

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

**7 November 2023**

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

**WSCC/021/23 - Regularisation, consolidation and extension to the existing waste transfer facility including an increase in throughput of waste at Recycle Southern Ltd, Elbridge Farm, Chichester Road, Bognor Regis, PO21 5EF.**

**Report by Head of Planning Services**

**Local Member: Councillor Keir Greenway**

**Electoral division: Bersted**

**District: Arun**

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### **Summary**

This report concerns a part retrospective planning application seeking to regularise and consolidate operations/physical development, and to expand the existing waste transfer and recycling facility at Eldridge Farm Recycling Centre, located on the A259 between Bognor and Chichester.

The application is for a physical expansion of the facility to include additional existing buildings (previously not included as part of the waste site), and an extension on to neighbouring agricultural land to the north and east of the site. The applicant is seeking to increase the maximum permitted throughput of waste to 75,000 tonnes per annum (tpa) (an increase of 45,000tpa over that currently permitted). In addition, the proposals seek the retention and/or addition of various ancillary structures, new surfacing, access improvements, revised boundary treatments, and implementation of various mitigation measures seeking to minimise noise and dust emissions.

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

The main development plan policies of relevance to this application are Policies W1, W3, W4, W11, W12, W14, W15, W16, W17, W18, and W19 of the West Sussex Waste Local Plan (April 2014) ('WLP'), Policies SD SP1, C SP1, SD SP3, LAN DM1, SO DM1, D SP1, D DM1, D DM4, T SP1, TDM1, HER DM6, ENV SP1, ENV DM5, W DM2, QE SP1, QE DM1, QE DM2 and QE DM3 of the Arun Local Plan 2018 ('ALP'), and Policies ES1, ES2, ES3 and ES7 of the Bersted Neighbourhood Plan 2014-2029.

Arun District Council, Chichester District Council, Environmental Health Officers and the Environment Agency, Highway Authority, WSCC Arboriculture, WSCC Ecology, WSCC Archaeology and WSCC Flooding and Drainage Advisors (LLFA), raise no

objection to the proposal. Bersted and Oving Parish Councils object to the proposals. The local County Councillor raises several concerns and seeks additional controls over operations at the site.

Representations have been received from 45 third parties, of which 22 object to the development, 20 are in support, and three make comments.

### **Consideration of Key Issues**

The main material planning considerations in determination of the application are:

- Need for the development;
- Location of the development;
- Landscape, character, and visual impacts;
- Impacts on public health and amenity; and
- Impacts on highway capacity and road safety.

### **Need for the Development**

The applicant has identified a market need for the increase in the maximum permitted capacity sought (and the resultant physical changes/expansion to accommodate it), as demonstrated by current waste throughputs at the site and the capacity demands reported in the most recent Annual Monitoring Report. The established facility is well-located in relation to the major centres of population and the arisings of waste. As a result, the development would meet an identified need, is consistent with the principle of net self-sufficiency, and would promote the movement of significant volumes of waste up the waste hierarchy and divert waste from landfill, in accordance with both the WLP, the National Policy Framework (NPPF) (2023), and the National Planning Policy for Waste (NPPW) (2014). Therefore, the need for the development can be attributed substantial weight in the planning balance.

### **Location of the Development**

The site is located within the WLP identified 'Area of Search' and the proposals are for the expansion and extension of an established facility well-related to the Lorry Route Network. Taking this into account, it has been satisfactorily demonstrated that there are no suitable alternative sites available. Subject to appropriate conditions to secure proposed landscaping and controls over operational activities on site (including mitigation of any emissions), any impacts on the character and appearance, and residents is not considered to be unacceptable. As a result, the location of the development accords with Policies W3 and W4 of the WLP, which can be attributed great weight in the planning balance.

### **Landscape, Character, and Visual Impacts**

The proposed physical changes to the buildings, access improvements, and changes to/addition of further ancillary structures would be of a commensurate scale and nature to the existing structures/operations and be largely contained within a site which is generally well-screened. The proposed physical extension of the site would inevitably result in an incursion into undeveloped land identified as a 'gap between settlements'; however, the extended area of the site would largely be seen in the context of an established waste facility/Business Centre and enclosed by a planted soil bund which, in time, would be likely to result in improved screening of the site as a whole and aid in minimising the influence of established activities in the wider

landscape. On balance, it is considered that the proposed development would not give rise to any unacceptable impact on the landscape, character or appearance of the locality nor the integrity of the 'gap' in accordance with Policies W3, W11 and W12 of the WLP and Policy SD SP3 of the ALP. Therefore, the potential for adverse impacts on landscape, character and visual impacts attracts little weight in the planning balance.

### **Public Health and Amenity**

Although there is inevitably some potential for the proposals to result in increased noise and dust emissions associated with an intensification and extension of the existing waste use, the proposed mitigation measures should ensure any off-site noise and dust emissions would not be likely to give rise to any unacceptable impact on public health or amenity. Of note are the proposals to improve unmade areas of the existing access to a bound surface, widening of the access onto the A259, provision of a wheel washing facility, fitting of chain sleeves to the applicant's fleet of skip lorries, and provision of acoustic barriers, which combined, have the potential to result in a betterment over existing arrangements. Conditions are proposed to secure proposed noise and dust mitigation measures, and pollution control regimes are in place to ensure that any such emissions would not give rise to unacceptable impacts on the local environment and human health. The proposals are considered to accord with national policy, WLP Policy W19, and Policies QE DM1 and QE DM3 of the ALP. Therefore, the potential for adverse impacts on public health and amenity attracts moderate weight in the planning balance.

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

The proposed increase in HGV movements to/from the application site are not considered to give rise to any unacceptable impacts on highway capacity or road safety. The proposals would provide for minor improvements to the access to the application site (and wider business centre), which would aid HGV manoeuvring and ensure cyclist priority. Further, the proposals incorporate various measures that should help reduce the potential for mud/dust on the highway. The proposals are considered to accord with WLP Policy W18, and paragraphs 110-113 of the NPPF. Therefore, the potential for adverse impacts on highway capacity and road safety attracts little weight in the planning balance.

### **Overall Conclusion**

Planning permission is sought for the consolidation/regularisation of changes that have taken place since commencement of waste operations, in addition to a proposed physical expansion of the facility and an increase in maximum permitted throughputs of waste up to 75,000tpa. This has the potential to result in additional or exacerbated impacts on neighbouring amenity, landscape/character, environment, and the highway.

The applicant has identified a market need for the increase in the maximum permitted capacity being sought (and associated physical changes/expansion required to accommodate it). The facility is well-located in relation to the major centres of population and the arisings of waste. As a result, the development would meet an identified need, is consistent with the principle of net self-sufficiency, and would promote the movement of significant volumes of waste up the waste hierarchy and divert waste from landfill.

The site is located within the WLP 'identified Area of Search', and the proposals are for the expansion and extension of an established facility well-related to the Lorry Route Network. It has been satisfactorily demonstrated that there are no suitable alternative sites available, and that the development could be satisfactorily incorporated into the existing waste operations.

Proposed physical changes to buildings, access improvements, and changes to/addition of further ancillary structures (in part retrospective) would be of a commensurate scale and nature to the existing structures/operations and be largely contained within a site which is generally well-screened. The proposed physical extension of site would inevitably result in an incursion into undeveloped land identified as a 'gap between settlements'. However, taking into account established waste facility/Business Centre uses and proposed boundary treatment/landscaping, it would not give rise to any unacceptable impact on the landscape, character or appearance of the locality nor the integrity of the 'gap'.

Although there is potential for the proposals to result in increased noise and dust emissions, proposed mitigation measures are such that these would not be likely to give rise to any unacceptable impact on public health or amenity. Further, pollution control regimes are in place to ensure that any such emissions would not give rise to unacceptable impacts on the local environment, and on public health and amenity.

The proposed increase in HGV movements to and from the application site are not considered to give rise to any unacceptable impacts on highway capacity or road safety. The proposals would provide for minor improvements to the access to the application site (and the wider business centre), which would aid HGV manoeuvring, ensure cyclist priority and help to reduce the potential for mud/dust on the highway.

Subject to the proposed conditions to secure protection and/or recording of underlying archaeology, precautionary methods of clearance/construction, provision and maintenance of proposed landscaping, and detailed drainage design, the proposals would not give rise to any unacceptable impacts on heritage assets, ecology, trees, or result in an increased risk of flooding.

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. In favour of the proposal, the need for the development carries substantial weight and the location of the development carries great weight. Against the scheme, the potential for adverse impacts on landscape, character and visual amenity and on highway capacity and road safety carry little weight, and the potential for adverse impacts on public health and amenity carries moderate weight. Therefore, on balance, it is considered that the benefits of the proposal outweigh the disbenefits and, as such, the proposed development constitutes sustainable development (as defined in paragraphs 7 and 8 of the NPPF).

## **Recommendation**

That planning permission be granted subject to the conditions and informatives set out at **Appendix 1**.

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## **1. Introduction**

- 1.1 This report concerns a part retrospective planning application seeking to regularise and consolidate operations/physical development, and to expand the existing waste transfer and recycling facility Eldridge Farm Recycling Centre, located on the A259 between Bognor and Chichester.
- 1.2 In September 2014, planning permission was granted for a facility to manage and process up to 30,000 tonnes per annum (tpa) of mixed waste (excluding any putrescible or odorous waste). Since that time, operations, layouts, and physical development at the site have evolved. Most notably, the site has been accepting an increase in the volume of waste (over and above that allowed under the planning permission).
- 1.3 The applicant is now seeking permission to regularise changes that have taken place since commencement of operations, including a proposed physical expansion of the facility to include existing buildings and land centrally within the Business Centre, and an extension into neighbouring agricultural land to the north and east of the site (a total extended site area of approximately 0.9 hectares). The applicant proposes that the revised facility would have a maximum permitted throughput of waste to 75,000tpa.
- 1.4 The principle of the current site's use as a waste recycling/transfer facility has been established through the granting of the 2014 permission. The key material considerations for this application are the implications of the increased throughput, extension of the site, associated intensification in operations/HGV movements, and the changes to buildings and the layout of the site.

## **2. Site and Description**

- 2.1 The application site is approximately 1.5 hectares in area. It is located on the north-eastern side of the A259, 4km south-east of Chichester and to the northwest of Bersted, which forms the northern extent of Bognor Regis. Although the site is within Bersted Parish in Arun District, the boundary with Chichester District and Oving Parish runs immediately to the north (**see Appendix 2, Site Location Plan**).
- 2.2 The existing permitted waste management site comprises a recycling and transfer facility of 0.6 hectares (Ha) in size, forming the northernmost part of Elbridge Farm Business Centre (a former farm complex and yard area). The wider site accommodates various commercial/light industrial uses, including a stonemasons, joinery, and construction plant company. The application site encompasses the existing waste management site and includes a number of centrally located buildings (which are excluded from the current planning permission) and undeveloped agricultural land to the north and east of the existing waste site boundary.
- 2.3 The existing waste facility comprises an access road linking to the north-eastern side of the A259, several large agricultural/industrial style buildings and covered areas where waste is received and sorted/processed. It also contains several prefabricated units for staff and the management of site operations, an open yard area to the north-east for the processing of inert construction and demolition waste, and storage bays for processed materials to the south-west.
- 2.4 The closest dwellings to the site are Elbridge Farmhouse located immediately to the south-west, Elbridge Farm Cottages located immediately east of the wider

business park, and Primrose cottage/boarding kennels located 150m south-west to the rear of a car dealership on the opposite side of the A259. The site is also 200m northwest of a row of dwellings (including Babsham Lane) located on the north-eastern side of the A259.

- 2.5 In addition to existing properties, a large area of land to the south of the site (beyond the A259) is allocated as a strategic development site in the Arun District Local Plan ('Land West of Bersted') for 2,500 dwellings, employment provision, and supporting infrastructure. A Masterplan for the area was endorsed by Arun District Council in October 2020, with applications for south-western areas of the site subsequently permitted in outline in 2021 and 2022. Notably, Arun District Council is currently considering an outline planning application for a mixed-use development comprising up to 2,200 homes, employment uses, a school, and other associated infrastructure (BE/143/22/OUT). This proposed development includes land that would extend up to the A259 south of the application site, and a new roundabout on the A259 200m to the southeast of Elbridge Farm.
- 2.6 The access to the site is shared with the wider Business Centre, connecting to the A259 via a bellmouth that also links via a short side road to Elbridge Farm Cottages. A shared footpath/cycle path cuts directly across this, running alongside the A259.
- 2.7 Agricultural land abuts the site to the north and east, which is classed as Grade 1 (best and most versatile). There is a car dealership on the opposite side of the A259 from the site, either side of which is currently agricultural land.
- 2.8 Most of the site is located within Flood Zone 1 (low risk of flooding). However, there is a watercourse beyond the north-western boundary of the site (Elbridge Rife). As a result, a small strip of land at the northern western edge of the site is within Flood Zones 2 and 3, considered to have medium/high probability of flooding i.e. between a 1 in 100 and 1 in 1,000 annual risk of flooding (i.e. potentially more than a 1% chance of flooding from rivers per year).
- 2.9 The site is not within an area designated for landscape or ecological reasons and is not within a groundwater source protection zone. However, it is located in countryside (i.e. land defined as being outside the built-up area) and in an area identified as a 'Gap Between Settlements' in the Arun District Local Plan 2011-2031 (July 2018). Further, it is located within an Archaeological Notification Area, i.e. an area with a high potential for buried archaeology of significance to be present.

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

- 3.1 The wider Business Centre, including former farm buildings, have been subject to various Arun District Council planning permissions for business uses from the 1990s, including furniture repair, signwriting, and printing/paper storage.
- 3.2 Planning permission was first granted for the use of some of the buildings on the application site for B1 (business), B2 (and general industrial) and B8 (storage/distribution) purposes in 2006 (ADC Planning Permission Ref. BE/56/06), and through an amended permission in 2008 (Ref. BE/92/08). In August 2010, ADC also granted permission for the remainder of the buildings on the application site to be used for B1, B2 and B8 purposes, and associated

works including parking areas and upgrading existing agricultural buildings (ADC Ref. BE/55/10).

- 3.3 In April 2014, planning permission was granted on the current waste site for the "Change of use to a Waste Transfer Station and Materials Recycling Facility" (Planning Permission Ref. WSCC/036/14/BE). This permission allowed the use of the application site to manage up to 30,000tpa of skip, construction/demolition, and commercial/industrial waste for sorting, processing, and bulking up for export off site, and is also subject to various conditions controlling operational activities and layout of the site (**see Appendix 3 – Approved Site Layout**).
- 3.4 In March 2022, Planning Application Ref. WSCC/007/22 was submitted by the applicant seeking to vary the conditions of the operative planning permission to increase the maximum permitted throughput of waste from 30,000tpa to 75,000tpa and to retrospectively seek minor changes to the layout of the site.
- 3.5 However, the application was withdrawn in August 2022 following concerns raised by consultees, third parties, and officers on a range of matters. These included: a failure to consider all implemented changes to layouts and new structures at the site (that would require retrospective consent for their retention - and which would not be possible via the variation of condition application sought); the need for more information on highways safety/drainage/arboricultural/emissions matters; and concerns over the site being able to physically accommodate the volumes of waste sought.

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

- 4.1 The current proposal seeks a new operational planning permission for the site that would consolidate/regularise changes that have taken place since commencement of operations, in addition to a proposed physical expansion of the facility to include existing buildings (previously not included as part of the waste site), and an extension into neighbouring agricultural land to the north and east of the site. The applicant seeks to increase the maximum permitted throughput of waste to 75,000tpa (an increase of 45,000tpa over that currently permitted). See **Appendix 4 – Proposed Site Layout**.
- 4.2 In summary, the key proposed physical changes/differences to that currently approved (which are in part retrospective), comprise the following:
- Incorporation of additional existing buildings/units (previously not forming part of the permitted waste facility) to provide staff offices and welfare facilities (approximately 480m<sup>2</sup> of floorspace);
  - A physical extension of the site to the north and east into agricultural land of approximately 25-40m (or approximately 0.7Ha). The area is to be enclosed by a 2m high weldmesh fence and planted soil bund/retaining concrete wall approximately 3.5m wide and 3m in height; near Elbridge Farm Cottages, this would be 3.5m in height to provide additional acoustic attenuation.
  - The siting of material storage bays to the west of the site within concrete 'lego' block bays (typically 3.2m high, 3.5m wide and 6m deep), in part covered with a scaffold/sheet roof structure, and including an increase in height to 4m (by way of an acoustic timber fenced 'topper') near to Elbridge Farmhouse;

- Internal rearrangement/reorganisation of waste sorting/storage areas within buildings and re-siting of plant and equipment within the expanded area of the site;
- Minor changes to the elevations of the existing buildings (e.g. roller door openings/window changes/enclosed trommel shelter), and a scaffold/sheet roof structure over the waste unloading area (9m in height);
- Rearrangement/relocation and reduction of prefabricated office/welfare buildings and provision of a standalone 'picking line' structure to sort inert construction waste (approximately 3m x 3m and 4.5m in height);
- Installation of a water mist cannon and water supply tank (approximately 5.25m in height and 3m in width);
- Amendments to staff and HGV parking layouts and introduction of an (anti-clockwise) one-way circulation system around the site;
- Resurfacing of the internal shared estate road (bound concrete or tarmacadam), provision of an entrance swing barrier, and installation of a wheel washing facility; and
- Area of access road between the A259 and Business Centre entrance (part of the WSCC Highway network) to be resurfaced, widened, and cyclist priority introduced through markings/signage; (see **Appendix 5 – Highway works Plan**)

4.3 As a result of the above proposed changes, there would also be various changes to associated site infrastructure, including drainage and lighting provision.

4.4 The permitted waste types to be managed at the site would not change (i.e. no putrescible or odorous waste - with the exception of any green waste erroneously received that would be isolated in covered container for removal from site). Hours of operation would also remain unchanged, i.e. 07.00 and 18.00 Monday to Friday and 08.00 and 14.00 on Saturdays.

4.5 The proposed increase in throughput would result in approximately 75 HGV arrivals and 75 HGV departures a day, an increase from 60 HGV to 150 HGV movements per day.

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

5.1 The development already permitted (under Planning Permission Ref. WSCC/036/14/BE) was considered to fall within Schedule 2 of the Environmental Impact Assessment Regulations, Part 11(b) 'Installations for the disposal of waste'. It was concluded at that time that an EIA was not necessary.

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.' As a result, with reference to Schedule 3 of the EIA Regulations, consideration needs to be given as to whether the proposed amendment to the approved development, in combination with the existing development, has the potential to result in 'significant environmental effects' that require an EIA.

5.3 Following receipt of the application, EIA Screening was undertaken and a Screening Opinion issued on 4 August 2023, concluding that the development



would not be considered to have the potential for significant effects on the environment within the meaning of the EIA Regulations 2017, and that an EIA was not required.

## **6. Policy**

### **Statutory Development Plan**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise (as confirmed in paragraph 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 Arun District Local Plan 2011-2031 (July 2018).
- 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 W1 relates to the need for waste facilities. Of relevance to the current proposals are:
- (a) Proposals on unallocated sites for the storing, sorting, bulking and onward movement of waste will be permitted provided that they are needed to meet the shortfall in transfer capacity of 140,000 tonnes per annum. Proposals on unallocated sites to deliver capacity over and above this shortfall will be permitted where it can be demonstrated that there is a market need, consistent with the principle of net self-sufficiency; and
  - (c) Proposals on unallocated sites for the recycling of inert waste will be permitted where it can be demonstrated that there is a market need can be demonstrated, consistent with the principle of net self-sufficiency.
- 6.5 Policy W3 sets out criteria for the Location of Built Waste Management Facilities for the transfer, recycling, and recovery of waste, including extensions to existing facilities. Proposals within the 'Areas of Search', as with the application site, are supported where it can be demonstrated the use cannot be delivered on existing or allocated sites, in which case they must:
- (i) be located within built-up areas, or on suitable previously developed land outside built-up areas; or
  - (ii) be located on a site in agricultural use where it involves the treatment of waste for reuse within that unit; or
  - (iii) only be located on a greenfield site, if it can be demonstrated that no suitable alternative sites are available; and

- (iv) where transportation by rail or water is not practicable or viable, be well related to the Lorry Route Network; large-scale facilities must have good access to the Strategic Lorry Route.”

6.6 In addition:

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

6.7 Policy W4 relates to inert waste recycling, which is supported provided they are located in accordance with Policy W3; or can be accommodated on temporary landfill/mineral workings.

6.8 Policies W11 – W20 relate to development management and are designed to ensure that there would be no unacceptable harm to amenity, character, and the environment or to other material considerations from waste development proposals. Of particular relevance to the proposals are: Policy W11 (Character), Policy W12 (High Quality Development), Policy W14 (Biodiversity and Geodiversity), Policy W15 (Historic Environment), Policy W16 (Air, Soil and Water), Policy W17 (Flooding), Policy W18 (Transport), and Policy W19 (Public Health and Amenity).

### **Arun District Local Plan 2011-2031 (July 2018)('ADLP')**

6.9 The ADLP was adopted in July 2018 and forms part of the 'Development Plan'. The key relevant policies are: SD SP1(Sustainable Development), H SP2a -SD3 (Strategic site allocations – West of Bersted), C SP1(Countryside), SD SP3 (Gaps Between Settlements), LAN DM1 (Protection of Landscape Character), SO DM1 (Soils), D SP1 (Design), D DM1 (Aspects of form and design quality), D DM4 (Extension and alterations to existing buildings), T SP1 (Transport and Development), T DM1 (Sustainable Travel and Public Rights of Way, HER DM6 (Sites of Archaeological Interest), ENV SP1 (Natural Environment), ENV DM5 (Development and Biodiversity), W DM2 (Flood risk), QE SP1 (Quality of the Environment, QE DM1 (Noise Pollution), QE DM2 (Light Pollution), and QE DM3 (Air Pollution).

### **Bersted Neighbourhood Plan (2014-2029)**

6.10 The Neighbourhood Plan was 'made in July 2014 and forms part of the 'Development Plan'. The key relevant policies are: Policy ES1 (Design of new development), Policy ES2 (Surface Water management), Policy ES3 (Protecting the Strategic Gap), Policy ES7 (Development outside of the built up area), and Policy EE1 (Business Expansion).

### **National Planning Policy Framework (September 2023) ('NPPF')**

6.11 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.

- 6.12 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), 81 (Building a strong competitive economy), 110-113 (Transport and considering development proposals), 152-154 (meeting the challenge of climate change, flooding and coastal change), 167 (Flood risk), 174 (conserving and enhancing the natural environment), 185 -186 (effects on health, living conditions and the natural environment including from noise, lighting and air quality), 188 (control and processing of emissions are subject to separate pollution control regimes), and 194 (significance of heritage assets).

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

- 6.13 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.
- 6.14 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, with priority given to the re-use of previously developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages.
- 6.15 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 identified criteria; make sure facilities are well designed so they contribute positively to the character and quality of the area; and not control processes which are a matter for other pollution control authorities.

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

- 6.16 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.
- 6.17 The most relevant sections of PPG to this application are: Air Quality (November 2019), Noise (July 2019), Travel plans, transport assessments and statements in decision-taking (March 2014), and Waste (October 2015).
- 6.18 Of particular note, Paragraph 6 of the PPG on Waste sets out the requirement to have regard to the principles of self-sufficiency and the proximity principle, while Paragraph 7 recognises waste may need to cross administrative boundaries to provide the necessary flexibility to ensure efficient management of waste and recycling. Paragraph 8 promotes the movement of waste up the hierarchy. 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. Paragraphs 50 and 51 set out the relationship between planning and other regulatory regimes.

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

- 6.19 By virtue of Articles 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 2008/98/EC (the Waste Framework Directive) and 1999/31/EC (the Landfill Directive). For waste management, Directive 2008/98/EC sets out the objectives of the protection of human health and the environment (Art. 13) and self-sufficiency and proximity (first paragraph of Art. 16(1), Arts. 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.
- 6.20 Further, under the Waste Management Licensing Regulations 1994, Sch.4, paragraph 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 **Arun District Council Planning:** No objection.
- 7.2 **Arun District Council Environmental Health Officer (EHO):** No objection. However, notes that the noise assessment is based on limited background noise modelling, and thus impacts may be greater than reported. Recommends a condition to secure a noise limit for the site. Also notes that dust management will be reliant on good management and is aware of recent reports of dust emissions. Recognises that the site is regulated by the Environment Agency and noise and dust emissions will be controlled by the Environmental Permit.
- 7.3 **Bersted Parish Council:** Objection. Dust controls for the site are inadequate and give rise to negative impacts on surrounding properties and businesses. Dust management needs to be adhered to and further checks surveys undertaken. Stockpiles are too high and have a negative visual impact. Wheel washing facilities are inadequate and dust on highway. Boundary fences are in a state of disrepair and materials overspill the site.
- 7.4 **Chichester District Council Planning:** No objection.
- 7.5 **Chichester District Council EHO:** Satisfied with methodologies to assess predicted noise. Subject to proposed mitigation measures being secured/implemented, it is concluded that the proposals would result in a low potential for adverse noise impacts. Subject to the proposed Dust Management Plan (DMP) being secured/implemented, no objections are raised. Recommend that a left turn for exiting vehicles is secured and note that wheel washing and road sweeping (specified within the DMP) should have a beneficial impact on local air quality.
- 7.6 **Oving Parish Council (Neighbouring Parish):** Objection. The site generates HGV traffic in the Parish and causes congestion and potential damage to buildings. Dust is a nuisance to residents and mud on the road is a danger to highway users. Noise impacts from the site including outside of permitted

hours. Fencing will not prevent run-off into the neighbouring stream. There will be impacts on wildlife. The site cannot cope with the volume of waste they are processing with spillage outside of site boundaries. If minded to approve, recommend controls over noise, hours of work and routing of traffic on A roads only.

- 7.7 **Environment Agency:** No objection. Note that the proposals require an Environmental Permit (or variation of the existing permit).
- 7.8 **WSSC Highway Authority:** No Objection. Satisfied with the Safety audit. Minor road widening, re-surfacing and cycle path proposals offers an improvement over the existing situation. No concerns raised regarding highway capacity. Conditions required to secure a bespoke wheel washing facility (to ensure the cleaning of wheels, arches and chassis of vehicles), and delivery of the proposed access improvements.
- 7.9 **WSSC Arboriculturist:** No objection, subject to updated plans (omitting an area of hardstanding) and conditions to secure tree protection measures during construction and provision/aftercare of proposed landscaping. New tree planting is welcomed as an enhancement to the site.
- 7.10 **WSSC Archaeology:** No objection, subject to a planning condition to secure archaeological mitigation measures through a Written Scheme of Investigation for archaeological investigation, recording, and reporting.
- 7.11 **WSSC Ecology:** No objection, subject to planning conditions to secure precautionary ecological management and clearance measures during construction, and implementation of ecological enhancements, as set out in the submitted ecological assessment.
- 7.12 **WSSC Lead Local Flood Authority (LLFA) - Drainage and Flood Risk:** No objection, subject to conditions to secure a detailed scheme of surface water drainage and details of flood resilient and resistant measures.
- 7.13 **WSSC Councillor Kier Greenway:** Concerns Raised. Whilst proposed wheel washing and access improvements are positive, concerned about the potential for mud/sediment and dust accumulating on the highway, bus shelters, verges and associated safety impacts. Comfortable with proposed cycle crossing arrangements but concerned about dust from site disincentivising cyclists and users of the nearby bus stop. Dust from the site impacts on surrounding land, people and businesses, and is a nuisance to local residents. Current mitigation is inadequate, and concerns raised over dust impacts on the health and amenity of local residents. Concerns over cumulative impacts with Babsham Business Centre, which is used for skip storage by the operator. Existing planting/screening is lacking, and the site is visible from the highway. Proposed planting must be enforced. The need for the waste activity is recognised. Current operations cause significant harm to local residents and the environment. Increasing the waste processed at this site will only exacerbate these issues. If minded to approve, recommends conditions to secure HGV left-turn only, chain socks and netting of vehicles, repair of highway damage and cleaning of signage and street furniture, regular air quality monitoring, planting of trees and hedgerows and a bespoke wheel washing facility.

## **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 site notices located at the application site, advertisement in the local newspaper, and eight neighbour notification letters.
- 8.2 Representations were received from 45 third parties, of which 22 object to the development, 20 are in support, and three make comments.
- 8.3 The main material issues raised through objections, are, in summary:
- Site not suitable for further expansion. Site too small, operations not covered, and materials spill out onto neighbouring agricultural land and adjacent private properties;
  - Alternative sites should be pursued;
  - Does not accord with the WSCC Waste Local Plan;
  - Light impacts;
  - Blown litter;
  - Existing and proposed boundary treatments are unclear, unattractive, and are/would not be effective in containing/reducing noise, dust, litter and overspill onto neighbouring properties;
  - Dust impacts including prejudicing the enjoyment of property and gardens, and impact on human health;
  - Impacts on neighbouring equestrian uses/health;
  - Noise impacts including that arising from waste processing and HGVs travelling to/from the site;
  - Impacts on surrounding ecology, and neighbouring horses;
  - Potholes and surfacing of the site access causing noise impacts and resulting in mud/debris on the highway;
  - Cumulative impact with associated skip storage at Babsham Lane Business Centre;
  - Visual impacts of stockpiles and plant;
  - Impacts on tourism as result of dust and debris and associated impact on the visual amenities of the locality;
  - Impact on local business;
  - Impact on landscape and rural locality;
  - Hedgerows and trees not planted as required;
  - Mud and debris on the highway and associated nuisance and safety issues;
  - Proposed wheel wash facility inadequate;
  - Suitability of the access and HGV impacts on highway capacity and safety;
  - Inadequacy of submitted Transport Statement/data;
  - Impact on safety and enjoyment of the Cycle Path; and
  - Disincentive to users of public transport (Bus stops) owing to dust and HGVs.

8.4 The main material issues raised through support, are, in summary:

- Need for waste management facilities of this kind which limited in number and provide for local residents and businesses;
- Diverts waste from landfill and reduces potential fly tipping;
- Supports recycling;
- Support from local users of the facility who rely on the site to avoid traveling great distances to dispose of waste;
- Increase in housing/population necessitates an increase in the provision of waste sites like this;
- Provides for recycled aggregates and topsoil products;
- Proposed resurfacing, dust suppression and wheel cleaning facility would be of great benefit to the surrounding residents/businesses;
- Expansion will improve the sites efficiency; and
- Provides for local employment.

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

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

- Need for the development;
- Location of the development;
- Landscape, character and visual impacts;
- Impacts on public health and amenity; and
- Impacts on highway capacity and road safety.

### **Need for the Development**

9.2 The National Planning Policy Framework (NPPF) seeks to ensure that strategic policies make 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 Consistent with these aims, the strategic objectives of the West Sussex Waste Local Plan 2014 (WLP) include working towards zero waste to landfill by 2031 and maintaining net self-sufficiency in managing the transfer, recycling, and treatment of waste generated within West Sussex. To that end, the WLP seeks to safeguard and provide for waste management facilities to maximise opportunities to reuse, compost, recycle and treat waste, to meet identified needs.

9.5 The proposals are for an increased maximum throughput of an additional 45,000tpa (rising from 30,000tpa to 75,000tpa) as part of a proposed expansion of an established waste management facility. The waste operations consist of a broadly even mix of both recycling of inert waste (e.g. the crushing and grading of construction, demolition and excavation waste) and Waste

Transfer (e.g. the recycling storing, sorting, bulking and onward movement of waste from mixed skip loads and third party deposits).

- 9.6 The site is not allocated for waste management uses in the WLP. Policy W1 of the WLP deals with the need for waste management facilities on unallocated sites. In relation to sites for the storing, sorting, bulking and onward movement of waste, Policy W1 (a) provides for facilities needed to meet the shortfall in transfer capacity identified in the WLP. Where capacity over and above this shortfall is proposed, developments will need to demonstrate a market need consistent with the principle of net self-sufficiency.
- 9.7 In relation to inert recycling facilities, Policy W1(c) provides for facilities where it can be demonstrated that there is a market need, consistent with the principle of net self-sufficiency'.
- 9.8 The most recent West Sussex Joint Minerals Local Plan and Waste Local Plan Annual Monitoring Report (2021/2022)(the 'AMR') indicates that there is currently no shortfall in required transfer capacity to manage waste arisings within West Sussex. However, performance against shortfalls should only be treated as an indicator rather than an absolute, with numerous variables influencing actual capacity and throughput at sites. Further, it is of note that the existing large Britaniacrest Waste Transfer Site at Brookhurst Wood, which has an estimated capacity of 230,000tpa, has planning permission for re-development to an Energy from Waste (EFW) facility, which has now been part implemented and if /once completed would result in a significant shortfall in available transfer capacity in the County.
- 9.9 For arisings of inert construction demolition and excavation waste (CDEW) within West Sussex, the AMR indicates a continued and increasing need for sites to manage arisings.
- 9.10 The site is an established waste facility, which benefits from an Environmental Permit (as regulated by the Environment Agency (EA)) that allows for the processing of up to 75,000tpa of waste. The applicant has an established client base managing waste from a wide range of sources including Local Authorities, utility companies, housing associations, construction developers, builders, landscapers, and the public.
- 9.11 The site has seen a steady and increasing throughput of waste being processed since being granted planning permission in 2014. This is verified by EA data and the applicant's latest returns, which demonstrate the site has been handling more waste (albeit unlawfully) than the maximum permitted waste throughput of 30,000tpa: 54,771t in 2018, 62,596t in 2019, 52,596t in 2020, and 64,826t in 2021. As a result, there is a clear and proven market need for the facility in accordance with Policy W1 of the WLP.
- 9.12 The applicant advises that waste arisings mainly come from within West Sussex (86%), but also neighbouring counties due to the limited availability of facilities of this kind. The site is in the southwest of the County, alongside the A259 (part of the Strategic Lorry Route Network), with good access to major centres of population including those on the coastal plain, which are obvious sources of waste. The WLP recognises that it is not uncommon for waste to cross boundaries, with the movement of waste being based on commercial decisions and availability of facilities to take it. The prohibitive cost associated with



transporting waste by road over long distances mean that imports from further afield are unlikely to be economic.

- 9.13 In conclusion, the applicant has identified a market need for the increase in the maximum permitted capacity sought (and the resultant physical changes/expansion to accommodate it), as demonstrated by current waste throughputs at the site and the capacity demands reported in the most recent AMR. The established facility is well-located to major centres of population and the arisings of waste. As a result, the development would meet an identified need, is consistent with the principle of net self-sufficiency, and would promote the movement of significant volumes of waste up the waste hierarchy and divert waste from landfill, in accordance with both the WLP and NPPW. Therefore, the need for the development can be attributed substantial weight in the planning balance.

### **Location of the Development**

- 9.14 Policy W3 of the WLP addresses the location of built waste management facilities. The proposed development comprises both the intensification of use of the existing site coupled with a new extension to the site to accommodate an increased throughput of waste.
- 9.15 The site is located within the 'Area of Search' as identified in the WLP, which is an area close to the main centres of population and sources of waste that may be suitable, in principle, for the location of new facilities.
- 9.16 With regard to the inert waste recycling element of the proposal, Policy W4 also requires that such facilities be located in accordance with Policy W3. Given the established nature of the existing facility, the principle and location of a waste facility in this location have already been accepted through the granting of Planning Permission Ref. WSCC/036/14/BE. As a result, Policy W3 supports, in principle, the proposed intensification of use at the existing site. In addition, the supporting text to Policy W3 recognises that "*there may also be instances where land adjoining existing waste sites could be satisfactorily incorporated as part of proposals*".
- 9.17 In this instance, as the proposals include a significant extension of the site, it is appropriate that they be considered as a new site against the full extent of Policy W3. In this regard, the applicant has submitted an 'alternative sites assessment', which considers potential suitable alternative sites including those allocated in the WLP, those within the built-up area, and those on previously-developed land. Suitability of sites is based on a prescribed Area of Search (including both that are set out in the WLP and based on the operators existing sources of waste/client base), the required size of site, availability, and other environmental or practical constraints.
- 9.18 This assessment concludes that there are limited potential alternative suitable sites and that of those with potential, issues remain that would be difficult for the applicant to resolve in the short-term.
- 9.19 Although the alternative sites assessment is not entirely comprehensive (and some sites identified may have comparable issues with the application site), it is considered to sufficiently demonstrate that allocated sites in the WLP are either not available or suitable, and that there would not likely be more suitable, deliverable, alternative sites within the built-up area that could be

realised in the short term. Further, the proposals represent the expansion and extension of an established facility well-related to the Lorry Route Network, with an existing client base (and sources of waste arisings), which are obvious benefits. On balance, therefore, it is considered that the proposal accords 'in principle' with Policy W3.

- 9.20 However, as required by Policy W3 (C)(ii) extensions or intensification of existing waste management facilities will not be supported where "*continued use of the site for waste management purposes would be unacceptable in terms of its impacts on local communities and/or the environment*". This is also reflected in supporting text, which sets out that "*In some cases, ... it may not be appropriate to locate new built facilities at sites that are operating under a temporary consent or at sites in the countryside. There may also be cases where the existing waste use is inappropriately located and should not be perpetuated.*"
- 9.21 Potential impacts on the character and appearance of the locality, and on public health and amenity are considered in the following sections of this report. It is concluded that the proposed development would not give rise to any unacceptable impact on the landscape, character or appearance of the locality, nor would it be likely to give rise to any unacceptable impact on public health or amenity.
- 9.22 In conclusion, the site is located within the WLP 'identified Area of Search' and the proposals are for the expansion and extension of an established facility well-related to the Lorry Route Network. Taking this into account, it has been satisfactorily demonstrated that there are no suitable alternative sites available. Subject to appropriate conditions to secure proposed landscaping and controls over operational activities on site (including mitigation of any emissions), any impacts on the character and appearance, and residents is not considered to be unacceptable. As a result, the location of the development accords with Policies W3 and W4 of the WLP, which can be attributed great weight in the planning balance.

### **Landscape, Character and Visual Impacts**

- 9.23 The proposed development is for the extension of an established waste management facility and to regularise various changes to the layout of the site and associated ancillary structures since opening in 2015 (see Section 4). Therefore, it has the potential to result in adverse impacts on the surrounding area.
- 9.24 The application site is in the 'countryside' with surrounding land exhibiting rural characteristics, in particular, open agricultural/equestrian land to the north, west, and east of the site. Further, the proposed northeast extension would fall within an area identified as a 'gap between settlements', within which the generally open and undeveloped nature of the land is protected to prevent the coalescence of settlements.
- 9.25 However, the existing permitted operations and structures/layouts as approved by Planning Permission Ref. WSCC/036/14/BE form the context for which the proposed consolidated and extended facility must be considered. In this regard, it must be recognised that the general character and visual appearance of the locality is already heavily influenced by the presence of the established waste use and other activities within the wider Business Centre, including

utilitarian structures, boundary treatments, hard surfacing, and the associated processing and external storage of materials.

- 9.26 The proposed inclusion of existing buildings (for which no external changes are sought) and associated upgrading of access/circulation areas which are centrally located within the established Business Centre, are not readily visible from outside the site, and/or would be minor in terms of existing highway infrastructure and access to the site. Proposed retrospective changes to existing buildings sought, although highly utilitarian, would not give rise to any significant negative change to their external appearance when considering the quality of the original buildings, the context of the surrounding waste use, and limited visibility from outside the site.
- 9.27 However, at 9m in height, the scaffold/sheet roof structure (over the waste unloading area) for which retrospective consent is sought, is a more prominent structure and partly visible in some wider views. This structure is utilitarian in form and of a somewhat 'make-shift' appearance; nonetheless, in the context of the wider site and noting that it is of a similar height to the ridgeline of adjacent buildings, it is not considered that it would give rise to any unacceptable impact on the character or appearance of the locality.
- 9.28 Proposed (and part retrospective) concrete 'lego block' bays would be up to 4m in height (including an acoustic fence 'topper' for a short section) along the south-west boundary of the site shared with Elbridge Farmhouse. Boundary treatments with this property include a mixture of a dilapidated former fence line and/or the rear of the 'lego block' walls. However, the dense vegetation and trees on this boundary mean that the storage bays are generally well-screened from the neighbouring property. Further, the applicant intends to replace existing boundary fencing that is in a poor state of repair. Conditions are proposed requiring the submission and approval of details for all boundary treatments (both new and those to be retained/replaced).
- 9.29 The proposed rearrangement and changes to on-site prefabricated welfare buildings, in general terms would result in a reduction of such structures (primarily owing to new office space being provided within the main building). Although those remaining are of a utilitarian appearance, they would be commensurate with the established use of the site.
- 9.30 Most notably, the proposals are for a physical extension of approximately 0.7 hectares into existing undeveloped agricultural land northeast of the site. This would be enclosed by a planted soil bund and retaining concrete wall (3m in height) and outer weldmesh fence. The existing yard would be extended to provide a larger area within the extension for the processing of inert construction, excavation, and demolition waste (including crushing and screening in designated areas) and material stockpiles (up to 3m in height). It would also include an inert picking line structure 4.5m in height (currently located within the existing site - albeit unauthorised).
- 9.31 Although there are some nearby visual receptors, as confirmed by the submitted Landscape and Visual Study, views into the site from public areas are generally limited or transitory owing to intervening vegetation, tree belts (including those alongside the A259) and existing structures/boundary treatments. Further, whilst the extended area of the site may be visible from a small number of private properties to the east, it would be seen in the context

of an established waste facility, and largely screened by proposed boundary treatment and landscaped bunding.

- 9.32 It is of further note that existing boundary treatments along the north and east of the site comprise 2m high sheet metal fence panels, which are in a poor state of repair, in part interspersed with a patchwork of boards/panels, resulting in stockpiles and plant/structures being more visible from open fields to the north and east. The proposed landscaped bund, although forming part of the extension into undeveloped land, would likely result in a visual improvement over time and provide significantly greater visual screening compared with the current situation in both close and longer distance views.
- 9.33 Although the proposed extension area would result in an incursion into the Bognor Regis to Chichester 'Gap between Settlements', the area involved is located to the rear of an established Business Centre containing both light industrial, commercial, and waste uses within a range of former farm buildings/barns and utilitarian metal sheeted buildings. The proposed extension area would primarily be viewed in the context of these existing operations, and the proposed boundary treatment and planted bund would aid in integrating both the existing site and proposed extension area into the wider landscape, providing both improved screening and a strengthened field boundary comprising a belt of native tree/shrub planting. Overall, therefore, it is not considered that the proposed development would give rise to any unacceptable adverse effect on the integrity of the 'gap', visual separation, or coalescence of settlements.
- 9.34 In conclusion, the proposed physical changes to the buildings, access improvements, and changes to/addition of further ancillary structures (in part retrospective) would be of a commensurate scale and nature to the existing structures/operations and be largely contained within a site which is generally well-screened. The proposed physical extension of site would inevitably result in an incursion into undeveloped land identified as a 'gap between settlements'; however, the extended area of the site would largely be seen in the context of an established waste facility/Business Centre and enclosed by a planted soil bund which, in time, would be likely to result in improved screening of the site as a whole and aid in minimising the influence of established activities in the wider landscape. On balance, it is considered that the proposed development would not give rise to any unacceptable impact on the landscape, character or appearance of the locality nor the integrity of the 'gap' in accordance with Policies W3, W11 and W12 of the WLP and Policy SD SP3 of the ALP. Therefore, the potential for adverse impacts on landscape, character and visual impacts attracts little weight in the planning balance.

### **Public Health and Amenity**

- 9.35 The nature of waste transfer and inert waste recycling activities is such that they have the potential to give rise to disturbance to neighbouring amenity through noise, dust, and lighting emissions. As highlighted by third parties, the proposed development would result in a significant intensification of an established waste use over an extended area, and thus have the potential to exacerbate or increase impacts on neighbouring amenity.
- 9.36 Existing permitted waste operations as approved under Planning Permission Ref. WSCC/036/14/BE form the context for which the proposed consolidated and extended facility must be considered. As required by WLP Policies W3 and

W19, extensions or intensification of existing waste management facilities should only be supported where they can be controlled to ensure there would not be any unacceptable impacts on public health and amenity.

- 9.37 In this case, the permitted waste types to be managed at the site and hours of operation would remain unchanged from that currently permitted, i.e. no odorous or putrescible wastes may be handled and permitted hours being between 0700 and 1800 Monday to Friday and 0800 and 1400 on Saturdays.
- 9.38 The key potential for impacts on neighbouring amenity therefore centre around any change in the nature or proximity of waste processing activities to neighbouring occupiers, and the potential for any increase in noise, dust, or lighting impacts arising from the proposed increased throughput of waste at the site (from 35,000tpa to 75,000tpa) and associated increase in HGV numbers (from 60 HGV to 150 HGV movements per day).
- 9.39 The proposed development would not result in any change in the types of plant already operated at the site, which includes sorting, screening, crushing, grading plant and mobile loading shovels/excavators. It would, however, result in an intensification of use of this plant, and its operation within the proposed extension area to the northeast of the site. Further, the addition of material storage bays on the southwest side of the site would be immediately adjacent to the boundary of the neighbouring Elbridge Farmhouse.
- 9.40 A number of mitigation measures are proposed to reduce noise from both existing and proposed operations, which include the introduction of a one-way system (minimising reversing vehicles), specified areas for the use of noisy plant away from the neighbouring residential properties, an increase in the height of boundary treatments alongside Elbridge Farmhouse, installation of a 3m high wall/bund around the extended site area (increased in height to 3.5m to the rear of Elbridge Farm Cottages), resurfacing of the internal access road in a bound surface (e.g. macadam or concrete), and introduction of chain sleeves onto the applicants fleet of skip lorries.
- 9.41 The submitted noise assessment highlights the existing noise environment is already heavily influenced by road traffic travelling along the A259. Taking account of background noise levels and based on modelling noise outputs from the proposed operations/plant use and level of HGV movements, the noise assessment concludes that subject to the proposed mitigation, the proposed operations would have a low potential for adverse noise impacts on neighbouring properties, those being Elbridge Farmhouse and Elbridge Farm Cottages.
- 9.42 Importantly, the submitted assessment highlights that the key source of noise arising from the site as proposed results from Skip Lorries travelling along the site access and rattling chains as they pass over uneven surfaces.
- 9.43 Given the nature of activities, the site has the potential to give rise to dust, arising from the deposit and storage of materials in stockpiles, screening/crushing/grading operations, and the track out/disturbance of dust by moving plant and vehicles.
- 9.44 The extant permission for the site requires adherence to a dust suppression scheme, which includes measures such as daily inspections, minimising tipping heights, use of a mobile water bowser and use of a road sweeper in the event

of track-out onto the public highway. Nonetheless, third party representations highlight that this has not been sufficient to date and identify dust emissions as a particular area of concern both in terms of nuisance and the potential for impacts on health.

- 9.45 Although the County Planning Authority is only aware of a handful of complaints being formally made about dust from the site prior to consideration of the current proposals (either directly, or via Arun District Council EHOs or the Environment Agency as other regulators of such matters), the majority of third-party representations cite this as a significant issue and include evidence that appears to support claims about dust emissions travelling off-site, in particular those adjacent/closest to the site. Further, historic photographic evidence and the comments of the Highway Authority corroborate that mud and dust can be tracked onto the access and highway where it is made airborne by traffic.
- 9.46 The proposed development would incorporate a number of measures that seek to reduce dust from both existing and proposed operations which includes a revised Dust Management Plan setting out more robust measures for inspection, monitoring and mitigation of dust emissions, a complaints management procedure, and mechanisms for ongoing review. Further, the proposals would include the (retrospective) retention of a recently-installed dust misting system ('dust cannon'), installation of a new bound surface along the access to the site, the introduction of a wheel washing facility, and a slight widening of the bellmouth onto the A259 to avoid overrun of HGVs and track-out of mud. Such measures would minimise the potential for dust emissions and track-out.
- 9.47 It is of further note that key inert construction and demolition waste recycling activities (screening/crushing more likely to generate dust) are located in the northernmost parts of the site, and that the predominant prevailing wind direction is from the southwest, meaning that potential wind-blown dust should predominantly be directed away from neighbouring receptors.
- 9.48 The NPPF, NPPW and PPG make clear that the focus of the planning system should be on whether the development itself is an acceptable use of land, rather than the regulation of the processes, health and safety issues or emissions where these are subject to approval under other regimes. However, before granting planning permission, the planning authority does need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.
- 9.49 In this case, the site is the subject of an Environmental Permit, which requires both noise and dust be appropriately managed to ensure it would not cause pollution to the environment, harm to human health, or serious detriment to amenity outside the site boundary. The proposed consolidated and extended site would require either a new or varied Environmental Permit. If approved, the Environment Agency would determine if any further action/update of emissions management are required in respect of the Environmental Permit.
- 9.50 The Environment Agency and both Chichester and Arun EHOs have been consulted, with none raising an objection to the proposed development, albeit that the Arun EHO has commented that only limited background noise monitoring has been carried out and recommending conditions to secure specified noise limits. Noting the measures proposed to minimise potential for noise and controls required by other pollution control regimes, it is considered

that there is sufficient assurance that the proposals would not lead to any unacceptable noise impacts on neighbouring receptors (both existing, and those which may come forward as part of future strategic development south of the A259).

- 9.51 Conditions are proposed to ensure that key noise generating plant would only be operated in locations as assessed, and that all physical and operational noise and dust mitigation measures as submitted would be implemented. This would ensure the minimisation of noise and dust, including from HGVs traveling to/from the site, in accordance with the measures proposed within the submitted application.
- 9.52 At present, the extant permission for the site allows for lighting via a number of floodlights (with deflectors and angled downwards) located on buildings and facing inwards from the margins of the site. The proposals replicate this arrangement, albeit lighting would be relocated along the new extended boundary. Conditions are proposed to ensure that all lighting would be suitably directed and only used during permitted hours of operation. With such measures in place, it is not considered that the proposed development would give rise to any additional lighting impacts.
- 9.53 In conclusion, although there is inevitably some potential for the proposals to result in increased noise and dust emissions associated with an intensification and extension of the existing waste use, the proposed mitigation measures should ensure any off-site noise and dust emissions would not be likely to give rise to any unacceptable impact on public health or amenity. Of note are the proposals to improve unmade areas of the existing access to a bound surface, widening of the access onto the A259, provision of a wheel washing facility, fitting of chain sleeves to the applicant's fleet of skip lorries, and provision of acoustic barriers, which combined, have the potential to result in a betterment over existing arrangements. Conditions are proposed to secure proposed noise and dust mitigation measures, and pollution control regimes are in place to ensure that any such emissions would not give rise to unacceptable impacts on the local environment and human health. The proposals are considered to accord with national policy, WLP Policy W19, and Policies QE DM1 and QE DM3 of the ALP. Therefore, the potential for adverse impacts on public health and amenity attracts moderate weight in the planning balance.

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

- 9.54 The existing access to the site is shared with the wider Business Centre, connecting to the A259 via a short side road to Elbridge Farm Cottages. A shared footpath/cycle path cuts directly across this, running alongside the A259.
- 9.55 The extant permission for the site does not place any restriction on the number of HGV movements to and from the site. However, based on the permitted waste throughput of 30,000tpa, HGV movements would be in the order of 30 arrivals and 30 departures per day (60 HGV movements). The proposed extension of the site and increase in throughput of waste to 75,000tpa would result in approximately 75 HGV arrivals and 75 HGV departures a day (150 HGV movements) i.e. an increase in 90 HGV movements per day. Such movements comprise a mixture of skip lorries, 20t tippers and occasional articulated vehicles.

- 9.56 The submitted Transport Statement has considered the potential impact on highway capacity and safety, including analysis of accident data and the swept paths of typical HGVs accessing the site.
- 9.57 This identifies that the A259 forms part of the Strategic Lorry Route Network and as such carries a significant volume of vehicle movements, including HGVs. As might be expected, it is concluded that the proposed increase in HGV movements arising from the development would represent a negligible proportion of overall vehicular flows on the A259. Further, it concludes that no accidents involving LGVs or HGVs likely to be associated with the site have occurred during the last five years (also noting the site has already been operating significantly in excess of permitted waste throughputs), and that swept path analysis shows that the largest vehicles likely to serve the development can safely manoeuvre into and out of the site.
- 9.58 Following previous concerns/comments raised by the Highway Authority in respect of the previously withdrawn planning application (Ref. WSCC/007/22), the Transport Statement has also sought to address the issue of mud on the road, and potential conflict between vehicles and users of the cycleway crossing the access.
- 9.59 In summary, to address mud on the road, the proposals include the resurfacing of the internal shared estate road (bound concrete or tarmacadam), installation of a wheel washing facility, resurfacing of the carriageway between the A259 and Business Centre entrance, and minor widening of the bellmouth onto the A259. In combination, these measures seek to prevent vehicle overrun and the track-out of mud from the site. Further, as set out within the proposed Dust Management Plan, a road sweeper would be employed if mud is carried onto the highway.
- 9.60 To address potential conflict with cyclists, the proposals include the introduction of cyclist priority through markings and accompanying signage (see **Appendix 5 – Highway Works Plan**).
- 9.61 The Highways Authority raises no objection to the proposals, subject to provision of the proposed highway works and the installation of an effective wheel cleaning facility within the site. They note that proposed minor road widening, re-surfacing and cycle path markings/signage would be a benefit to the site's operation and an improvement over the existing situation.
- 9.62 At present there is no planning requirement for vehicles to turn left out of the site onto the A259, albeit the applicant acknowledges that there is greater potential for conflict from right turns. As a result, HGV drivers from the waste facility are instructed to turn left (noting other operations take place within the wider site that are outside of the applicant's control), with signage erected to that effect. The applicant intends this to continue, however, to ensure that is the case, appropriate conditions are proposed.
- 9.63 In conclusion, the proposed increase in HGV movements to/from the application site are not considered to give rise to any unacceptable impacts on highway capacity or road safety. The proposals would provide for minor improvements to the access to the application site (and wider business centre), which would aid HGV manoeuvring and ensure cyclist priority. Further, the proposals incorporate various measures that should help reduce the potential for mud/dust on the highway. The proposals are therefore considered to accord



with WLP Policy W18, and paragraphs 110-113 of the NPPF. Therefore, the potential for adverse impacts on highway capacity and road safety attracts little weight in the planning balance.

### **Other Material Matters**

- 9.64 The following material matters are considered to be neutral factors in the planning balance.
- 9.65 **Archaeology:** The site lies within an area of high archaeological potential where buried remains/artefacts may be present within previously undisturbed areas. The proposed extension area into agricultural land therefore has the potential to impact on underlying archaeology. To mitigate any impacts, the applicant proposes that existing soils would be retained, with a new loose bound compacted hardcore surface placed on top.
- 9.66 The County Archaeologist raises no objection to the proposals subject to a condition to secure a scheme of archaeological investigation, recording and reporting. In determining the need for investigation, they note that minimally intrusive groundworks in this area may not be sufficient to mitigate the risk of harm, with potential for compaction and rutting if an appropriate protective barrier is not installed.
- 9.67 Subject to the proposed conditions to secure archaeological mitigation (or demonstration of a suitable protective barrier being in place) the proposed development would not give rise to any unacceptable impact on buried archaeology.
- 9.68 **Trees:** Although the proposed development does not propose the loss of any existing trees, the southern extent of the proposed extension area falls near existing trees, which provide screening to the rear of Elbridge Farm Cottages. Further, the proposed bellmouth widening is close to an existing highway tree. Proposed fencing/construction activities in these areas could therefore have the potential to impact on existing trees, which are not subject to any formal designation but are of amenity merit.
- 9.69 The applicant has revised plans to provide a greater stand-off from trees along the boundary of Elbridge Farm Cottages (with a section of hardstanding removed from plans as per the Tree Officer's request), and subject to the proposed condition to secure tree protection measures/sensitive working during construction, the proposed development would not give rise to any unacceptable impact on existing trees. Further, subject to appropriate implementation and management of proposed landscaping, the proposed development would result in the provision of a significant number of new native trees.
- 9.70 **Agricultural Land:** The extension of the facility would result in the loss of a modest area of Grade 1 (best and most versatile) arable land, including small areas of bramble scrub and longer grassland vegetation. The applicant advises that the re-use of soils would not be possible because their removal would have potential adverse impacts on buried archaeology. Taking into account the need for, and benefits of, the proposal, it is considered that there would be no unacceptable loss of agricultural land/soils.
- 9.71 **Ecology:** A watercourse (Elbridge Rife) is located along the north-western boundary of the site, which could support ecology and be vulnerable to impacts

during the construction and operation phases of development. Subject to precautionary methods of working both during site clearance and construction, the submitted Ecological Assessment concludes that the proposed development would not impact on any protected or notable species.

- 9.72 The County Ecologist raises no objection to the proposals noting that proposed precautionary mitigation is acceptable given the low-level risk of harm. Such measures would be secured by planning condition.
- 9.73 **Flood Risk/Drainage:** Most of the site is located within Flood Zone 1 (low risk of flooding). However, a strip of land adjacent to the Elbridge Rife at the northern western edge of the existing operational site, is located within Flood Zones 2 and 3, with a medium/high probability of flooding.
- 9.74 At present, surface water discharges from hard-surfaced areas through silt traps and oil interceptors into the adjacent Elbridge Rife, or (where water could mix with waste that could cause contamination) into sealed sumps for export off site. The site is subject to an Environmental Permit, which requires all emissions from the site be managed to ensure no off-site pollution.
- 9.75 The proposals are supported by a Flood Risk Assessment (FRA) and an outline drainage strategy. In summary, this includes: the retention of the existing drainage arrangements; the provision of new flow control measures; minor regrading of land to the northwest for flood management; and an underground cellular attenuation storage (adjacent to the main buildings) to provide for discharge at greenfield run-off rates and manage surface water from additional areas of hard standing. The proposed extended area would be constructed in a loose bound compacted hardcore and be permeable in nature.
- 9.76 The submitted FRA notes that the nature of development is less vulnerable to flooding, there would be no loss in floodplain storage, and for the most part that the site is at a low risk of flooding. The FRA concludes that the proposed updated drainage provision would result in a betterment in terms of reducing downstream flood risk and ensuring the development would be appropriate in terms of flood risk and would be suitably drained for the lifetime of the development.
- 9.77 The applicant has provided various clarifications regarding the proposed drainage strategy in response to comments made by the LLFA, which have culminated in 'no objection' being raised subject to conditions to secure final detailed drainage design and details of flood resilient and resistant measures. It is also noted that any drainage measures required to avoid potential pollution from stored waste/plant and machinery will be the subject of an Environment Permit (from the Environment Agency). In conclusion, the proposed development would not result in any unacceptable flood risk nor impact on the water environment.
- 9.78 **Employment:** The site currently employs six office staff, six manual worker and 13 HGV drivers (HGV drivers are not based at the site). The proposals would result in an additional five to seven full-time staff, which would be of some, albeit limited, economic and employment benefit consistent with the NPPF and ADLP.

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

- 10.1 Planning permission is sought for the consolidation/regularisation of changes that have taken place since commencement of waste operations, in addition to a proposed physical expansion of the facility and an increase in maximum permitted throughputs of waste up to 75,000tpa. This has the potential to result in additional or exacerbated impacts on neighbouring amenity, landscape/character, environment, and the highway.
- 10.2 The applicant has identified a market need for the increase in the maximum permitted capacity being sought (and associated physical changes/expansion required to accommodate it). The facility is well-located in relation to the major centres of population and the arisings of waste. As a result, the development would meet an identified need, is consistent with the principle of net self-sufficiency, and would promote the movement of significant volumes of waste up the waste hierarchy and divert waste from landfill.
- 10.3 The site is located within the WLP 'identified Area of Search', and the proposals are for the expansion and extension of an established facility well-related to the Lorry Route Network. It has been satisfactorily demonstrated that there are no suitable alternative sites available, and that the development could be satisfactorily incorporated into the existing waste operations.
- 10.4 Proposed physical changes to buildings, access improvements, and changes to/addition of further ancillary structures (in part retrospective) would be of a commensurate scale and nature to the existing structures/operations and be largely contained within a site which is generally well-screened. The proposed physical extension of site would inevitably result in an incursion into undeveloped land identified as a 'gap between settlements'. However, taking into account established waste facility/Business Centre uses and proposed boundary treatment/landscaping, it would not give rise to any unacceptable impact on the landscape, character or appearance of the locality nor the integrity of the 'gap'.
- 10.5 Although there is potential for the proposals to result in increased noise and dust emissions, proposed mitigation measures are such that these would not be likely to give rise to any unacceptable impact on public health or amenity. Further, pollution control regimes are in place to ensure that any such emissions would not give rise to unacceptable impacts on the local environment, and on public health and amenity.
- 10.6 The proposed increase in HGV movements to and from the application site are not considered to give rise to any unacceptable impacts on highway capacity or road safety. The proposals would provide for minor improvements to the access to the application site (and the wider business centre), which would aid HGV manoeuvring, ensure cyclist priority and help to reduce the potential for mud/dust on the highway.
- 10.7 Subject to the proposed conditions to secure protection and/or recording of underlying archaeology, precautionary methods of clearance/construction, provision and maintenance of proposed landscaping, and detailed drainage design, the proposals would not give rise to any unacceptable impacts on heritage assets, ecology, trees, or result in an increased risk of flooding.

- 10.8 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. In favour of the proposal, the need for the development carries substantial weight and the location of the development carries great weight. Against the scheme, the potential for adverse impacts on landscape, character and visual amenity and on highway capacity and road safety carry little weight, and the potential for adverse impacts on public health and amenity carries moderate weight. Therefore, on balance, it is considered that the benefits of the proposal outweigh the disbenefits and, as such, the proposed development constitutes sustainable development (as defined in paragraphs 7 and 8 of the NPPF).
- 10.9 Therefore, it is **recommended** that planning permission be granted subject to the conditions and informatives set out at **Appendix 1**.

## **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 – Approved Site Layout

Appendix 4 – Proposed Site Layout

Appendix 5 – Highway Works Plan

## **Background papers**

See Section 6.

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

### **CONDITIONS**

#### **Approved Plans/Documents**

1. The development shall not take place other than in accordance with the approved plans and information:
  - Site Location Plan (ref. GPP/RS/BR/EXT/22/01 Rev4).
  - Site Layout Plan (ref. GPP/RS/BR/EXT/22/02 Rev 17).
  - Elevations of Elbridge Farm Work Units (ref. GPP/RS/BR/EXT/23/05 Rev 01).
  - Elevations – Portacabin (ref. GPP/GRA/BR/14/05 Rev 1).
  - Elevations of Aggregate Bays (ref. GPP/RS/BR/EXT/23/04 Rev 01).
  - Planning Statement, Appendix 2 – Structures Schedule (June 2023).

save as varied by the conditions hereafter.

*Reason: To secure a satisfactory development.*

#### **Construction Environmental Management Plan**

2. No further works for the construction of the development hereby permitted, including any enabling works or works of demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period.

The CEMP shall set out, as a minimum:

- hours of construction activities.
- details of best practice measures to be adopted to minimise noise and dust during construction.
- details of public engagement both prior to and during construction works.
- measures to mitigate any potential mobilisation of sediments and impacts on ecology, including all ecological mitigation requirements and precautionary working methods as identified in Section 4 of the submitted Preliminary Ecological Appraisal (ref. Project No:P5374 Rev 1 dated 5 April 2023).

*Reason: To ensure any impact of construction works are, as far as possible, minimised and mitigated in the interests of public amenity and the local environment.*

#### **Tree Protection Measures**

3. No further works for the construction of the development hereby permitted, including any enabling works or works of demolition, shall take place until a scheme for the protection of retained trees in accordance with BS 5837:2012 has been submitted to and approved in writing by the County Planning

Authority. Thereafter the approved scheme shall be implemented and adhered to in full throughout the entire construction period.

The scheme, as a minimum, shall include a Tree Protection Plan and provide details as appropriate, but not necessarily be restricted to, the following matters:

- All tree removals and retentions shown on a plan.
- the methodology and detailed assessment of any works to trees (including any removal and root pruning/protection).
- a specification for protective fencing to safeguard trees during construction (clearly identifying areas where works are prohibited or subject to specific working methods).

*Reason: To ensure the preservation of existing trees of amenity and screening value, and in the interests of biodiversity.*

### **Archaeology**

4. No further works for the construction of the development hereby permitted, including stripping of soils/existing surfacing or site clearance, shall take place until a written scheme of investigation for a programme of archaeological work has been submitted to and approved in writing by the County Planning Authority. The scheme should, as necessary, include field survey and recording, the analysis, reporting, publishing, and archiving of the results, and a timetable of implementation. Thereafter the approved scheme shall be implemented and adhered to in full.

*Reason: To enable the recording and reporting of heritage assets of archaeological interest.*

### **Drainage and flood resilience**

5. Within four months of the date of this permission, a detailed surface water drainage scheme in accordance with the submitted Flood Risk Assessment and Surface Water Strategy and accompanying drawings 3419/FRA/05, 3419/FRA/06 and 3419/FRA/07 (Reference - 3419/FRA Final Version F3 dated October 2023) shall be submitted to and approved in writing by the County Planning Authority. The scheme shall also include details of all flood resilient and resistant measures and a timetable for their implementation.

Thereafter, the approved Scheme shall be constructed in full in accordance with the approved timetable and maintained for the duration of the operations in accordance with the approved scheme.

*Reason: To ensure that the development achieves a high standard of sustainability and flood risk is adequately addressed and not increased.*

### **Landscaping, Maintenance, and Ecological Enhancement**

6. Within four months of the date of this permission, a detailed landscaping, maintenance and management plan (in general accordance with the details contained within the submitted Landscape Proposals Plan ref 2414-TFC-00-00-DR-L-10001 P05) shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include full details of the types, size and

species of all trees and shrubs to be planted, soil preparation, measures for biosecurity, provision of nest boxes (in accordance with Section 5 of the submitted Preliminary Ecological Appraisal ref. Project No:P5374 Rev 1 dated 5 April 2023), a maintenance and management schedule, and a timetable for implementation at the earliest possible opportunity following commencement of the development.

Thereafter the approved scheme shall be implemented in full in accordance with the approved timetable and retained as approved throughout the lifetime of the development hereby permitted. Any trees or shrubs which, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species or a suitable alternative as may be agreed in writing with the County Planning Authority.

*Reason: In the interests of the visual amenities of the site, to provide for biodiversity, to provide suitable compensation for trees/hedgerows to be lost, and to ensure the planting of trees in compliance of the duty within S197 of the Town and Country Planning Act 1990.*

### **Highways Improvements**

7. Within four months of the date of this permission, a detailed scheme of highway improvements shall be submitted to and approved in writing by the County Planning Authority. The scheme shall be in accordance with Figure 5.6 and Appendix G (General Arrangement Plan 2003024-GA-01 Rev B) of the submitted Transport Statement (ref. d1.3 – June 2023), and shall include full details of signage, markings, access widening, resurfacing, and a timetable for implementation at the earliest possible opportunity.

Thereafter the approved scheme shall be implemented in full in accordance with the approved timetable and retained as approved throughout the lifetime of the development.

*Reason: In the interests of highway safety, and to reduce the potential for mud or debris from entering the public highway dust emissions in the interests of public health and amenity, and the local environment.*

### **Fencing/Gates/Walls**

8. Within four months of the date of this permission, details of all fencing, gates and retaining walls erected around the application site (including any acoustic fencing) and a timetable for their replacement and/or implementation at the earliest possible opportunity, shall be submitted to and approved in writing by the County Planning Authority. The approved details shall thereafter be implemented in full in accordance with the approved timetable and retained for the duration of the operations hereby approved.

*Reason: To minimise the visual intrusion of the development within the surrounding environment, and to contain operations in the interests of public amenity.*

### **Hardstanding**

9. Within four months of the date of this permission, details of all hardstanding to be installed at the application site (in general accordance with the approved



Site Layout Plan ref. GPP/RS/BR/EXT/22/02 Rev 17) and a timetable for implementation at the earliest possible opportunity, shall be submitted to and approved in writing by the County Planning Authority. The approved details shall thereafter be implemented in full in accordance with the approved timetable and retained for the duration of the operations hereby approved.

*Reason: To secure a satisfactory development and minimise mud or debris from entering the public highway in the interests of highway safety, and to reduce the potential for dust emissions in the interests of public health and amenity, and the local environment.*

### **Wheel Washing Facility**

10. Within four months of the date of this permission, details of a facility to clean the chassis, wheels, and arches of exiting vehicles and a timetable for implementation at the earliest possible opportunity, shall be submitted to and approved in writing by the County Planning Authority. The approved vehicle wheel washing facility shall thereafter be installed in accordance with the approved timetable and retained in working order for the duration of the operations hereby approved to ensure the vehicles do not carry mud and earth onto the public highway.

*Reason: To prevent mud or debris from entering the public highway in the interests of highway safety, and to reduce the potential for dust emissions in the interests of public health and amenity, and the local environment.*

### **Lighting**

11. No lighting, other than that specified in the application and supporting plans/documents (ref. Site Layout Plan GPP/RS/BR/EXT/22/02 Rev 15 and Planning Statement paragraph 2.19) shall be installed or used on site without the prior written approval of the County Planning Authority. All lighting shall be directed downwards and shielded in accordance with the Institute of Lighting Professionals Guidance Note 01/21 – The Reduction of Obtrusive Light, and shall not be illuminated at any time outside of approved operating hours as specified by Condition 17.

*Reason: To minimise any potential for light disturbance and glow, in the interests of public amenity and the local environment.*

### **Dust Suppression**

12. The Dust Management Plan (Ref. Dust Management Plan Rev 2 - dated June 2023) shall be implemented and adhered to in full throughout the duration of operations hereby permitted.

*Reason: To minimise any potential for dust emissions in the interests of public health and amenity, highway safety, and the local environment.*

### **Enclosure of Vehicles/Chain Sleeves**

13. All vehicles carrying waste/waste derived materials to/from the site shall at all times be covered/sheeted so as to minimise the potential for dust emissions and prevent the egress, spillage or loss of materials. In addition, all skip

vehicles/loaders using the site shall at all times be fitted with chain sleeves designed to reduce noise emissions.

*Reason: To minimise the potential for noise, dust and egress of materials in the interests of public amenity.*

### **Reversing Alarms**

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

*Reason: To minimise the potential for noise in the interests of public amenity.*

### **Waste Types**

15. No putrescible/odorous waste shall be imported to, or managed at, the site. For the avoidance of doubt this includes green waste, save for any such material erroneously contained within mixed loads, which shall be isolated within a sealed container and removed from the site to an appropriately licenced facility as soon as is reasonably practicable.

*Reason: To minimise the potential for odour in the interests of public health and amenity, and to ensure a development in accordance with the submitted details.*

### **Quantities of Waste/Materials**

16. No more than 75,000 tonnes of waste/materials shall be managed at the site in any 12-month period. A record shall be kept on site of volumes of waste/materials managed at the site and shall be made available for inspection upon request of the County Planning Authority.

*Reason: To ensure a development of a scale in accordance with the submitted details in the interests of public amenity and the local environment.*

### **Hours of Operation**

17. No operations associated with the development hereby permitted, including deliveries of waste/materials, shall take place outside the hours of:

07.00 and 18.00 Monday to Friday; and

08.00 to 14.00 Saturdays.

In addition, no crushing or screening shall take place before 09:00 hours. No operations whatsoever as authorised by this planning permission shall occur on Sundays, Bank or Public Holidays.

*Reason: In the interests of public amenity and the local environment.*

### **Stockpile Heights**

18. No stockpile of waste or materials shall exceed 3m in height.

*Reason: To control the scale/nature of the development and minimise the impact of the development on public health and amenity, and the local environment.*

### **Screening and Crushing**

19. All external screening and crushing of materials shall only take place within the area identified by orange hatching on approved Site Layout Plan (ref. GPP/RS/BR/EXT/22/02 Rev 15).

*Reason: To minimise the potential for noise and dust impacts on public amenity.*

### **Skip Storage**

20. No skips or containers shall be stored/stacked on site at a height greater than 2.5m.

*Reason: To control the scale/nature of the development and minimise the impact of the development on the local environment.*

### **Exiting HGVs**

21. All HGVs exiting the site shall only turn left onto the A259.

*Reason: In the interests of highway safety.*

### **INFORMATIVES**

- A. In accordance with the National Planning Policy Framework, the County Planning Authority has approached the determination of this application in a positive and creative way, and has worked proactively with the applicant by:
- Seeking amendments/clarification during the application process to secure a sustainable solution;
  - Discussing issues of concern, including those raised by third parties;
  - giving the opportunity to provide further information/changes to address material impacts; and
  - Working with consultees.

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

- B. The proposed development may require an environmental permit variation under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 or their relevant waste officer contact for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit variation will be granted. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal).
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal).

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

- C. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover highway works. The applicant is requested to contact the Highway Agreements Team (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.