

Planning and Rights of Way Committee

8 November 2022

County Matter Waste Planning Application

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

Report by Head of Planning Services

Local Member: Councillor Andrew Baldwin

Electoral division: Holbrook

District: Horsham

Summary

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

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

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

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

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

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

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

Consideration of Key Issues

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

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

Need

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

Impact on Residential Amenity

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

Impact on Highway Capacity and Road Safety

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

Overall Conclusion

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

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

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

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

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

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

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

Recommendation

That planning permission be granted subject to

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

1. Introduction

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

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

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

2. Site and Description

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

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

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

3. Relevant Planning History

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

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

4. The Proposal

- 4.1 Planning permission is sought to vary conditions 28 and 31 of planning permission WSCC/055/09/NH to extend waste acceptance hours and an associated increase in HGV movements on public holidays at the MBT operated by the applicant under contract with WSCC as the Waste Disposal Authority (WDA).
- 4.2 The applicant advises this would enable the MBT to accept deliveries of waste to align with changing collection patterns by Waste Collection Authorities (WCA – i.e. the District and Borough Councils), which are required to accord with national requirements for separation and collection of waste.
- 4.3 It is of note that Horsham District Council already provides public holiday collections (as part of alternate weekly collections). Other WCA in the County are considering revised collection arrangements to ensure national requirements are met and to provide consistency in collection patterns for residents, to reduce the likelihood of the build-up of waste following public holiday weeks, and to avoid the need for extended staffing hours, etc, to 'catch-up' following public holidays (which can include periods of increased waste generation - e.g. the Christmas period).
- 4.4 Condition 28 currently states:

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

- 07.00 and 16.30 on Mondays to Fridays inclusive;
- 07.00 and 12.00 on Saturdays;
- 07.00 and 15.00 on the first Saturday following a Public Holiday;
- 07.00 and 10.00 on Public Holidays; and
- No deliveries of waste materials shall enter the site on Sundays.

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

- 4.5 It is proposed to amend the wording of condition 28 as follows (bold):

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

- 07.00 and 16.30 on Mondays to Fridays inclusive;
- 07.00 and 12.00 on Saturdays;
- 07.00 and 15.00 on the first Saturday following a Public Holiday;
- **07.00 and 15.00 on the second Saturday following two consecutive Public Holidays;**

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

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

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

4.7 Condition 31 currently states:

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

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

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

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

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

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

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

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

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

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

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

EIA

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

HRA

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

6. Policy

Statutory Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise (as confirmed in paragraph 2 of the National Planning Policy Framework (NPPF)). For the purposes of this application, the following documents form the statutory development plan: West Sussex Waste Local Plan (April 2014), and the Horsham District Planning Framework (November 2015).
- 6.2 All key policies in the development plan, which are material to the determination of the application, are summarised below. In addition, reference is made to relevant national policy and Planning Practice Guidance, which guide the decision-making process and are material to the determination of the application.

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

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

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

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

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

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

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

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

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

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

National Planning Practice Guidance (PPG)

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

EU Council Directive 2008/98/EC

- 6.17 By virtue of arts.18 and 20 of the Waste (England and Wales) Regulations 2011 (SI 2011/988) when determining any application for planning permission that relates to waste management (art.18) or landfill (art.20) the authority is required to take into account the Council Directives 2008/98EC and 1999/31EC. For waste management, Directive 2008/98EC sets out the objectives of the protection of human health and the environment (article 13) and self-sufficiency and proximity (first paragraph of article 16(1), article 16(2) and (3)). Case law has confirmed that these articles are objectives at which to aim. As objectives, they must be kept in mind whilst assessing the application and provided this is done, any decision in which the furtherance of the objectives is not achieved, may stand.
- 6.18 Further, under the Waste Management Licensing Regulations 1994, Sch.4, para.4 (now substituted by the Waste (England and Wales) Regulations 2011 (2011/988), waste authorities, when considering a planning application for use of a site for waste management purposes, must approach their decision as required by ss.54A and 70(2) of the Town and Country Planning Act 1990, that is, in accordance with the development plan unless material considerations indicate otherwise.

7. Consultations

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

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

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

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

8. Representations

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

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

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

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

9. Consideration of Key Issues

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

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

Need for the Development

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

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

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

Impact on Residential Amenity

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

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

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

Highway Capacity and Road Safety

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

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

Procedural Matters

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

10. Overall Conclusion and Recommendation

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

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

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

Factors taken into account

11. Consultations

- 11.1 See Sections 7 and 8.

12. Resource Implications and Value for Money

- 12.1 Not applicable.

13. Legal Compliance

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

14. Equality and Human Rights Assessment

- 14.1 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposals would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposals were required to make them acceptable in this regard.
- 14.2 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the County Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 14.3 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. The applications have been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 14.4 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision-making process as a whole, which includes the right of review by the High Court, complied with Article 6.

15. Risk Management Implications

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

16. Crime and Disorder Reduction Assessment

- 16.1 Not applicable.

17. Social Value and Sustainability Assessment

- 17.1 Not applicable.

Michael Elkington

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Appendices

Appendix 1 – Conditions and Informatives

Appendix 2 – Site Location Plan

Appendix 3 – Brookhurst Wood neighbouring development

Appendix 4 – Land North of Horsham Illustrative Masterplan

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

Background papers

See Section 6.

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

CONDITIONS

Approved Plans

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

Reason: To secure a satisfactory development.

Availability of Approved Documents

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

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

Bird Management Plan

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

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

Surface Water Drainage

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

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

Ecological Enhancement and Protected Species

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

Reason: To ensure the protection and enhancement of biodiversity.

Landscaping and Protection of Trees

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

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

Lighting

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

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

Dust Suppression

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

Reason: To protect the amenities of locality.

Bio-Filter Maintenance

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

Reason: In the interests of the amenity of residents.

Design and Materials

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

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

Security Fencing, Entrance Gates, and Perimeter Surfaces

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

Reason: In the interest of visual amenity.

Road Surfacing

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

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

General Sustainability Measures

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

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

Car Parking Provision

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

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

Cycle Parking

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

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

Liaison Group

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

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

White Noise Alarms

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

Reason: To protect the amenities of local residents.

Hours of Operation – Mechanical Separation Building

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

Reason: To protect the amenities of local residents.

Hours of Waste Deliveries

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

07.00 and 16.30 on Monday to Fridays inclusive;

07.00 and 12.00 on Saturdays;

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

07.00 and 15.00 on the second Saturday following two consecutive Public Holidays;

07.00 and 15.00 on Public Holidays; and

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

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

Hours of Materials Export

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

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

Internal Waste Movements

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

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

HGV Numbers

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

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

HGV Records

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

Reason: In the interests of road safety and residential amenity

Travel Plan

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

Reason: To promote sustainable transport.

Permitted Waste Materials

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

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

Waste Processing and Storage

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

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

Control of Odorous Emissions

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

Reason: To protect residential amenity.

Enclosed Loads/Vehicles

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

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

Vehicular/Mechanical Noise

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

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

Reason: To protect residential amenity.

Control of Lorries, Heavy Goods Vehicles and Equipment

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

Reason: In the interests of amenity and highway safety.

Quantities of Waste

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

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

INFORMATIVES

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