, it would be remiss if the Committee report [and minutes of the Committee meeting] did not accurately record all comments made by consultees and interested parties. Where comments are not relevant to the determination of the application, this is made clear. Committee members do, of course, become aware of contextual information, including observation during site visits, but the Committee must be clear that the decision should only be made in accordance with the legislation and on the archival evidence weighed against the relevant legal tests. An explanation of the appeals process should the recommendation to not make be approved and the involvement of the Planning Inspectorate was also provided.

### **B to C and D to E: evidence of a footpath, rather than a bridleway**

**Points raised** – In reference to B to C and D to E, if there is no historic evidence of a bridleway but evidence of the existence of a footpath, would it be reasonable to propose an amendment that concludes that footpath rights existed? Officers were asked whether they could direct the Committee or advise members whether or not to take such an amendment forward. Additionally, if this application were to be refused would this mean any future application for footpath status could not be made?

**Response** – Should the Committee decide that there is sufficient archival evidence then it could be concluded that a footpath was 'reasonably alleged to subsist'. However, the application under consideration is for the addition of a bridleway at points B to C and D to E. As such, the evidence has only been considered and tested by officers on that basis. The conclusion is that sections B to C and D to E do not meet the 'reasonably alleged to subsist' test. The Committee was advised that because of this any decision to make a DMMO to add B to C and D to E as footpath could be open to challenge. If this application for bridleway status were refused it



would not preclude a future application for footpath status following the discovery of evidence.

11.10 The substantive recommendations, as set out, were proposed by Cllr Patel and seconded by Cllr Atkins and voted upon by the Committee and approved by a majority.

11.11 Resolved:-

- (1) That a Definitive Map Modification Order, under Section 53(2) in consequence of an event specified in sub-section 53(3)(c)(ii) of the Wildlife and Countryside Act 1981 to upgrade public footpath 166 to a bridleway between points A to B and C to D on the application plan be not made.
- (2) That a Definitive Map Modification Order, under Section 53(2) in consequence of an event specified in sub-section 53(3)(c)(ii) of the Wildlife and Countryside Act 1981 to upgrade public footpath 165 to a bridleway between points E to F on the application plan be not made.
- (3) That a Definitive Map Modification Order, under Section 53(2) in consequence of an event specified in sub-section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to add a bridleway between points B to C, D to E and F to G on the application plan be not made.

11.12 The Committee recessed at 11.33 a.m. and reconvened at 11.41 a.m.

## **12. Public Rights of Way Annual Progress Report 2021**

12.1 The Committee considered a report by the Principal Rights of Way Officer who set out the key points of the report.

12.2 During the debate the Committee raised the points below and a response or clarification was provided by the Principal Rights of Way Officer, where applicable, as follows:

### **Condition of structures on public rights of way (PROW)**

**Points raised** – What can be done to encourage landowners to maintain structures, e.g. bridges, to a good state of repair? If a bridge is reported as defective, where does the risk liability lie?

**Response** – Where a structure is an accommodation bridge for private access with a PROW over it, the main responsibility lies with the landowner although the Highways Authority has an interest in it. Reported issues with structures are assessed. Officers work with the landowner to agree repairs. Bridges under the ownership of the Council are assets which the Council is responsible for. The PROW team assesses smaller wooden bridges, larger structures are assessed by the Structures team. Assessments lead to a recommendation on the timescale for repairs. Resources would

have to be found to do so. Regarding liability for a privately owned structure which carries a PROW, the Council has responsibility for the public status of the route and would work with the landowner. If a structure is unsafe then it may need to be closed to the public until made safe.

### **Reduction in compliments**

**Point raised** – What has accounted for the reduction of compliments to 6 from 19?

**Response** – There is an element of expectation that the Council undertakes the work it should. It is felt that the PROW team does an excellent job and has not reduced the volume or standard of work. Compliments are dependent on the individual.

### **Ploughing**

**Point raised** – How often has the PROW team had to engage with farmers who have encroached on PROWs through ploughing?

**Response** – Officers did not have statistics to hand; however, it was clarified that any reports or incidents raised through inspection would be assessed and prioritised against the reporting standards - Low, Medium and High. If a High priority then Landowners would be contacted and encouraged to reinstate the path. If Low or Medium priority it would usually wait until the next routine maintenance inspection. Most landowners are open to reinstating paths, but enforcement procedures are available although used as a last resort.

### **Vegetation**

**Point raised** – Only about 10% of PROW vegetation is cut back. Does this keep up with annual growth or is some useability of the network affected?

**Response** – The PROW team's budget allows for cutting back 10% of the network under the Summer Clearance Contract, which focuses on reported heavily overgrown paths that restrict access. This is separate to the 15-month Routine Maintenance Contract cycle.

### **Ash Dieback**

**Point raised** – How is Ash Dieback affecting operations and the network, including the risks to users and blocking of watercourses from failing trees? And, to what degree is this affected by Riparian owners not undertaking their duty?

**Response** – The Council has a contract to deal with Ash Dieback which includes the PROW network. Access Rangers undertaken inspections of the PROW, any concerns are reported to the landowner or Arboricultural team who undertake a detailed tree

inspection and determine the course of action and timescale, which then goes on the list for contracted works and is cleared under that contract if the landowner is unknown or, if necessary the work is undertaken as part of enforcement action if landowners do not. Officers and volunteers are aware of the issue and vigilant and, at this time, there have been no major concerns on the PROW network. Whilst drainage can be an issue, trees falling into water courses is not generally an issue, but can occur at times, and again any issues are prioritised.

### **Local issue**

**Point raised** – Advice was sought on how to progress improvements to the network to enable pedestrian access to a particular primary school.

**Response** – It is understood that there are outstanding matters to be settled with landowners, including a change of ownership on one section. Landowner agreement is required to upgrade the path, which is there in principle, although the legal ownership needs to be dealt with first. Consideration of funding would follow once ownership is settled and an agreement to dedicate is in place.

### **Resources**

**Point raised** – Clarification was sought regarding resources, both funds and staff.

**Response** – There are finite resources. Planning is the key to delivering enhancements on the PROW network, including within red-line boundaries of development and developer contributions (Section 106 and Community Infrastructure Levy (CIL)). Landowner agreement to upgrade paths is also essential.

### **Urban footpaths maintenance and vegetation clearance**

**Points raised** – Who deals with the maintenance and vegetation clearance on footpaths in urban areas?

**Response** – Responsibility for urban areas depends on the location, it may be the PROW team or Highways. The PROW team maintains surface vegetation on urban footpaths to the same standard as the rural network, with the same provisos for privately owned land and trees, unless the landowner cannot be identified and a risk is posed, in which case the Council has a duty to take action. Encroaching vegetation is the landowner's responsibility and prioritised as described above. The Council's iMap will show whether land is private or Council owned.

### **The Art Project**

**Point raised** – Section 106 money has been allocated to providing signs through the Art Project to enhance the experience of using the Worth Way and related paths.

**Response** – Section 106 money is specific in what it can be spent on and it is unlikely that the PROW team would be able to get involved.

### **Crawley Down/Copthorne development**

**Point raised** – 3,000 houses are planned in the next 15 years in the Crawley Down/Copthorne area, which may provide ample opportunities for enhancements to the PROW network, as critical infrastructure including providing a link from the Worth Way to Copthorne and on to Gatwick and Crawley.

**Response** – None required.

### **Crawley Down Pond**

**Points raised** – Crawley Down Pond, which runs along the Worth Way, requires maintenance as it is silted up.

**Response** – The Worth Way is managed by Countryside Services, who would be best placed to advise on what to do.

### **Complaints**

**Point raised** – What is the most common type of complaint?

**Response** – It is seasonal. In summer, surface vegetation – overgrown paths. In winter, surface condition – muddy paths.

### **Gates for Stiles**

**Points raised** – What type of gate is provided? 48 gates have been provided to landowners, what is the cost?

**Response** – The budget is limited, so an offer is made to replace a stile only where there is no other within easy access. Gates are offered for free under the agreement that the landowner installs it. This is to encourage the replacement of stiles which the landowner may not otherwise replace. A range of structures can be offered, metal, wooden, self-closing or spring lock, depending on requirements.

### **New development – planning applications**

**Points raised** – How many planning applications does the PROW team respond to? How good is the response timeframe performance and how is it monitored?

**Response** – Officers did not have statistics to hand. This will be included in the next annual report. The system used is MasterGov. Access Rangers respond to smaller scale planning applications and the Planning Communities Officer considers the larger scale and strategic applications, working alongside the

Principal Rights of Way Officer. All planning applications are responded to, some have a massive impact on the PROW network, some have no impact.

### **England Coast Path**

**Points raised** – Who is responsible for the proposed England Coast Path, what status will it have and what involvement does the PROW team have?

**Response** – Natural England had the initial responsibility to identify the potential route. Once signed off by the Secretary of State, responsibility has reverted to the local authorities (locally, a Trail Partnership, made up of stakeholders including the County Council as the local access authority) along with funding for the delivery and a project officer post, which in West Sussex is within the PROW team. The Coast Path will be for walkers only, following much of the existing PROW network but with sections of new paths that will be part of the national trail, but will be managed by West Sussex – some funding will be provided. Current delivery is for the Shoreham to East Head section, which has been signed off. The remaining section is not yet signed off, but is hoped to be soon with a view to delivering this in the next financial year.

12.3 Resolved – That the Committee notes the report and that it is circulated to the wider membership of the Council.

### **13. Date of Next Meeting**

13.1 The next scheduled meeting of the Planning and Rights of Way Committee will be on Tuesday, 8 November 2022 at 10.30 a.m.

### **14. Agenda Update Sheet**

The meeting ended at 12.19 pm

Chairman

This page is intentionally left blank

**Key decision: Not applicable  
Unrestricted**

---

## **Planning and Rights of Way Committee**

**8 November 2022**

### **County Matter Waste Planning Application**

**WSCC/025/22 - Variation of Conditions 28 and 31 of Planning Permission WSCC/055/09/NH to Extend Bank Holiday Waste Acceptance Hours and to Increase Vehicle Movements at Mechanical and Biological Treatment Facility, land south of Brookhurst Wood Landfill Site, Langhurstwood Road, Horsham, West Sussex, RH12 4QD**

### **Report by Head of Planning Services**

**Local Member: Councillor Andrew Baldwin**

**Electoral division: Holbrook**

**District: Horsham**

---

## **Summary**

This report concerns a planning application seeking to extend waste acceptance hours and an associated increase in HGV movements on public holidays at the established Brookhurst Wood Mechanical and Biological Treatment Facility (MBT), located on land at Brookhurst Wood, Langhurstwood Road, Horsham.

Conditions attached to the MBT permission control both the hours of waste deliveries and the number of HGV movements, for which a variation is now sought to allow extended public holiday delivery hours from a current finish at 10:00 up until 15:00, and an associated uplift in maximum HGV numbers on public holiday from 54 to 75 deliveries (an increase from 108 to 150 movements). In addition, a variation is also sought for additional hours of HGV deliveries until 15:00 on an additional Saturday following weeks with consecutive public holidays, a 'second Saturday catch-up'.

The principle of the site's use as a waste management facility has been established through the granting of the 2010 permission. It is solely the implications of the increased public holiday delivery hours and associated increase in maximum permitted HGV numbers on those days that are relevant to the consideration of the present proposal.

The main development plan policies of relevance to this application are Policies W3, W18, W19 and W21 of the West Sussex Waste Local Plan (April 2014) ('WLP'), and Policies 1, 24, 26, 33, 39 and 40 of the Horsham District Planning Framework 2015 ('HDPF').

Horsham District Council (including Environmental Health Officers), Warnham Parish Council and WSCC as Highway Authority raise no objection to the proposals.

North Horsham Parish Council object to the proposals, raising concern over increased HGV movements around the site. Other consultees have not returned any comments.

There have been two third party representations received, both of which object to the proposals.

### **Consideration of Key Issues**

The main material planning considerations in relation to the application are:

- need for the development;
- impact on residential amenity; and
- impact on highway capacity and road safety.

### ***Need***

The proposals to extend waste acceptance hours and an associated increase in HGV movements at the MBT would provide flexibility to ensure that WSCC, as Waste Disposal Authority (WDA), can provide the necessary facilities to accept waste arisings/collections by the Waste Collection Authorities (WCA), which require flexibility to efficiently manage waste arisings/collections in their area whilst adapting to national requirements for separation and collection of waste (as set out in the Environment Act). As a result, the development would meet an identified need, be of benefit to the public, and would support the efficient movement of waste up the waste hierarchy, in accordance with local and national policy. These matters weigh substantially in favour of the proposal.

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

Although it is accepted that there would inevitably be a degree of additional disturbance as a result of increased HGV movements over a longer period on public holidays and second catch-up Saturdays (following consecutive public holiday weeks), the number and frequency of such movements in the context of a well-trafficked road, and limited additional noise likely to be experienced, is not likely to give rise to any unacceptable impacts upon residential amenity. The proposals are therefore considered to accord with local and national policy. The limited potential for negative impacts on amenity resulting from the development are considered to attract little weight in the planning balance.

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

The proposed increase in HGV movements to/from the application site on public holidays is not considered likely to give rise to any unacceptable impact on highway capacity or road safety and, therefore, the proposal accords with local and national policy. Any potential adverse impacts on the highway are, therefore, of little weight in the planning balance.

### **Overall Conclusion**

Planning permission is sought to vary conditions 28 and 31 of planning permission WSCC/055/09/NH to extend HGV delivery hours and an associated increase in HGV movements, on public holidays at the established Brookhurst Wood Mechanical and Biological Treatment Facility. This has the potential to result in impacts upon the



amenities of nearby residents, principally through disturbance caused by HGVs travelling on the highway network.

The proposals would provide for the MBT (operated by the applicant for WSCC as WDA) to accept waste over extended hours on public holidays, and additional hours on a second 'catch-up' Saturday following weeks with consecutive public holidays. This would allow greater flexibility for the WCA to efficiently manage waste arisings in accordance with evolving national requirements, to avoid the build-up of waste, and to provide consistency in household collections to the benefit of the public. As a result, the development would meet an identified need and would support the efficient movement of waste up the waste hierarchy.

It is accepted that there would inevitably be a degree of additional disturbance from increased HGV movements over a longer period on public holidays. However, the number and frequency of such movements in the context of a well-trafficked road and limited additional noise likely to be experienced, is not considered to give rise to any unacceptable impacts on residential amenity.

The proposed increase in maximum HGV movements to/from the application site on public holidays would remain well below established typical weekday traffic volumes. As confirmed by the Highway Authority, this is not considered likely to give rise to any unacceptable impact on highway capacity or road safety.

In planning balance terms, in favour of the proposal, the need and benefits of the proposals are considered to carry substantial weight. Against the scheme, the limited potential for impacts upon neighbouring amenity and the highway are considered to carry little weight. Therefore, on balance, it is considered that the substantial benefits of the proposal significantly outweigh the limited potential disbenefits and, as such, the proposed development constitutes sustainable development (as defined in paragraphs 7 and 8 of the NPPF).

Overall, it is considered that the proposed development accords with the statutory development plan when read as a whole. Furthermore, there are no material considerations in this case that indicate a decision other than in line with the statutory development plan, that is, the granting of planning permission

## **Recommendation**

That planning permission be granted subject to

- (a) the conditions and informatives set out at Appendix 1; and
- (b) the completion of a S106 legal agreement controlling: HGV routing to/from the A264; and ensuring HGV movements associated with the neighbouring landfill site and the aggregate treatment and recycling facility are subject to the same single maximum number of HGV movements as proposed by this application.

---

## **1. Introduction**

- 1.1 This report concerns a planning application seeking to extend waste acceptance hours and an associated increase in HGV movements on public holidays at the established Brookhurst Wood Mechanical and Biological

Treatment Facility (MBT), located on land at Brookhurst Wood, Langhurstwood Road, Horsham.

- 1.2 On 1 April 2010, planning permission (WSCC/055/09/NH) was granted for the MBT, including offices and visitor centre, and ancillary plant and infrastructure, to manage and process up to 327,000 tonnes of non-inert waste per annum. Conditions attached to that permission control both the hours of waste deliveries and the number of HGV movements, for which a variation is now sought to allow extended public holiday delivery hours from a current finish at 10:00 up until 15:00, and an associated uplift in maximum HGV numbers on public holiday from 54 to 75 deliveries (an increase from 108 to 150 movements).
- 1.3 In addition, a variation is also sought for additional hours of HGV deliveries until 15:00 on an additional Saturday following weeks with consecutive public holidays, a 'second Saturday catch-up'.
- 1.4 The principle of the site's use as a waste management facility has been established through the granting of the 2010 permission. It is solely the implications of the increased public holiday delivery hours and associated increase in maximum permitted HGV numbers on those days that are relevant to the consideration of the present proposal.

## **2. Site and Description**

- 2.1 The MBT site is in Horsham District and North Horsham Parish, approximately 800m to the north of the main built-up area of Horsham (located south of the A264). The application site comprises the existing MBT facility of some 5.5 hectares in size, including a shared access to Langhurstwood Road (**see Appendix 2 - Site Location Plan**).
- 2.2 The MBT is located within the wider Brookhurst Wood site, which contains several established waste and mineral related uses, including: to the north, the Brookhurst Wood Landfill Site and ancillary infrastructure (ref WSCC/067/19 – no longer accepting non-inert waste and undergoing restoration); to the west, an aggregate treatment and recycling facility (ref WSCC/003/14/NH) and a Waste Transfer Station (ref WSCC/006/18/NH); and to the south, Warnham Brickworks (ref WSCC/039/10/NH). All development within the Brookhurst Wood site is served by the same shared access onto Langhurstwood Road to the east, which connects to the A264 approximately 750m to the south.
- 2.3 In addition to the above established uses, extant planning permissions (yet to be implemented) also exist for soil heat treatment and soil washing facilities on cleared former brickworks land to the west (refs WSCC/050/19 and WSCC/051/19 respectively), and a large Energy from Waste (EfW) facility on the site of the current Waste Transfer Station (ref WSCC/015/18/NH allowed on appeal 27 Feb 2020 ref APP/P3800/W/18/3218965). For planning purposes, it must be assumed that these developments will come forward.
- 2.4 Further, two 'live' planning applications are currently being considered by the County Council for a hydrogen production facility adjacent to the existing landfill environmental management compound (ref WSCC/044/21) and an area for the storage of Refuse Derived Fuel and Compost-like Organic

digestate produced by the MBT, on land to the north of the waste transfer station (ref WSCC/028/22) (**see Appendix 3 – Brookhurst Wood neighbouring development**).

- 2.5 The wider Brookhurst Wood site is bordered to the east by Langhurstwood Road and the west by the Horsham-Dorking mainline railway. To the west, south, and east of the wider Brookhurst Wood site are isolated and small groups of dwellings (including those on Langhurstwood Road) and open 'countryside'. To the north 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 premises is located around Warnham station south-west of the site.
- 2.6 In addition to existing properties to the east of Langhurstwood Road, the 'Land North of Horsham strategic site' (now known as the Mowbray site) has outline planning permission comprising a mixed-use strategic development to include housing (up to 2,750 dwellings), business park, retail, community centre, leisure facilities, education facilities, public open space, landscaping and related infrastructure (DC/16/1677) and for which initial phases have received 'reserved matters' approval and are now under construction. The final phases of this development would result in residential properties some 350m south-east of the MBT facility and the closure of the southern end of Langhurstwood Road at its junction with the A264. A new access connecting the A264 with Langhurstwood Road would be created (**see Appendix 4 – Land North of Horsham Illustrative Masterplan**).
- 2.7 The application site is not within an area designated for landscape, ecological or historic reasons. However, to the east beyond Langhurstwood Road are areas of Ancient Woodland that follow the road northwards. Of further note, east of the site's access/junction with Langhurstwood Road is Graylands Moat Scheduled Monument. The site is in Flood Risk Zone 1 (i.e. at a low risk of flooding).

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

- 3.1 WSCC/055/09/NH: Following consideration by the Planning Committee, planning permission was granted on 1 April 2010 for construction and operation of the MBT facility, including offices and visitor centre and ancillary plant and infrastructure. This was subject to 42 conditions controlling the development and its construction/operation (**see Appendix 5 – Planning Permission WSCC/055/09/NH**).
- 3.2 Following the grant of this permission, four 'Non-Material Amendments' have subsequently been permitted for changes to: detailed site design/layout; materials and finishes; and amendments to the wording of conditions controlling internal waste movements.
- 3.3 The permission is also subject to a S106 legal agreement controlling routing of HGVs (from the site directly south along Langhurstwood Road to the A264), and provision of highway improvements (long since completed). Importantly, as part of a revised planning permission granted in 2017 for the neighbouring landfill operation (also operated by the applicant), the S106 agreement was updated to ensure that both the MBT and landfill site (WSCC/067/19) operate under a single maximum number of HGV movements (as prescribed by the conditions of WSCC/055/09/NH).

- 3.4 WSCC/003/14/NH: In April 2014 planning permission was granted for an aggregate treatment and recycling facility on land to the west of the MBT. The facility, which is operated by the applicant, is subject to the same single maximum number of HGV movements as the MBT.

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

- 4.1 Planning permission is sought to vary conditions 28 and 31 of planning permission WSCC/055/09/NH to extend waste acceptance hours and an associated increase in HGV movements on public holidays at the MBT operated by the applicant under contract with WSCC as the Waste Disposal Authority (WDA).
- 4.2 The applicant advises this would enable the MBT to accept deliveries of waste to align with changing collection patterns by Waste Collection Authorities (WCA – i.e. the District and Borough Councils), which are required to accord with national requirements for separation and collection of waste.
- 4.3 It is of note that Horsham District Council already provides public holiday collections (as part of alternate weekly collections). Other WCA in the County are considering revised collection arrangements to ensure national requirements are met and to provide consistency in collection patterns for residents, to reduce the likelihood of the build-up of waste following public holiday weeks, and to avoid the need for extended staffing hours, etc, to 'catch-up' following public holidays (which can include periods of increased waste generation - e.g. the Christmas period).
- 4.4 Condition 28 currently states:
- "Unless otherwise agreed in advance and in writing by the County Planning Authority, no deliveries of waste materials shall take place except between the hours of:
- 07.00 and 16.30 on Mondays to Fridays inclusive;
  - 07.00 and 12.00 on Saturdays;
  - 07.00 and 15.00 on the first Saturday following a Public Holiday;
  - 07.00 and 10.00 on Public Holidays; and
  - No deliveries of waste materials shall enter the site on Sundays.
- Reason: In the interests of the amenity of the locality and of local residents."
- 4.5 It is proposed to amend the wording of condition 28 as follows (bold):
- "Unless otherwise agreed in advance and in writing by the County Planning Authority, no deliveries of waste materials shall take place except between the hours of:
- 07.00 and 16.30 on Mondays to Fridays inclusive;
  - 07.00 and 12.00 on Saturdays;
  - 07.00 and 15.00 on the first Saturday following a Public Holiday;
  - **07.00 and 15.00 on the second Saturday following two consecutive Public Holidays;**

- 07.00 and **15.00** on Public Holidays; and
- No waste materials shall enter the site on Sundays.

Reason: In the interests of the amenity of the locality and of local residents."

4.6 In summary, the proposals are for extended public holiday waste delivery hours to the MBT from a current finish at 10:00 up until 15:00. This equates to five additional hours on each of the eight public holidays a year. Further, the proposals seek an additional three hours on the second Saturday following periods where there are two consecutive public holidays (typically only during the Christmas period). The applicant explains that this change is intended to allow flexibility for WCA to carry out a second 'catch-up' Saturday (in particular for those waste collection authorities who do not collect on public holidays) and to accommodate staff leave.

4.7 Condition 31 currently states:

"Unless otherwise agreed in advance and in writing by the County Planning Authority:

- no more than 196 HGVs shall enter the site between the hours 07.00-16.30 and no more than 196 HGVs shall exit the site between the hours 07.00-18.00 (of which no more than 8 HGVs shall exit the site between 16.30-18.00) on Mondays to Fridays inclusive;
- no more than 89 HGVs shall enter the site between the hours 07.00-12.00 and no more than 89 shall exit the site between the hours 07.00-18.00 (of which no more than 8 HGVs shall exit the site between 16.30-18.00) on Saturdays;
- no more than 143 HGVs shall enter the site between the hours 07.00-15.00 and no more than 143 shall exit the site between the hours 07.00-18.00 (of which no more than 8 HGVs shall exit the site between 16.30-18.00) on the first Saturday following a Public Holiday; and
- no more than 54 HGVs shall enter the site and no more than 54 HGVs shall exit the site between the hours of 07.00 and 10.00 on Public Holidays.

Reason: In the interests of road safety and local amenity."

4.8 It is proposed to amend the wording of condition 31 as follows (bold):

"Unless otherwise agreed in advance and in writing by the County Planning Authority:

- no more than 196 HGVs shall enter the site between the hours 07.00-16.30 and no more than 196 HGVs shall exit the site between the hours 07.00-18.00 (of which no more than 8 HGVs shall exit the site between 16.30-18.00) on Mondays to Fridays inclusive;
- no more than 89 HGVs shall enter the site between the hours 07.00-12.00 and no more than 89 shall exit the site between the hours 07.00-18.00 (of which no more than 8 HGVs shall exit the site between 16.30-18.00) on Saturdays;
- no more than 143 HGVs shall enter the site between the hours 07.00-15.00 and no more than 143 shall exit the site between the hours 07.00-

18.00 (of which no more than 8 HGVs shall exit the site between 16.30-18.00) on the first Saturday following a Public Holiday; and

- no more than **75** HGVs shall enter the site and no more than **75** HGVs shall exit the site between the hours of 07.00 and **15:00** on Public Holidays.

Reason: In the interests of road safety and local amenity."

- 4.9 In summary, the proposals are for an increase in the maximum number of HGV movements permitted to deliver waste to the site on public holidays from 54 to 75 deliveries (an increase from 108 to 150 movements).
- 4.10 The types and overall volume of waste permitted to be managed at the site would not change, remaining at a maximum of 327,000 tonnes per annum (Condition 41 of WSCC/055/09/NH). The hours of the operation of the MBT facility would also remain unchanged - 07:00 to 23:00 Monday to Saturday only (Condition 26 of WSCC/055/09/NH), as would all other operational controls over the site.

## **5. Environmental Impact Assessment (EIA) and Habitats Regulation Assessment (HRA)**

### **EIA**

- 5.1 The permitted MBT was considered to fall within Schedule 2 of the Environmental Impact Assessment Regulations, Part 11(b) 'Installations for the disposal of waste'. As a result, an EIA accompanied that application.
- 5.2 The current proposal is considered to fall within Schedule 2, Part 13(b) as relating to a 'change to or extension of development of a description listed in paragraphs 1 to 12 of Column 1 of this table (Schedule 2), where that development is already authorised, executed or in the process of being executed.'
- 5.3 As a result, with reference to Column 2 thresholds, consideration needs to be given as to whether the development as changed or extended may have significant adverse effects on the environment.
- 5.4 The development approved through the original permission is completed and has become an established use in the locality. Therefore, the sensitivity of the environment has altered since the original development was approved. Further, there is now greater certainty that environmental mitigation/controls are satisfactory to mitigate harm through experience of the established operations (and noting that the operations are subject to an Environmental Permit controlled by the Environment Agency).
- 5.5 Whilst any impacts of the proposals could act cumulatively with other existing and approved development, the changes sought are minor in nature in the context of established operational practices, and no change in types or overall volumes of waste handled at that site are proposed.
- 5.6 Accordingly, having regard to the selection criteria in Schedule 3 of the EIA regulations, the development as changed or extended is not considered likely to result in significant adverse effects on the environment, within the meaning of the regulations. It is, therefore, concluded that EIA is not required.

## **HRA**

- 5.7 Under 'The Conservation of Habitats and Species Regulations 2017 (as amended)' all planning applications that may affect the protected features of a protected European Habitat Site require consideration of whether the plan or project is likely to have significant effects on that site.
- 5.8 The application site falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction in the Arun Valley. Natural England has issued a Position Statement which states that it cannot be concluded with the required degree of certainty, that any new development that would increase the use of the public water supply in this zone, would not contribute to an adverse effect on the integrity of the Arun Valley, a Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar site.
- 5.9 HRA screening has been undertaken, which concludes that without mitigation in place, the proposal will not have a 'likely significant effect' on the designated features of the Arun Valley site, either alone or in combination with other plans and projects. Therefore, an Appropriate Assessment is not required, and the proposals would not conflict with the County Council's obligations under 'The Conservation of Habitats and Species Regulations 2017 (as amended)'.
- 5.10 In coming to this opinion, it has been noted that the operational hours of the MBT would remain unchanged, no additional employees would be required, and no overall variation to throughput volumes is proposed. As a result, there would not be any increase in mains water consumption.

## **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 (NPPF)). For the purposes of this application, the following documents form the statutory development plan: West Sussex Waste Local Plan (April 2014), and the Horsham District Planning Framework (November 2015).
- 6.2 All key policies in the development plan, which are material to the determination of the application, are summarised below. In addition, reference is made to relevant national policy and Planning Practice Guidance, which guide the decision-making process and are material to the determination of the application.

### **West Sussex Waste Local Plan (April 2014) ('WLP')**

- 6.3 The WLP was adopted in April 2014 and covers the period up to 2031. It is the most up-to-date statement of the County Council's land-use planning policy for waste. It accords with the approach taken in the NPPF and NPPW and should be given significant weight when considering this application.

- 6.4 Policy W3 (Location of Built Waste Management Facilities) sets out criteria for the location of Built Waste Management Facilities for the transfer, recycling, and recovery of waste.
- 6.5 Policy W18 (Transport) seeks to ensure that transport links are adequate to serve the development and would not give rise to unacceptable impacts on highway capacity or road safety.
- 6.6 Policy W19 (Public Health and Amenity) seeks to ensure lighting, noise, dust, odours and other emissions, including those from traffic, are controlled to the extent that they would not have an unacceptable impact on public health and amenity. Also encourages site liaison groups to address issues arising from the operation of major waste facilities.
- 6.7 Policy W21 (Cumulative Impact) provides for waste development, including the intensification of use, provided that an unreasonable level of disturbance to the environment/local communities is not caused from waste management and other sites operating simultaneously and/or successively.

**Horsham District Planning Framework (November 2015)('HDPF')**

- 6.8 The key relevant policies are: Policy 1 (Sustainable Development), Policy 24 (Environmental Protection), Policy 26 (Countryside Protection), Policy 33 (Development Principles), Policy 39 (Infrastructure Provision) and Policy 40 (Sustainable Transport).

**National Planning Policy Framework (July 2021)('NPPF')**

- 6.9 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not form part of the development plan but is a material consideration in determining planning applications.
- 6.10 The key relevant paragraphs of the NPPF relevant to the proposed development are: 11 (presumption in favour of sustainable development), 47 (determining applications in accordance with the development plan), 55-58 (planning conditions and obligations), 110-113 (Transport and considering development proposals), and 185 -186 (effects on health, living conditions and the natural environment including from noise, lighting and air quality).

**National Planning Policy for Waste (October 2014) ('NPPW')**

- 6.11 The NPPW sets out detailed waste planning policies to reflect the Waste Management Plan for England. The NPPF does not form part of the development plan but is a material consideration in determining planning applications. The NPPW seeks a sustainable and efficient approach to drive the management of waste up the waste hierarchy.
- 6.12 At paragraphs 3-5 the NPPW seeks waste planning authorities to meet the identified needs of their area for the management of waste streams and identify suitable sites and areas for new or enhanced waste management facilities.
- 6.13 Paragraph 7 notes that in determining planning applications, waste planning authorities should, among other things, consider the likely impact on the



environment and amenity against (including consideration of traffic & access and noise).

### **National Planning Practice Guidance (PPG)**

- 6.14 PPG is a web-based resource that sets out the Government's planning guidance to be read in conjunction with the NPPF. It does not form part of the development plan but is a material consideration in determining planning applications.
- 6.15 The most relevant sections of the PPG to this application are noise (July 2019), travel plans, transport assessments and statements in decision-taking (March 2014), and Waste (October 2015).
- 6.16 With particular regard to waste and the development proposed, Paragraph 8 promotes the movement of waste up the hierarchy and Paragraph 47 deals with expansion and extension of existing waste facilities, noting the importance of considering the effects of waste facilities on community well-being.

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

- 6.17 By virtue of arts.18 and 20 of the Waste (England and Wales) Regulations 2011 (SI 2011/988) when determining any application for planning permission that relates to waste management (art.18) or landfill (art.20) the authority is required to take into account the Council Directives 2008/98EC and 1999/31EC. For waste management, Directive 2008/98EC 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 is not achieved, may stand.
- 6.18 Further, under the Waste Management Licensing Regulations 1994, Sch.4, para.4 (now substituted by the Waste (England and Wales) Regulations 2011 (2011/988), waste authorities, when considering a planning application for use of a site for waste management purposes, must approach their decision as required by ss.54A and 70(2) of the Town and Country Planning Act 1990, that is, in accordance with the development plan unless material considerations indicate otherwise.

## **7. Consultations**

- 7.1 **Horsham District Council:** No objection. Consideration to be given to the comments of the Highway Authority and EHO, and water neutrality matters.
- 7.2 **Horsham District Council Environmental Health Officer (EHO):** No objection. The findings of submitted noise assessments are accepted. In terms of air quality, the increase in HGV movements does not warrant an emissions statement.
- 7.3 **North Horsham Parish Council:** Objection. Concern regarding increased HGV movements around the site.
- 7.4 **Warnham Parish Council:** Recommend the approval of the application.

7.5 **Environment Agency:** No comments received.

7.6 **WSCC Highway Authority:** No objection. In highway safety and capacity terms, the increase in HGV movements are not anticipated to result in any specific issues.

7.7 **WSCC Andrew Baldwin:** No comments received.

## **8. Representations**

8.1 The applications were publicised in accordance with The Town and Country Planning (General Development Procedure) (England) Order 2015. This involved the erection of four site notices at and around the application site, advertisement in the local newspaper, and twenty neighbour notification letters.

8.2 The application received two representations including that of the 'Langhurstwood Road Residents Group', both of which object to the proposals.

8.3 The main material issues raised through objections, are, in summary:

- A further and continued escalation of use of Brookhurst Wood site and associated amenity impacts of HGV movements on the residents of Langhurstwood Road;
- Bank holiday periods should be protected as respite for affected residents;
- District and Borough collections should not change collections patterns given the known constraints of the MBT HGV delivery hours/numbers as required by condition;
- Any increase in HGV volumes should not be permitted;
- Insufficient explanation of the need for second Saturday catchups, volumes of waste generated on bank holidays, and why this can't be 'caught up' during the normal working week (i.e. currently permitted hours);
- Noise and odour generated by HGVs;
- Lack of footway and crossing points in conjunction with HGV use of Langhurstwood Road gives rise to highway safety concerns and acts as a disincentive to pedestrians/cyclists;
- Ad-hoc basis of public holiday relaxations in public holiday HGV hours/numbers should remain (noting no guarantee of the volume of district and borough collections on public holidays that will be required).

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

9.1 The main material planning considerations in relation to the application are:

- need for the development;
- impact on residential amenity; and
- impact on highway capacity and road safety.

## Need for the Development

- 9.2 The National Planning Policy Framework (NPPF) seeks to ensure sufficient provision for waste management and indicates that it should be read in conjunction with the Government's planning policy for waste - The National Planning Policy for Waste (NPPW).
- 9.3 The NPPW seeks a sustainable and efficient approach to drive the management of waste up the waste hierarchy, seeking planning authorities to meet the identified needs of their area for the management of waste streams.
- 9.4 WLP Policy W3 provides for proposals within the boundaries of existing waste sites, with supporting text at paragraph 6.4.12 stating "*Existing waste sites are suitable, in principle, for the intensification of existing uses and the co-location of new built waste facilities.*" However, although acceptable in principle, this is subject to consideration of potential impacts, and all other general development management policies/considerations (as addressed in the following sections of this report).
- 9.5 West Sussex County Council, as the WDA, is required to provide an outlet to dispose of municipal waste collected by the WCAs. The MBT facility is operated by the applicant as part of its Materials Resource Management Contract (MRMC) for WSCC as WDA. The MBT takes the County's 'black bag' household waste, commercial waste, and mixed waste from the County's recycling centres, treating it (through a combination of mechanical pre-treatment and Anaerobic Digestion of organic fractions) to minimise waste sent to landfill.
- 9.6 The applicant advises that the proposals would enable flexibility for the MBT to align with changing collection patterns/times of the WCAs, some of which have already adopted bank holiday collections and some of which are reviewing collection arrangements or would benefit from additional flexibility to efficiently manage future waste arisings and to accord with evolving national requirements for separation and collection of waste.
- 9.7 In this regard, it is noted that by providing for bank holiday collections, WCAs can provide consistency in collection patterns for residents (avoiding the need for advance notifications to residents and reducing the potential for 'missed' collections), reduce the likelihood of the build-up of waste following public holiday weeks (with potential for increased odours etc.), and avoid the need for extended staffing hours etc to 'catch-up' following public holidays. It is of further note that the Environment Act 2021 (Section 57) provisionally (a date for implementation has yet to be set) requires the separate collection of food waste on a weekly basis, which is likely to further increase demand for public holiday collections.
- 9.8 In addition, based on their operational experience, the applicant notes that WCAs typically favour a second Saturday 'catch up' following consecutive bank holidays (typically only Christmas) to manage periods of staff leave.
- 9.9 With regard to the proposed increase in maximum HGV numbers for public holiday periods, it is of note that in addition to any potential increase resulting directly from the extended hours sought, that the applicant suggests public holiday periods typically include periods of increased waste

generation (which includes the use of Recycling Centres). Therefore, additional HGV movements are required to ensure that generated waste can be moved on to the MBT.

- 9.10 To meet its duties in the absence of the MBT adapting to changing WCA collection times (i.e. inclusive of extended public holiday hours), WSCC as WDA would need to find alternative facilities to accept collected waste, in particular for Crawley Borough and Horsham District Councils, which currently deliver waste directly to the MBT. Furthermore, the existing Transfer Stations in the Horsham/Crawley area would either be unlikely to have capacity or would be unviable due to operational restrictions. Crucially, any such arrangements would result in the double handling of waste and additional transportation mileage.
- 9.11 In conclusion, the proposals to extend waste acceptance hours and an associated increase in HGV movements at the MBT would provide flexibility to ensure that WSCC, as WDA, can provide the necessary facilities to accept waste arisings/collections by WCAs, which require flexibility to efficiently manage waste arisings/collections in their area whilst adapting to national requirements for separation and collection of waste (as set out in the Environment Act). As a result, the development would meet an identified need, be of benefit to the public, and would support the efficient movement of waste up the waste hierarchy, in accordance with the WLP, HDPF and NPPW. These matters weigh substantially in favour of the proposal.

### **Impact on Residential Amenity**

- 9.12 HGVs travelling to/from the site have the potential to give rise to disturbance for residents as they travel to the A264 and into/around the site, principally through noise. This is a key point of objection raised by third parties, who consider that respite from additional HGVs on public holidays should be maintained and protected.
- 9.13 The proposals would not result in any increase in the overall permitted volumes of waste managed at the application site. As a result, the overall numbers of HGVs entering/exiting the site would not likely increase beyond that already taking place, rather the proposal would result in a shift in when they would occur.
- 9.14 In terms of potential cumulative effects of HGV movements upon amenity, it is of note that several other large-scale developments operate within the wider Brookhurst Wood site, including the landfill (in final restoration phase), aggregate recycling facility, a waste transfer and recycling facility (WTS), and brickworks. Extant (unimplemented) permissions also exist for a soil washing and heat treatment facilities and for an Energy from Waste (EfW) facility (which would replace the WTS). Further afield, commercial, and industrial business parks lie to the north and east, that also contribute to HGV movements along the southern section of Langhurstwood Road.
- 9.15 The potential impact of, and on, the North of Horsham residential development to the east is also relevant, as the Langhurstwood Road link with the A264 would be closed and HGVs would travel through the southern edge of the new development (**see Appendix 4 – Land North of Horsham Illustrative Masterplan**).

- 9.16 However, all the above neighbouring developments have been deemed acceptable in planning terms through the grant of planning permissions, which would have included consideration of cumulative impacts arising from HGV movements on the highway network. It is also of note, that within wider Brookhurst Wood site, planning permissions for the existing WTS, brickworks and permitted soil washing/heat treatment facilities and EfW, are all subject to conditions that do not permit HGV movements on public holidays.
- 9.17 The nature and extent of the creeping amenity impacts resulting from incremental development is difficult to assess and remains a largely subjective judgement. The key consideration is whether the proposed development would result in amenity impacts, which in cumulation with other exiting/permited developments, would be deemed unacceptable.
- 9.18 A noise assessment has been submitted, which concludes that HGV movements within the site itself during the proposed periods would likely result in noise levels below existing background levels at the nearest sensitive residential receptors. Therefore, noise arising from HGVs moving within the site itself are not considered likely to result in any unacceptable impact upon neighbouring amenity.
- 9.19 For HGVs travelling on Langhurstwood Road, based on baseline traffic data, the assessment concludes a limited overall percentage increase in HGV movements on public holidays, and thus a negligible to minor potential increase in traffic noise levels. Overall, it concludes any noise impacts would be infrequent, of short duration, and at levels that would not cause changes to behaviour or response to noise; as such, they would not give rise to any significant noise effect.
- 9.20 Additional hours sought for the second Saturday catchup (following consecutive bank holidays), would be consistent with existing public holiday Saturday catch-up hours (i.e. until 15:00), and would be very limited in occurrence (typically, once a year).
- 9.21 It is of further note that the current conditions allow for variations in HGV delivery hours to be 'agreed in advance and in writing by the County Planning Authority'. In recent years, the applicant has been granted repeated relaxations in public holiday delivery hours by the County Council, which has included almost every public holiday since 2021 (albeit with hours allowed ranging between a 12 noon and 16:00 finish, and in all cases subject to HGV numbers remaining within permitted public holiday maximums).
- 9.22 To date, such relaxations have not resulted in any direct complaints to the County Council following the specific public holidays concerned. Nonetheless, residents of Langhurstwood Road represented at the ongoing liaison group for the MBT (which meets quarterly) regularly voice a general level of concern and discontent with HGV traffic arising from both the application site and wider Brookhurst Wood site, including on public holidays.
- 9.23 Horsham District Council's Environmental Health Officer accepts the conclusions of the Noise Assessment, noting that from the information provided it seems unlikely that there would be a noticeable adverse noise effect.

- 9.24 In conclusion, taking into account the above, although it is accepted that there would inevitably be a degree of additional disturbance as a result of increased HGV movements over a longer period on public holidays and second catch-up Saturdays (following consecutive public holiday weeks), that the number and frequency of such movements in the context of a well-trafficked road, and limited additional noise likely to be experienced, is not likely to give rise to any unacceptable impacts upon residential amenity. The proposals are therefore considered to accord with national policy, WLP Policies W3, W19 and W21, and HDPF Policies 24 and 33. The limited potential for negative impacts on amenity resulting from the development are considered to attract little weight in the planning balance.

### **Highway Capacity and Road Safety**

- 9.25 The proposals have the potential to increase HGV movements on Langhurstwood Road between the site and the A264 on public holidays. Third parties have raised concerns that the lack of footpath or crossing points along this section of road is a safety concern and discourages walking /cycling, that would be exacerbated because of the proposals.
- 9.26 The submitted Transport Statement has considered the potential impact on highway capacity and safety, including analysis of automated traffic count data on the relevant section of Langhurstwood Road. As might be expected, this shows that the road carries considerably less traffic on a public holiday compared with a normal weekday, and a lower percentage of HGVs. An analysis of road safety collision data has also been undertaken for Langhurstwood Road.
- 9.27 The Transport Statement concludes that proposed uplift in HGV numbers from the site on public holidays would result in traffic volumes on Langhurstwood Road well within typical weekday volumes, and as a result, there are no highway capacity issues arising. Furthermore, it considers that collision data does not identify any existing road safety issues that warrant mitigation.
- 9.28 It is accepted that an increase in HGV movements on public holidays could contribute to the perception of safety issues for pedestrians/cyclists using the southern part of Landhurstwood Road, and thus could act as a further disincentive for such users. However, this part of the highway network is already well-trafficked, does not have a pedestrian footway, and the proposals would result in a limited increase in HGV movements, extended over a longer period (a maximum of 42 additional HGV movements, but over an additional 5-hour period on public holidays).
- 9.29 The Highway Authority raises no objection to the proposed increase in HGV movements on a public holiday noting they are not anticipated to result in any specific highway issues.
- 9.30 It is of note that as part of the North Horsham development, HGVs would travel along a new section of highway to be provided through the southern edge of the development to the A264. However, this has been designed to accommodate the volumes of traffic on Langhurstwood Road, including those arising from the wider Brookhurst Wood site.

- 9.31 In conclusion, taking into account the above, the proposed increase in HGV movements to/from the application site on public holidays is not considered likely to give rise to any unacceptable impact on highway capacity or road safety and, therefore, the proposal accords with Policy W18 of the WLP and paragraphs 110-113 of the NPPF. Any potential adverse impacts on the highway are, therefore, of little weight in the planning balance.

### **Procedural Matters**

- 9.32 Where permission for a variation of condition/s is to be granted (under Section 73 of the Town and County Planning Act 1990), the decision takes effect as a new, independent permission to carry out the same development as previously permitted, subject to new or amended conditions. National planning guidance makes clear that any new permission should set out all the conditions imposed on the new permission and, for the purpose of clarity, restate the conditions imposed on earlier permissions that continue to have effect.
- 9.33 In this case, a review of the previous conditions has been undertaken and all relevant conditions that continue to have effect have been updated (i.e. to reflect approved conditional schemes and variations permitted since the grant of permission). Conditions set out at Appendix 1 are those to be imposed.
- 9.34 The current permission for the site (MBT) is bound by a S106 agreement controlling the routing of HGVs. Furthermore, both the neighbouring landfill and aggregate treatment facility (both operated by the applicant) are tied to the maximum HGV numbers as stipulated by the MBT permission (either by legal agreement or condition). Therefore, there is a need for a new S106 legal agreement to ensure that the relevant existing planning permissions continue to be subject to the same single maximum number of HGV movements and to ensure the continued routing of MBT HGV traffic directly to/from the A264.

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

- 10.1 Planning permission is sought to vary conditions 28 and 31 of planning permission WSCC/055/09/NH to extend HGV delivery hours and an associated increase in HGV movements, on public holidays at the established Brookhurst Wood MBT. This has the potential to result in impacts upon the amenities of nearby residents, principally through disturbance caused by HGVs travelling on the highway network.
- 10.2 The proposals would provide for the MBT (operated by the applicant for WSCC as WDA) to accept waste over extended hours on public holidays, and additional hours on a second 'catch-up' Saturday following weeks with consecutive public holidays. This would allow greater flexibility for the WCAs to efficiently manage waste arisings in accordance with evolving national requirements, to avoid the build-up of waste, and to provide consistency in household collections to the benefit of the public. As a result, the development would meet an identified need and would support the efficient movement of waste up the waste hierarchy.
- 10.3 It is accepted that there would inevitably be a degree of additional disturbance from increased HGV movements over a longer period on public

holidays. However, the number and frequency of such movements in the context of a well-trafficked road and limited additional noise likely to be experienced, is not considered to give rise to any unacceptable impacts on residential amenity.

- 10.4 The proposed increase in maximum HGV movements to/from the application site on public holidays would remain well below established typical weekday traffic volumes. As confirmed by the Highway Authority, this is not considered likely to give rise to any unacceptable impact on highway capacity or road safety.
- 10.5 In planning balance terms, in favour of the proposal, the need and benefits of the proposals are considered to carry substantial weight. Against the scheme, the limited potential for impacts upon neighbouring amenity and the highway are considered to carry little weight. Therefore, on balance, it is considered that the substantial benefits of the proposal significantly outweigh the limited potential disbenefits and, as such, the proposed development constitutes sustainable development (as defined in paragraphs 7 and 8 of the NPPF).
- 10.6 Overall, it is considered that the proposed development accords with the statutory development plan when read as a whole. Furthermore, there are no material considerations in this case that indicate a decision other than in line with the statutory development plan, that is, the granting of planning permission.
- 10.7 It is **recommended**, therefore, that planning permission be granted subject to the conditions and informatives set out at **Appendix 1**, and the completion of a S106 legal agreement controlling: HGV routing to/from the A264; and ensuring HGV movements associated with the neighbouring landfill site and the aggregate treatment and recycling facility are subject to the same single maximum number of HGV movements as proposed by this application.

## **Factors taken into account**

### **11. Consultations**

- 11.1 See Sections 7 and 8.

### **12. Resource Implications and Value for Money**

- 12.1 Not applicable.

### **13. Legal Compliance**

- 13.1 In considering the applications, 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.



## **14. Equality and Human Rights Assessment**

- 14.1 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposals would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposals were required to make them acceptable in this regard.
- 14.2 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 County 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.
- 14.3 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. The applications have been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 14.4 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.

## **15. Risk Management Implications**

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

## **16. Crime and Disorder Reduction Assessment**

- 16.1 Not applicable.

## **17. Social Value and Sustainability Assessment**

- 17.1 Not applicable.

**Michael Elkington**

Head of Planning Services

**Contact Officer:** James Neave, Principal Planner, Ext. 25571

**Appendices**

Appendix 1 – Conditions and Informatives

Appendix 2 – Site Location Plan

Appendix 3 – Brookhurst Wood neighbouring development

Appendix 4 – Land North of Horsham Illustrative Masterplan

Appendix 5 – Planning Permission WSCC/055/09/NH

**Background papers**

See Section 6.

## **Appendix 1: Conditions and Informatives for WSCC/025/22**

### **CONDITIONS**

#### **Approved Plans**

1. The proposed development shall not take place other than in accordance with the approved plans, Drawing No. PA02 'Application Site Boundary' (dated APR 09), Drawing No. PA04R Rev C 'Proposed Site Layout Plan' Rev A (dated NOV 12), Drawing No. PA05aR Rev A 'Mechanical Separation Building North South Elevations' (dated AUG 12), Drawing No. PA05bR 'Mechanical Separation Building East West Elevations' (dated OCT 10), Drawing No. PA06R Rev A 'AD Farm Elevations' (dated AUG 12), Drawing No. PA07aR Rev A 'Office and Visitor Building North South Elevations' (dated AUG 12), Drawing No. PA07bR Rev A 'Office and Visitor Building East West Elevations' (dated AUG 12), Drawing No. PA12R Rev A 'Site Cross Sections' (dated AUG 12), Drawing No. BH/32531 '1 No. 1.9 x 1.2 Boxer Entry Kiosk' (dated 15/06/10), Drawing No. BH/32532 '1 No. 1.9 x 1.2 Boxer Exit Kiosk' (dated 15/06/10), Drawing No. BH/32533 '1 No. 4.88 x 3.05 (Clear Internal Dimension) Beacon Main Control Kiosk' (dated 15/06/10), and supporting information, save as varied by the conditions hereafter or any variation thereto that may be agreed in writing by the County Planning Authority.

*Reason: To secure a satisfactory development.*

#### **Availability of Approved Documents**

2. A copy of the decision notice with the approved plans and any subsequently approved documents shall be kept at the site office at all times and the terms and contents of them shall be made known to the supervising staff on site. These documents shall be made available to the County Planning Authority upon request.

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

#### **Bird Management Plan**

3. The approved Bird Management Plan (ref: Bird Management Plan – Issue 3 - 14 June 2010) shall be implemented throughout the life of the buildings and operations hereby approved. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the County Planning Authority.

*Reason: It is necessary to manage the roofs in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Gatwick Airport.*

#### **Surface Water Drainage**

4. All drainage at the site shall be installed, operated, and maintained in accordance with the approved plans and information (ref: Surface Water Drainage Strategy – Development Proposal Report – D5 August 2010).

*Reason: To prevent the increased risk of flooding and to improve and protect water quality.*

### **Ecological Enhancement and Protected Species**

5. All ecological enhancement measures and protection of European Protected Species shall be implemented in and maintained in full accordance with the approved information and plans (ref: Discharge of Planning Conditions 7, 8, 9 and 10 (WSCC/055/09/NH) March 2010 Rev 04).

*Reason: To ensure the protection and enhancement of biodiversity.*

### **Landscaping and Protection of Trees**

6. All landscaping/planting at the site shall be installed and maintained in accordance with the approved plans and information (ref: Discharge of Planning Conditions 7, 8, 9 and 10 (WSCC/055/09/NH) March 2010 Rev 04). All existing trees, bushes and hedgerows within the site shall be retained and shall not be felled, lopped or removed without the prior written consent of the County Planning Authority. Any such vegetation removed, dying, being severely damaged or becoming seriously diseased as a result of operations permitted by this permission shall be replaced with trees or bushes of such size and species as may be specified by the County Planning Authority, in the planting season immediately following any such occurrences.

*Reason: In the interests of the environment and visual amenity of the locality.*

### **Lighting**

7. All external lighting and illumination at the site shall be installed, maintained and operated in accordance with the approved plans and information (External Lighting Condition 11 Compliance Electrical Services Technical Report - P00069 Rev 01 dated 24 August 2010, External Lighting Plan E/00/SK/XX/200 Rev B, External Lighting Condition 11 AD Farm Maintenance Walkways P00069 dated 14<sup>th</sup> January 2011). The site shall not be artificially illuminated except during the permitted hours of working and no lighting fitment shall be installed or at any time operated on the site from which the source of light is directly visible from the public highway, the Horsham to Dorking railway or residential properties having views toward the site.

*Reason: To protect the local amenities from floodlighting and other illumination as well as in the interest of the continued safe operation of passing trains.*

### **Dust Suppression**

8. The approved Dust Suppression Scheme (Dust Management Scheme - Rev 01 dated 30/03/10) shall be implemented and at all times be adhered to in full, and suppression equipment maintained in accordance with the manufacturers instructions for the duration of the permission, unless with the prior written approval of the County Planning Authority to any variation.

*Reason: To protect the amenities of locality.*

### **Bio-Filter Maintenance**

9. The approved Bio-Filter Maintenance Scheme (Planning Condition 13 (Biofilter Maintenance Scheme) April 2013 Update) shall be implemented and at all times be adhered to in full.

*Reason: In the interests of the amenity of residents.*

### **Design and Materials**

10. All external materials and finishes for windows, doors, buildings, fixed plant and related structures shall be implemented and maintained for the life of the development in accordance with the approved details (External Material Specification – Issue 1 dated 9<sup>th</sup> March 2010). Windows and doors shall not be altered or replaced without the prior written approval of the County Planning Authority.

*Reason: In the interests of the amenities of the locality and to achieve and maintain a development of high visual quality.*

### **Security Fencing, Entrance Gates, and Perimeter Surfaces**

11. All security fencing around the site boundary, entrance gates and other perimeter surfaces shall be implemented and maintained in accordance with the approved details (Perimeter Fencing Systems – Duo® Perimeter – Page 8) and shall not be altered or replaced without the prior written approval of the County Planning Authority.

*Reason: In the interest of visual amenity.*

### **Road Surfacing**

12. All materials and finishes for roads, parking areas and associated hard landscaping shall be implemented for the life of the development in accordance with the approved details (External Finishes Scope – Drawing Number A-1005 – dated 09/04/10).

*Reason: In the interests of the amenities of the locality and to endeavour to achieve a development of high visual quality.*

### **General Sustainability Measures**

13. All sustainability measures shall be implemented and maintained in full accordance with the approved details (Condition 17. General Sustainability Measures).

*Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials.*

### **Car Parking Provision**

14. Staff and visitor car parking spaces shall be provided, surfaced, signed and marked out in accordance with the approved plan (Proposed Site Plan – A-00-PL-XX-020 Rev J) and retained at all times for their designated use.

*Reason: To discourage on street parking in the interests of highway safety.*

### **Cycle Parking**

15. Covered, secure cycle parking spaces shall be provided in accordance with approved information and plans (BXMW/FAR Farnham Cycle Shelter, GA of 5000 Farnham – Drawing Number BXMW-FAR-5000-1.00[A], Proposed Site Plan – A-00-PL-XX-020 Rev J). These cycle parking spaces shall thereafter be retained at all times for their designated use.

*Reason: To encourage the use of sustainable forms of transport.*

### **Liaison Group**

16. A local liaison group shall be implemented throughout the life of the development in accordance with the approved details (Brookhurst Wood Mechanical Biological Treatment Facility Local Liaison Group – Terms of Reference) or any variation thereto which may be agreed in advance and in writing by the County Planning Authority.

*Reason: In the interests of the local amenities of the area.*

### **White Noise Alarms**

17. Vehicles associated with the import and export of waste/waste derived products as well as all plant and machinery that are used on site and those under the applicant's control delivering waste to the site that are required to emit reversing warning noise, shall use white noise alarms.

*Reason: To protect the amenities of local residents.*

### **Hours of Operation – Mechanical Separation Building**

18. Unless otherwise agreed in advance and in writing by the County Planning Authority the Mechanical Separation Building will normally operate between the hours of 07.00 and 23.00 Monday to Saturday only.

*Reason: To protect the amenities of local residents.*

### **Hours of Waste Deliveries**

19. Unless otherwise agreed in advance and in writing by the County Planning Authority, no deliveries of waste materials shall take place except between the hours of:  
07.00 and 16.30 on Monday to Fridays inclusive;  
07.00 and 12.00 on Saturdays;  
07.00 and 15.00 on the first Saturday following a Public Holiday;  
07.00 and 15.00 on the second Saturday following two consecutive Public Holidays;  
07.00 and 15.00 on Public Holidays; and  
no deliveries of waste materials shall enter the site on Sundays.

*Reason: In the interests of the amenity of the locality and of local residents.*

### **Hours of Materials Export**

20. Unless otherwise agreed in advance and in writing by the County Planning Authority, no export of materials shall take place except between the hours of:
- 07.00 and 18.00 on Monday to Fridays inclusive;
  - 07.00 and 18.00 on Saturdays;
  - 07.00 and 10.00 on Public Holidays; and
- no materials shall be exported from the site on Sundays.

*Reason: In the interests of the amenity of the locality and of local residents*

### **Internal Waste Movements**

21. Unless otherwise agreed in advance and in writing by the County Planning Authority internal movements of vehicles carrying waste materials between the mechanical biological treatment (MBT) facility and the adjoining Brookhurst Wood Landfill Site (BWLS) shall only take place between the hours of 07.00 to 18.00 seven days a week.

*Reason: In the interests of the amenity of the locality and of local residents.*

### **HGV Numbers**

22. Unless otherwise agreed in advance and in writing by the County Planning Authority:
- no more than 196 HGVs shall enter the site between the hours 07.00-16.30 and no more than 196 HGVs shall exit the site between the hours 07.00-18.00 (of which no more than 8 HGVs shall exit the site between 16.30-18.00) on Mondays to Fridays inclusive;
  - no more than 89 HGVs shall enter the site between the hours 07.00-12.00 and no more than 89 shall exit the site between the hours 07.00-18.00 (of which no more than 8 HGVs shall exit the site between 16.30-18.00) on Saturdays;
  - no more than 143 HGVs shall enter the site between the hours 07.00-15.00 and no more than 143 shall exit the site between the hours 07.00-18.00 (of which no more than 8 HGVs shall exit the site between 16.30-18.00) on the first Saturday following a Public Holiday and/or the second Saturday following two consecutive Public Holidays; and
  - no more than 75 HGVs shall enter the site and no more than 75 HGVs shall exit the site between the hours of 07.00 and 15.00 on Public Holidays.

*Reason: In the interests of road safety and local amenity.*

### **HGV Records**

23. A record of daily vehicle numbers, including arrival and departure times, shall be maintained and kept at the site office at all times and made available to staff of the County Planning Authority upon request.

*Reason: In the interests of road safety and residential amenity*

### **Travel Plan**

24. The approved Travel Plan (Brookhurst Wood Travel Plan – May 2009) shall be implemented throughout the life of the development in accordance with the identified modal shift targets, sustainable travel measures and monitoring procedures.

*Reason: To promote sustainable transport.*

### **Permitted Waste Materials**

25. Save for any direction issued by the Waste Licensing Authority (Environment Agency) unless otherwise agreed in advance and in writing by the County Planning Authority, the development hereby permitted shall only be used for the importation, processing and storage of non-hazardous, non-inert waste materials.

*Reason: Waste materials outside these categories raise environmental and amenity issues, which would require consideration afresh.*

### **Waste Processing and Storage**

26. No waste processing or storage of waste materials and/or waste derived products, or vehicles containing any waste materials and/or waste derived products shall take place outside the confines of the buildings hereby approved for this purpose.

*Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect.*

### **Control of Odorous Emissions**

27. Unless otherwise agreed in advance and in writing, other than for the receiving of waste materials and/or the despatch of waste derived products and for other vehicle movements associated with the sites operations, the delivery doors to the MRMC MBT Facility shall remain closed at all times.

*Reason: To protect residential amenity.*

### **Enclosed Loads/Vehicles**

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

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

### **Vehicular/Mechanical Noise**

29. All vehicles, plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed



and/or attenuated that noise does not, at any time, increase the background noise levels as measured according to British Standard 4142:1997 at any adjoining or nearby residential property. Where required by the County Planning Authority, monitoring will be undertaken to demonstrate compliance with above specified noise levels.

*Reason: To protect residential amenity.*

### **Control of Lorries, Heavy Goods Vehicles and Equipment**

30. The site shall not be used as an operating base for any lorries or Heavy Goods Vehicles, or the repair and/or maintenance of any lorries or Heavy Goods Vehicles and equipment which are not under the direct control of the operator and not normally used for the delivery, handling or sorting of permitted wastes to or within the site.

*Reason: In the interests of amenity and highway safety.*

### **Quantities of Waste**

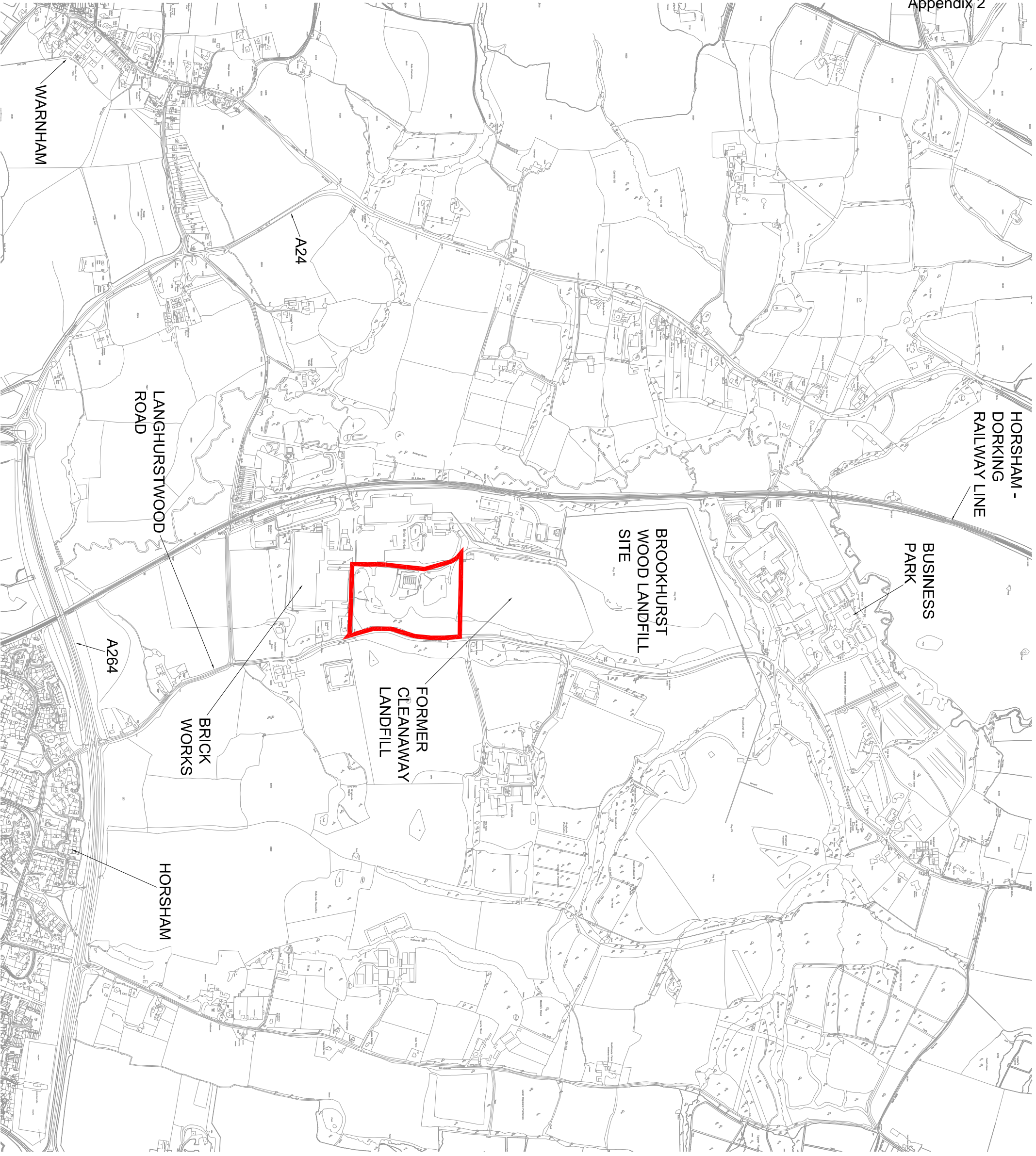
31. A record of the quantities (in tonnes) of waste material delivered to the site and waste derived products despatched from the site shall be maintained and kept at the site office at all times and made available to the County Planning Authority upon request. Unless agreed otherwise in advance and in writing with the County Planning Authority, the total quantity of waste received at the site between 1st January and 31st December of any year shall not exceed more than 327,000 tonnes.

*Reason: To ensure the approved capacity of the development to deal with waste is not exceeded with adverse impacts upon amenity and highway safety.*

### **INFORMATIVES**

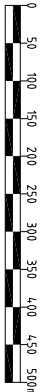
- A. The County Planning Authority has acted positively and proactively in determining the planning application by identifying issues of concern and considering whether planning conditions could be used to satisfactorily address them. As a result, the County Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.
- B. This permission shall be read in conjunction with a legal agreement made under Section 106 of the Town and Country Planning Act 1990.

This page is intentionally left blank



Key

Site Boundary



**Scott Wilson**  
Scott House  
Alempion Link, Basingstoke  
Hampshire, RG21 7PP  
Telephone (01256) 310200  
Fax (01256) 310201  
www.scottwilson.com



**Bifa**

Bifa Waste Services Ltd,  
Bristolville Lane  
Birmingham  
B37 7BG 0121 763 6479  
Fax 0121 763 6479  
Email [mick.sanders@bifa.co.uk](mailto:mick.sanders@bifa.co.uk)

REV.	DATE	DRAWN	DESCRIPTION
PROJECT			PLANING APPLICATIONMCMC MBT FACILITY
LOCATION			BROOKHURST WOOD
DRAWING TITLE			MBT SITE LOCATION PLAN
DRAWING No.			PA01
COMPUTER REF.			BA03620
DATE			APR 09
SCALE(S)			1:5000 @ A1 1:10,000 @ A3

This page is intentionally left blank





Landfill – (in final restoration phase)  
- **WSCC/067/19**

Hydrogen Production Facility –  
(Live application) - **WSCC/044/21**

Aggregate Treatment and Recycling  
Facility - **WSCC/003/14/NH**

Soil Washing Facility – (Not  
implemented to date) -  
**WSCC/051/19**

Soil Heat Treatment Facility – (Not  
implemented to date) -  
**WSCC/050/19**

RDF and CLO Storage – (Live  
application) - **WSCC/028/22**

MBT – **WSCC/055/09/NH**

Waste Transfer and Recycling Site –  
**WSCC/006/18/NH**

With permission for EfW (not  
implemented to date) -  
**APP/P3800/W/18/3218965**

Brickworks - **WSCC/039/10/NH**

This page is intentionally left blank





0 100m 200m 300m 400m 500m

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



This page is intentionally left blank



County Development  
The Grange  
Tower Street  
Chichester  
West Sussex PO19 1RH  
Tel no: (01243) 777623

**Application No: WSCC/055/09/NH**  
**COUNTY MATTER**

**TOWN AND COUNTRY PLANNING ACT 1990**  
**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT**  
**PROCEDURE) ORDER 1995**

To Biffa Waste Services Ltd  
c/o Andrew Wooddisse  
Scott Wilson  
Scott House  
Alencon Link  
Basingstoke  
Hampshire, RG21 7PP

In pursuance of their powers under the above mentioned Act and Orders, West Sussex County Council hereby notify you that they **PERMIT** the following development, that is to say:-


**Construction and operation of a mechanical and biological treatment facility, including offices and visitor centre and ancillary plant and infrastructure. Land Neighbouring Brookhurst Wood Landfill Site, Langhurstwood Road, Horsham, W. Sussex, RH12 4QD**

to be carried out in accordance with your application and plans (as modified by the under-mentioned conditions if any) submitted to this Council on 31 July 2009 (and in accordance with the relevant correspondence a copy of which is attached \*) and subject to the conditions specified hereunder:-

**Timescale**

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

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

Date 1/4/10 Signed   
Divisional Manager County Development

**\*N.B.** The reasons for imposing the above conditions are as specified after the conditions.  
The words in brackets do not apply unless a copy of the relevant correspondence is attached.  
Your copy of the application, determined as above, is returned herewith for your records.

**IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES AT APPENDIX A OF THIS FORM**

## **Continuation Sheet**

### **Approved Plans**

2. The proposed development shall not take place other than in accordance with the approved plans, Drawing No. PA02 'Application Site Boundary' (dated APR 09), Drawing No. PA04 'Proposed Site Layout Plan' REV A (dated 04.06.09), Drawing No. PA05 'Mechanical Separation Building (Elevations)' REV A (dated 04.06.09), Drawing No. PA06 'AD Farm Elevations' REV A (dated 04.06.09), Drawing No. PA07 'Office and Visitor Centre Elevations' (dated APR 09), Drawing No. PA12 'Site Cross Section' REV A (dated 05.06.09), Drawing No. PA13 'Weighbridge Office Elevations' (dated APR 09), and supporting information, save as varied by the conditions hereafter or any variation thereto that may be agreed in writing by the County Planning Authority.

*Reason: To secure a satisfactory development.*

### **Availability of Approved Documents**

3. A copy of the decision notice with the approved plans and any subsequently approved documents shall be kept at the site office at all times and the terms and contents of them shall be made known to the supervising staff on site. These documents shall be made available to the County Planning Authority upon request.

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

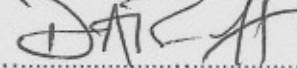
## **PRIOR TO THE COMMENCEMENT OF DEVELOPMENT**

### **Bird Management Plan**

4. Prior to the commencement of the development hereby permitted a Bird Hazard Management Plan shall be submitted to and approved in writing by the County Planning Authority. The submitted plan shall include details of the management of any flat/shallow pitched roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'. The Bird Hazard Management Plan shall be implemented as approved upon completion of the roofs and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the County Planning Authority.

*Reason: It is necessary to manage the roofs in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Gatwick Airport.*

Date 1.4.10

Signed  
Divisional Manager County Development.....



Application No: WSCC/055/09/NH  
COUNTY MATTER

## Continuation Sheet

### Surface Water Drainage Scheme

5. Prior to the commencement of the development hereby permitted a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development shall be submitted to and approved in writing by the County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

*Reason: To prevent the increased risk of flooding and to improve and protect water quality.*

### Site Waste Management Plan

6. Prior to the commencement of the development hereby permitted a Site Waste Management Plan in accordance with the requirements of Sections 5-6 and 8-9 of The Site Waste Management Plans Regulations (2008) shall be submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented as approved.


*Reason: To ensure that all waste materials generated during construction works will be handled efficiently and waste managed appropriately.*

### Protection of European Protected Species and Habitats

7. No development or preparatory works shall be undertaken until a European Protected Species Licence has been secured through Natural England that satisfies the requirements of the County Planning Authority. Mitigation will be undertaken to safeguard both European and UK legally protected species through a habitat creation scheme, to include monitoring, long-term management and agreement to undertake remedial measures should such a scheme be seen to be failing. Mitigation shall be implemented in accordance with the approved details (with reference to the findings of report B0196100) and timing of the works, unless otherwise approved in writing by the County Planning Authority.

*Reason: To ensure the adequate protection of European protected species in accordance with paragraph 99 of ODPM Circular 06/2005 and to safeguard legally protected species, other notable species and notable habitats.*

Date 1.4.10

Signed  
Divisional Manager County Development 



## Continuation Sheet

### Ecological Enhancement Measures

8. Prior to the commencement of the development hereby permitted landscaping details including appropriate ecological enhancements in combination with the use of sustainable drainage designs shall be submitted to and approved in writing by the County Planning Authority. These details shall include clearly defined plans indicating where habitats will be lost and created; ecological enhancement measures to be submitted shall address:
- Maintenance of the ecological connectivity through this site and with the habitats to the exterior of the site; and
  - Incorporation of wetland enhancements (potentially through SuDS) within the landscaping plans. This should be seen as an opportunity to improve the working site, both for staff and visitors.

Thereafter, the scheme shall be completed in accordance with the approved details.


*Reason: In this scale of development ecological enhancements should be an intrinsic part of the plans so as to avoid a net loss of biodiversity and to actively pursue opportunities to achieve a net gain of biodiversity across the region.*

### Landscaping Scheme

9. No development shall take place until there has been submitted to and approved in writing by the County Planning Authority a landscaping scheme, which shall include retention, protection and enhancement of the existing trees/bushes/hedges being retained and protected in accordance with BS5837:2005 and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. All trees and hedgerows on the land shall be indicated, with details of those to be removed or retained. The existing trees, bushes and hedgerows within the site shall be retained and shall not be felled, lopped or removed without the prior written consent of the County Planning Authority. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased as a result of operations permitted by this permission shall be replaced with trees or bushes of such size and species as may be specified by the County Planning Authority, in the planting season immediately following any such occurrences. The approved landscaping scheme shall be carried out as approved and adhered to at all times throughout the life of the development.

*Reason: To maintain the long term health of retained vegetation in the interests of the amenity and environment of the development and to safeguard the visual amenity of the wider area.*

Date 1.4.10

Signed  
Divisional Manager County Development 



Application No: WSCC/055/09/NH  
COUNTY MATTER

## Continuation Sheet

### Landscape Management Plan

10. Prior to the commencement of the development hereby permitted a landscape management plan, including all soft and hard landscape works, long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the County Planning Authority. The approved landscape management shall be carried out as approved and adhered to at all times throughout the life of the development.

*Reason: In the interests of the visual amenity of the wider area.*

### Lighting

11. Prior to the commencement of the development hereby permitted a scheme setting out all external floodlighting and other illumination (to include an assessment of the effects of all internal lighting on local amenity with respect to the potential for light pollution) proposed at the site shall be submitted to the County Planning Authority for approval. Details shall include: height of the floodlighting posts, intensity of the lights (specified in the Lux levels), spread of light including approximate light spillage to the rear of floodlighting posts (in metres), details of measures proposed to minimise the impact of the floodlighting or disturbance through glare (such as shrouding), and the times when such lights will be illuminated (with reference to the permitted operating times). The site shall not be artificially illuminated except during the permitted hours of working and no lighting fitment shall be installed or at any time operated on the site from which the source of light is directly visible from the public highway, the Horsham to Dorking railway or residential properties having views toward the site. The scheme shall be implemented as agreed in writing by the County Planning Authority.

*Reason: To protect the local amenities from floodlighting and other illumination as well as in the interest of the continued safe operation of passing trains.*

### Dust Suppression Scheme

12. Prior to the commencement of the development hereby permitted a scheme to minimise the emission of dust shall be submitted to and approved in writing by the County Planning Authority. Such scheme shall include (the water spraying of access and haul roads to suppress dirt in periods of prolonged dry weather), and shall be implemented in full and the suppression equipment thereafter maintained in accordance with the manufacturers instructions for the duration of the permission, unless with the prior written approval of the County Planning Authority to a variation.

*Reason: To protect the amenities of locality.*

Date 1.4.10

Signed DARAH  
Divisional Manager County Development

## **Continuation Sheet**

---

### **Bio-Filter Maintenance Scheme**

13. Prior to the commencement of the development hereby permitted details of a maintenance programme for the bio-filters shall be submitted to and approved in writing by the County Planning Authority. The maintenance programme as agreed by the County Planning Authority shall be complied with at all times.

*Reason: In the interests of the amenity of residents.*

### **Design and Materials**

14. Prior to the commencement of development hereby permitted details of all external materials and finishes of all new windows and doors and the colours and finishes of all buildings, fixed plant and related structures shall be submitted in advance for written approval by the County Planning Authority and implemented and maintained as approved for the life of the development. Once approved the windows and doors shall not be altered or replaced without the prior written approval of the County Planning Authority.

*Reason: In the interests of the amenities of the locality and to achieve and maintain a development of high visual quality.*

### **Security Fencing, Entrance Gates and Perimeter Surfaces**

15. Prior to the commencement of the development hereby permitted details of all materials and finishes to be used for the proposed 2.4m high ZAUN 8mm duo security fencing around the site boundary, entrance gates and any other perimeter surfaces shall be submitted to and approved in writing by the County Planning Authority. The development shall be carried out in strict accordance with the approved details and shall not be altered or replaced without the prior written approval of the County Planning Authority.


*Reason: In the interest of visual amenity.*

### **Road surfacing**

16. Prior to the commencement of the development hereby permitted a scheme setting out all materials and finishes of new roads, parking areas and associated hard landscaping shall be submitted for comment and approval by the County Planning Authority. The scheme shall be implemented as agreed in writing by the County Planning Authority and the finishes applied maintained throughout the course of the development.

*Reason: In the interests of the amenities of the locality and to endeavour to achieve a development of high visual quality.*

Date 1.4.10

Signed   
Divisional Manager County Development.....





Application No: WSCC/055/09/NH  
COUNTY MATTER

## Continuation Sheet

### General Sustainability Measures

17. The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the County Planning Authority. These details shall demonstrate how the development would be efficient in the use of overall design, energy, water and materials. The development shall be carried out in strict accordance with the approved details.

*Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials.*

### CONTROLLING CONSTRUCTION

#### 18. Hours of Construction Works and Deliveries

Construction works and deliveries of construction materials, plant or machinery for the development hereby permitted shall take between the hours of:

07.30 and 18.00 on Mondays to Fridays inclusive;

07.30 and 13.00 on Saturdays; and

not at any time on Sundays, Bank or Public Holidays, unless otherwise agreed in advance and in writing by the County Planning Authority.

*Reason: In the interests of residential amenity.*

#### Wheel Cleaning

19. Efficient means for cleaning the wheels of all vehicles leaving the site shall be installed prior to the commencement of construction and continued throughout construction and the subsequent operation of the site. Best practicable means shall be taken at all times to ensure that all vehicles leaving the site are in a condition such as not to emit dust, deposit mud or other debris on the highway. The wheel cleaning scheme shall be extended to include measures for sweeping/cleaning the highway and access road should these become hazardous.

*Reason: In the interests of highway safety.*

### PRIOR TO OCCUPATION/USE

#### Highway Safety

20. The Mechanical and Biological Treatment facility, hereby approved, shall not be brought into use until the site access road junction with Langhurstwood Road has been widened and improved in accordance with plans and engineering construction drawings to be submitted to and approved in writing by the County Planning Authority.

*Reason: In the interests of road safety.*

Date 1.4.10

Signed  
Divisional Manager County Development.....

## **Continuation Sheet**

---

### **Highway Safety**

21. The Mechanical and Biological Treatment facility, hereby approved, shall not be brought into use until the Langhurstwood Road/A264 junction has been widened on its eastern radii in accordance with plans and engineering drawings to be submitted to and approved in writing by the County Planning Authority.

*Reason: To preclude heavy goods vehicles from over running the inside of the curve, in the interests of road safety and highway maintenance.*

### **Car Parking Provision**

22. The Mechanical and Biological Treatment facility, hereby approved, shall not be brought into use until the forty seven staff and visitor car parking spaces have been provided, surfaced, signed and marked out in accordance with a plan to be submitted to and approved in writing by the County Planning Authority. These car parking spaces shall thereafter be retained at all times for their designated use.

*Reason: To discourage on street parking in the interests of highway safety.*

### **Cycle Parking**

23. The Mechanical and Biological Treatment facility, hereby approved, shall not be brought into use until the proposed covered, secure cycle parking spaces have been provided within the site in accordance with a plan to be submitted to and approved in writing by the County Planning Authority. These cycle parking spaces shall thereafter be retained at all times for their designated use.

*Reason: To encourage the use of sustainable forms of transport.*

### **Noise Levels at Graylands Lodge**

24. The Mechanical and Biological Treatment facility, hereby approved, shall not be brought into use until a scheme detailing the provision of noise attenuation measures capable of achieving an acceptable level of noise at Graylands Lodge has been submitted and approved in writing by the County Planning Authority and shall thereafter be maintained at all times throughout the course of the development.


*Reason: In the interest of the amenity of the occupants at Graylands Lodge.*

### **Liaison Group**

24. The Mechanical and Biological Treatment facility, hereby approved, shall not be brought into use until a scheme for the establishment of a local liaison group has been submitted by the applicant to the County Planning Authority for written approval. The submitted scheme shall include the objectives of the committee, its membership, the frequency and location of meetings and arrangements for the publication of minutes. The local liaison group shall meet thereafter in accordance with the approved scheme.

*Reason: In the interests of the local amenities of the area.*

Date 1-4-10

Signed   
Divisional Manager County Development.....





Application No: WSCC/055/09/NH  
COUNTY MATTER

## Continuation Sheet

### CONTINUING OPERATIONAL CONDITIONS

#### **White Noise Alarms**

25. Vehicles associated with the import and export of waste/waste derived products as well as all plant and machinery that are used on site and those under the applicant's control delivering waste to the site that are required to emit reversing warning noise, shall use white noise alarms as apposed to single tone 'bleeping' alarms.

*Reason: To protect the amenities of local residents.*

26. **Hours of Operation - Mechanical Separation Building**

Unless otherwise agreed in advance and in writing by the County Planning Authority the Mechanical Separation Building will normally operate between the hours of 07.00 and 23.00 Monday to Saturday only.

*Reason: To protect the amenities of local residents.*

28. **Hours of Waste Delivery**

Unless otherwise agreed in advance and in writing by the County Planning Authority, no deliveries of waste materials shall take place except between the hours of:

07.00 and 16.30 on **Monday to Fridays** inclusive;

07.00 and 12.00 on **Saturdays**;

07.00 and 15.00 on **the first Saturday following a Public Holiday**;

07.00 and 10.00 on **Public Holidays**; and

no deliveries of waste materials shall enter the site on **Sundays**.

*Reason: In the interests of the amenity of the locality and of local residents.*

29. **Hours of Materials Export**

Unless otherwise agreed in advance and in writing by the County Planning Authority, no export of materials shall take place except between the hours of:

07.00 and 18.00 on **Monday to Fridays** inclusive;

07.00 and 18.00 on **Saturdays**;

07.00 and 10.00 on **Public Holidays**; and

no materials shall be exported from the site on **Sundays**.

*Reason: In the interests of the amenity of the locality and of local residents.*

Date 1.4.10

Signed  
Divisional Manager County Development...

**Internal Waste Movements**

30. Unless otherwise agreed in advance and in writing by the County Planning Authority internal movements of vehicles carrying waste materials within the development site shall only take place between the hours of 07.00 to 18.00 seven days a week.

*Reason: In the interests of the amenity of the locality and of local residents.*

**HGV Numbers**

31. Unless otherwise agreed in advance and in writing by the County Planning Authority:
- no more than 196 HGVs shall enter the site between the hours 07.00-16.30 and no more than 196 HGVs shall exit the site between the hours 07.00-18.00 (of which no more than 8 HGVs shall exit the site between 16.30-18.00) on **Mondays to Fridays** inclusive;
- no more than 89 HGVs shall enter the site between the hours 07.00-12.00 and no more than 89 shall exit the site between the hours 07.00-18.00 (of which no more than 8 HGVs shall exit the site between 16.30-18.00) on **Saturdays**;
- no more than 143 HGVs shall enter the site between the hours 07.00-15.00 and no more than 143 shall exit the site between the hours 07.00-18.00 (of which no more than 8 HGVs shall exit the site between 16.30-18.00) on **the first Saturday following a Public Holiday**; and
- no more than 54 HGVs shall enter the site and no more than 54 HGVs shall exit the site between the hours of 07.00 and 10.00 on **Public Holidays**.

*Reason: In the interests of road safety and local amenity.*

**HGV Records**

32. A record of daily vehicle numbers, including arrival and departure times, shall be maintained and kept at the site office at all times and made available to staff of the County Planning Authority upon request.

*Reason: In the interests of road safety and residential amenity*

**Removal of Temporary Construction Features**

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, following the completion of the construction, engineering or building works all temporary contractors buildings, plant, materials and temporary access, parking, loading and unloading areas required for the implementation of the development hereby approved, shall be removed and land restored to it's former condition or a condition to be submitted to and agreed in writing in advance by the County Planning Authority, within six months of the building operations being completed.

*Reason: To enable the County Planning Authority to control the development in detail in the interests of amenity.*

Date 1-4-10 Signed DAR  
Divisional Manager County Development.....



Application No: WSCC/055/09/NH  
COUNTY MATTER

## Continuation Sheet

### Travel Plan

34. Upon occupation of the Mechanical and Biological Treatment facility, hereby approved, the site Travel Plan shall be implemented in accordance with the modal shift targets, sustainable travel measures and monitoring procedures identified in the Travel Plan.

*Reason: To accord with sustainable transport policies.*

### Permitted Waste Materials

35. Save for any direction issued by the Waste Licensing Authority (Environment Agency) unless otherwise agreed in advance and in writing by the County Planning Authority, the development hereby permitted shall only be used for the importation, processing and storage of non-hazardous, non-inert waste materials

*Reason: Waste materials outside these categories raise environmental and amenity issues, which would require consideration afresh.*

### Waste Processing or Storage

36. No waste processing or storage of waste materials and/or waste derived products, or vehicles containing any waste materials and/or waste derived products shall take place outside the confines of the buildings hereby approved for this purpose.

*Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect*

### Control of Odorous Emissions

37. Unless otherwise agreed in advance and in writing, other than for the receiving of waste materials and/or the despatch of waste derived products and for other vehicle movements associated with the sites operations, the delivery doors to the MRMC MBT Facility shall remain closed at all times.

*Reason: To protect residential amenity*

### Vehicular Operations

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

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

Date 1.6.10

Signed  
Divisional Manager County Development.....

A handwritten signature in black ink, appearing to be "D. B. A.", written over a dotted line.





Application No: WSCC/055/09/NH  
COUNTY MATTER

## Continuation Sheet

### **Vehicular/Mechanical Noise**

39. All vehicles, plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise does not, at any time, increase the background noise levels as measured according to British Standard 4142:1997 at any adjoining or nearby residential property.

*Reason: To protect residential amenity.*

### **Control of Lorries, Heavy Goods Vehicles, and Equipment**

40. The site shall not be used as an operating base for any lorries or Heavy Goods Vehicles, or the repair and/or maintenance of any lorries or Heavy Goods Vehicles and equipment which are not under the direct control of the operator and not normally used for the delivery, handling or sorting of permitted wastes to or within the site.

*Reason: In the interests of amenity and highway safety.*

### **Quantities of Waste**

41. A record of the quantities (in tonnes) of waste material delivered to the site and waste derived products despatched from the site shall be maintained and kept at the site office at all times and made available to the County Planning Authority upon request. Unless agreed otherwise in advance and in writing with the County Planning Authority, the total quantity of waste received at the site between 1st January and 31st December of any year shall not exceed more than 327,000 tonnes.

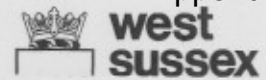
*Reason: To ensure the approved capacity of the development to deal with waste is not exceeded with adverse impacts upon amenity and highway safety.*

### **INFORMATIVES**

- A. Biffa Waste Services Ltd are advised that they will be required to enter into a highway works agreement to be made under Section 278 of the Highways Act 1980 for the execution of the site access road/Langhurstwood Road junction improvements and the Langhurstwood Road/A264 junction improvement works. The applicant is requested to contact the agreements officer, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ (Tel no: 01243 777251) in order that the necessary documentation may be prepared for inclusion in the legal agreement.
- B. This permission shall be read in conjunction with a routing agreement made under Section 106 of the Town and Country Planning Act 1990.
- C. WSCC Architectural advice (received 2 October 2009) is attached for the applicant's attention.

Date 1.4.10

Signed DATA  
Divisional Manager County Development



- D. The Environment Agency consultation response letter (dated 8 September 2009) containing guidance with respect to the potential need for obtaining both or either protected species licences or a licence for fish capture or movement prior to works commencing as well as general groundwater protection advice to be considered during construction works and the requirements of any Site Waste Management Plan is attached for the applicant's attention.
- E. The reasons for granting planning permission are that the proposal accords with National Policy Guidance and complies with Development Plan Policies requiring that the proposed development:
- meets an identified need;
  - is acceptable in terms of highway capacity and road safety;
  - has an acceptable impact on ecology, biodiversity and the water environment;
  - is satisfactory in terms of design and appearance; and
  - has an acceptable impact on local amenity.
- F. In determining the application the following planning policies were considered:

**The South East Plan 2009**

W5: Targets for the Diversion from landfill

W6: Recycling and Composting

W17: Location of Waste Management Facilities

**Horsham District Core Strategy (2007)**

Policy CP1: Protection of the District's protected landscapes, habitats and species;

Policy CP2: Environmental Quality;

Policy CP11: Employment Sites and Premises; and

Policy CP14: Protection or enhancement of new or improved community facilities.

**Horsham District General Development Control Policies (2007)**

Policy DC2: Landscape Character;

Policy DC5: Biodiversity and Geology;

Policy DC6: Woodland and Trees;

Policy DC7: Flooding;

Policy DC9: Renewable Energy and Climate Change; and

Policy DC9: Development Principles;

**Horsham District Specific Allocations of Land (2007)**

Policy AL 14 'Warnham and Wealden Brickworks'

Date 1.4.10

Signed

Divisional Manager County Development DAIR H



Application No: WSCC/055/09/NH  
COUNTY MATTER

## Continuation Sheet

---

**West Sussex Waste Local Plan: Revised Deposit Draft (2004)**

N1: Need for Facilities

A1A: Existing Waste Management Sites

**Planning Policy Statement 10: Planning for Sustainable Waste Management**

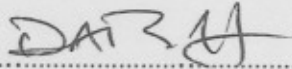
**Waste Strategy for England 2007**

**West Sussex Minerals and Waste Core Strategy Development Plan Document (DPD): Preferred Option (2007)**

**West Sussex Strategic Waste Site Allocations Development Plan Document (DPD): Preferred Option (2007)**

**West Sussex Minerals and Waste Development Framework Background Paper 5: Strategic Waste Sites**

Date ..... 1.4.10 .....

Signed  
Divisional Manager County Development..... 

**1 Appeals to the Secretary of State**

- (a) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Office of the Deputy Prime Minister under section 78 of the Town and Country Planning Act 1990.
- (b) If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Tollgate House, Houlton Street, Bristol BS2 9DJ.
- (c) The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (d) The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- (e) In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

**2**

- (a) If either the local planning authority or the Office of the Deputy Prime Minister refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- (b) In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**3**

In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and County Planning Act 1990.

**4**

Further correspondence about this application should quote the reference number at the top right hand corner of the form.

This page is intentionally left blank