

Michael Elkington
Head of Planning Services

Please respond to: Kirstie May
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County Planning

The Grange
Tower Street
Chichester
West Sussex
PO19 1RH

Contact Centre: 01243 642118



The Company Secretary
PJ Brown (Construction) Ltd
Burlands,
Charlwood Road,
Ifield Wood,
Crawley,
West Sussex, RH11 0JZ

27 January 2020

Our reference: INV/2018/10/WSCC

Dear Sir,

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

**Section 172 Town and Country Planning Act 1990 (as amended);
Land east of Dan Tree Farm, off A23, Bolney**

Under Section 172 of the Town and Country Planning Act 1990 (as amended) a local planning authority is empowered to serve a notice upon an individual where it appears to the authority that there has been a breach of planning control and it has been deemed expedient to issue a notice.

West Sussex County Council, as the appropriate local planning authority, considers that there has been a breach of planning control as set out in paragraph 3 of the attached Enforcement Notice. As such, West Sussex County Council has issued an enforcement notice relating to the above land shown edged in red on the attached plan and I now serve on you a copy of that notice as you have an interest in the Land. A full list of persons who are being served with a copy of this notice who, it is understood, have an interest in the land is listed below.

The Company Secretary
PJ Brown (Construction) Ltd,
Burlands,
Charlwood Road,
Ifield Wood,
Crawley
West Sussex, RH11 0JZ
Operator

Dane Rawlins
Bolney Park Farm,
Broxmead Lane,
Bolney,
West Sussex,
RH17 5RJ

Landowner

Paragraph 5 of the Notice specifies what is required to be done and the relevant compliance period. The Enforcement Notice takes effect on **26 February 2020** unless an appeal is made against the notice.

Non-compliance with the requirements of the Enforcement Notice can result in prosecution and/or remedial action by the County Council and your attention is drawn to Annex 1 of the Notice. There is a right of appeal to the Secretary of State and information regarding this right is set out in the explanatory notes attached to the Notice and the Information Sheets from the Planning Inspectorate.

If you are in any doubt about what the Enforcement Notice requires you to do you should contact me at the above address or on 01243 756850.

Yours faithfully



Michael Elkington
Head of Planning Services

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990 (as amended by the Planning Compensation Act 1995)

ENFORCEMENT NOTICE – material change of use

ISSUED BY: West Sussex County Council

To: The Company Secretary Dane Rawlins
PJ Brown (Construction) Ltd, Bolney Park Farm,
Burlands, Broxmead Lane,
Charlwood Road, Bolney,
Ifield Wood, West Sussex,
Crawley RH17 5RJ
West Sussex
RH11 0JZ

1. THIS NOTICE is issued by West Sussex County Council (“the Council”) because it appears to them that there has been a breach of planning control, within paragraph (a) of Section 171A(1) of the above Act, at the Land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annexes at the end of this Notice and the enclosures to which they refer contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land east of Dan Tree Farm, off A23, Bolney and shown edged red on the attached plan (“the Land”)

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission the making of a material change of the use of the land from agriculture to sui generis waste use for importation, processing, and export of waste, and deposition of waste to the Land along with ancillary storage.

4. REASONS FOR ISSUING THIS NOTICE

The Land is being used for the purposes of **importation, processing and export of waste, and deposit of waste to the land**, as described in paragraph 3 above. The Council considers this new use to be a material change in the use of the Land which

requires express planning permission. The Council is not aware of any planning permission currently in force for use of the Land for **importation, processing export, and deposit of waste, along with ancillary storage.**

The Council first became aware that the Land was being used for the importation, processing and export of waste in October 2018. It appears to the Council that this breach of planning control has occurred within the last ten years.

The Council does not therefore consider that this material change of use is immune from planning enforcement action. This view has been confirmed in the refusal of an application for a Certificate of Lawful Development relating to the use of the site for the importation, deposit, re-use and recycling of waste material and use of land for storage purposes (ref. WSCC/070/19, refused 8 January 2020).

The Council considers that this development is unacceptable for the following reasons:-

The development is unacceptable with regard to its impact upon the High Weald Area of Outstanding Natural Beauty; the adjacent Ancient Woodland and the habitat and species therein; the amenity of residents of the surrounding countryside; the risk to the water environment; the character of the local countryside; and because it is contrary to the policies of the Development Plan, as follows:

Mid Sussex District Plan 2014 - 2031: Policies DP12 (Protection and Enhancement of Countryside); DP14 (Sustainable rural development and the rural economy); DP16 (High Weald Area of Outstanding Natural Beauty); DP26 (Character and Design); DP29 (Noise, Air and Light Pollution); DP37 (Trees, Woodland and Hedgerows); DP39 (Biodiversity); DP39 (Sustainable Design and Construction)

West Sussex Waste Local Plan April 2014: Policies W1 (Need for Waste Management Facilities), W3 (Location of Built Waste Management Facilities), W4 (inert waste recycling); W8 (recovery operations involving the deposit of inert waste to land); W9 (disposal of waste to land); W11 (character); W12 (high quality developments); W13 (protected landscapes); W14 (biodiversity and geodiversity); W16 (Air, soil and Water), W18 Transport, W19 (public health and amenity); and W21 (cumulative impact).

The full text of all relevant policies is attached as **Annex 4** to this Notice.

For the reasons set out in paragraph 4 above the Council considers it expedient to issue this Enforcement Notice.

5. WHAT YOU ARE REQUIRED TO DO

- 1. Remove all plant, equipment, containers and vehicles from the Land**
- 2. Remove all imported waste or other materials from the Land**
- 3. Restore the Land to agricultural use, to a condition and topography in accordance with the surrounding agricultural land**

6. TIME FOR COMPLIANCE

- 1. Remove all plant, equipment, containers and vehicles from the Land**

TIME FOR COMPLIANCE: By no later than **08 April 2020** which is 6 weeks from the date this Notice takes effect, 26 February 2020.

- 2. Remove all imported waste or other materials from the Land**

TIME FOR COMPLIANCE: By no later than **22 April 2020** which is 8 weeks from the date this Notice takes effect, 26 February 2020.

- 3. Restore the Land to agricultural use, to a condition and topography in accordance with the surrounding agricultural land**

TIME FOR COMPLIANCE: By no later than **26 August 2020** which is 26 weeks (6 months) from the date this Notice takes effect, 26 February 2020.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 26 February 2020

8. TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND) REGULATIONS 2017

The Council considers that the development is not EIA development. If the development subject of this Notice were to be granted planning permission, an Environmental Statement would not be required.

Dated: 27 January 2020

Signed:



Head of Planning Services

On behalf of: West Sussex County Council
County Hall
Chichester
West Sussex
PO19 1RQ

ANNEX 1

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be **received**, or posted in time to be received, by the Secretary of State **before** the date specified in paragraph 7 of the notice. The attached guidance sheet, Annex 5, from The Planning Inspectorate advises how to obtain information to appeal against this notice.

Unless an appeal is made, as described below, the notice will take effect on 2 May 2014 and you must then ensure that the required steps, for which you may be held responsible, are taken within the time period(s) for compliance as specified in the notice.

ANNEX 2

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

ANNEX 3

GUIDANCE NOTES

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged; .

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 172;

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £6,630 to West Sussex County Council. Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

Annex 4 – List of all relevant policies

Mid Sussex District Plan 2014-2031 policies:

DP12: Protection and Enhancement of Countryside

The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- it is necessary for the purposes of agriculture; or
- it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded.

DP14: Sustainable rural development and the rural economy

Provided it is not in conflict with Policy DP12: Protection and Enhancement of Countryside and DP13: Preventing Coalescence:

- new small-scale economic development, including tourism-related development, within the countryside (defined as the area outside of built up area boundaries as per the Policies Map) will be permitted provided:
 - it supports sustainable growth and the vitality of the rural economy; and
 - where possible, utilises previously developed sites.
- diversification of activities on existing farm units will be permitted provided:
 - they are of a scale which is consistent to the location of the farm holding; and
 - they would not prejudice the agricultural use of a unit.
- the re-use and adaptation of rural buildings for business or tourism use in the countryside will be permitted provided:
 - the building is of permanent construction and capable of re-use without substantial reconstruction or extensive alteration;
 - the appearance and setting is not materially altered; and
 - it is not a recently constructed agricultural building which has not been or has been little used for its original purpose.

DP16: High Weald Area of Outstanding Natural Beauty

Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- the identified landscape features or components of natural beauty and to their setting;

- the traditional interaction of people with nature, and appropriate land management;
- character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and
- the conservation of wildlife and cultural heritage.

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.

DP26: Character and Design

All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- is of high quality design and layout and includes appropriate landscaping and greenspace;
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;
- protects open spaces, trees and gardens that contribute to the character of the area;
- protects valued townscapes and the separate identity and character of towns and villages;
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;
- positively addresses sustainability considerations in the layout and the building design;
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;
- optimises the potential of the site to accommodate development.

DP29: Noise, Air and Light Pollution

The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

- It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;
- If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

- an assessment of the impact of noise generated by a proposed development; or
- an assessment of the effect of noise by an existing noise source upon a proposed development;

Light pollution:

- The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;
- The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;

Air Pollution:

- It does not cause unacceptable levels of air pollution;
- Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;
- Development proposals (where appropriate) are consistent with Air Quality Management Plans.

The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.

DP37: Trees, Woodland and Hedgerows

The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and
- prevents damage to root systems and takes account of expected future growth; and
- where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and
- has appropriate protection measures throughout the development process; and
- takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and
- does not sever ecological corridors created by these assets.

Proposals for works to trees will be considered taking into account:

- the condition and health of the trees; and
- the contribution of the trees to the character and visual amenity of the local area; and
- the amenity and nature conservation value of the trees; and
- the extent and impact of the works; and
- any replanting proposals.

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.

DP38: Biodiversity

Biodiversity will be protected and enhanced by ensuring development:

- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and
- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and
- Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and
- Promotes the restoration, management and expansion of priority habitats in the District; and
- Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.

DP39: Sustainable Design and Construction

All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;
- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;
- Use renewable sources of energy;
- Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;
- Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;
- Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience

West Sussex Waste Local Plan (adoption version April 2014) Policies:

W1: Need for Waste Management Facilities

- (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.
- (b) Proposals on unallocated sites for facilities for the recycling and composting of non-inert waste will be permitted provided that they are needed to meet the shortfall in capacity of 270,000 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.
- (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, consistent with the principle of net self-sufficiency.
- (d) Proposals on unallocated sites for built facilities for the recovery of non-inert waste will be permitted provided that they are needed to meet the shortfall in capacity of 270,000 tonnes per annum. Proposals on unallocated sites to deliver capacity over and above this shortfall will be permitted where it can be demonstrated that it would reduce disposal to land of waste arising in West Sussex.
- (e) Proposals for non-inert waste landfilling operations on unallocated sites will not be permitted unless they are needed to meet the shortfall in management capacity of 605,000 tonnes over the plan period. Proposals on unallocated sites to deliver this shortfall, will not be permitted unless there is a demonstrable need to dispose of non-inert waste arising within West Sussex, consistent with the principle of net self-sufficiency and the objective of 'zero waste to landfill'* in West Sussex by 2031.
- (f) Proposals for inert waste landfilling operations will not be permitted unless it can be demonstrated that the waste cannot be managed through recovery operations and that there is a need to dispose of waste, consistent with the principle of net self-sufficiency and the objective of 'zero waste to landfill'* in West Sussex by 2031.

* Defined as the disposal to land (via landfill or landraise) of less than 3% of the waste arising in the County

W3: Location of Built Waste Management Facilities

- (a) Proposals for built waste management facilities, on unallocated sites, to enable to the transfer, recycling and recovery of waste will be permitted providing that:
 - i. It can be demonstrated that they cannot be delivered on permitted sites for built waste management facilities or on the sites allocated for that purpose in Policy W10; and
 - ii. They are located in the Areas of Search along the coast and in the north and east of the County as identified on the Key Diagram; or
 - iii. Outside the Areas of Search identified on the Key Diagram, they are only small-scale facilities to serve a local need.
- (b) Proposals that accord with part (a) 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 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 Network Route; large-scale facilities must have good access to the Strategic Lorry Route.
- (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.

W4: Inert Waste Recycling

Proposals for the processing and recycling of inert waste will be permitted provided that:

- (a) They are located in accordance with Policy W3; or
- (b) They can be accommodated at active landfill sites or mineral workings where:
 - i. The duration of operations is tied to that of the primary operations; and
 - ii. Where transportation by rail or water is not practicable or viable, they are well-related to the Lorry Route Network.

W8: Recovery Operations involving the Depositing of Inert Waste to Land

Proposals for recovery operations involving the depositing of inert waste to land (including for the continuation in duration, or the physical extension of, existing operations) will be permitted provided that:

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

W9: Disposal of Waste to Land

(a) Proposals for the disposal of non-inert waste at unallocated sites will not be permitted unless it can be demonstrated that the waste cannot be managed at permitted sites or at the extension to the Brookhurst Wood landfill site allocated in Policy W10.

(b) Proposals for the disposal of non-inert and inert waste to land (including the continuation in duration of, or the physical extension of, existing operations) will not be permitted unless it can be demonstrated that:

(i) the waste to be disposed of cannot practicably be reused, recycled or recovered;

(ii) there would be no unacceptable impact on natural resources, particularly on groundwater quality, and other environmental constraints;

(iii) they would accord with Policy W13 (Protected Landscapes);

(iv) any important mineral reserves would not be sterilised;

(v) appropriate measures are included to recover energy from landfill gas; and

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

(c) Any proposals for new landfill sites (including for landraise) must accord with parts (a) and (b) and will not be permitted unless it can be demonstrated that:

(i) they are only required for the disposal of waste following recycling and recovery; and

(ii) there are no opportunities to extend the operation of existing sites within West Sussex.

W11: Character

Proposals for waste development will be permitted provided that they would not have an unacceptable impact on:

(a) the character, distinctiveness, and sense of place of the different areas of the County and that they reflect and, where possible, reinforce the character of the main natural character areas (including the retention of important features or characteristics); and

(b) the separate identity of settlements and distinctive character of towns and villages (including specific areas or neighbourhoods) and development would not lead to their actual or perceived coalescence.

W12: High Quality Developments

Proposals for waste development will be permitted provided that they are of high quality and, where appropriate, the scale, form, and design (including landscaping) take into account the need to:

(a) integrate with and, where possible, enhance adjoining land-uses and minimise potential conflicts between land-uses and activities;

(b) have regard to the local context including:

(i) the varied traditions and character of the different parts of West Sussex;

(ii) the characteristics of the site in terms of topography, and natural and man-made features;

(iii) the topography, landscape, townscape, streetscape and skyline of the surrounding area;

(iv) views into and out of the site; and

(v) the use of materials and building styles;

(c) includes measures to maximise water efficiency;

(d) include measures to minimise greenhouse gas emissions, to minimise the use of non-renewable energy, and to maximise the use of lower-carbon energy generation (including heat recovery and the recovery of energy from gas); and

(e) include measures to ensure resilience and enable adaptation to a changing climate.

W13: Protected Landscapes

(a) Proposals for waste development within protected landscapes (the South Downs National Park; the Chichester Harbour Area of Outstanding Natural Beauty (AONB), and the High Weald AONB) will not be permitted unless:

i. The site is allocated for that purpose in an adopted plan; or

- ii. The proposal is for a small-scale facility to meet local needs that can be accommodated without undermining the objectives of the designation; or
 - iii. The proposal is for major* waste development that accords with part (c) of this Policy.
- (b) Proposals for waste development located outside protected landscapes will be permitted provided that they do not undermine the objectives of the designation.
- (c) Proposals for major* waste development within protected landscapes will not be permitted unless:
- i. There is an overriding need for the development within the designated area; and
 - ii. The need cannot be met in some other way or met outside the designated area; and
 - iii. Any adverse impacts on the environment, landscape, and recreational opportunities can be satisfactorily mitigated.

* In the case of waste proposals, all applications are defined by the Town and Country Planning (Development Management Procedure) Order 2010 as 'major'. However, for the purpose of this policy, major waste development is development that, by reason of its scale, character or nature, has the potential to have a serious adverse impact on the natural beauty, wildlife, cultural heritage and recreational opportunities provided by the South Downs National Park or the natural beauty, distinctive character, and remote and tranquil nature of the Areas of Outstanding Beauty (AONB). The potential for significant impacts on the National Park or the AONB will be dependent on the individual characteristics of each case.

W14: Biodiversity and Geodiversity

Proposals for waste development will be permitted provided that:

- (a) areas or sites of international biodiversity importance are protected unless there are no appropriate alternative solutions and there are overriding reasons which outweigh the need to safeguard the value of sites or features, and provided that favourable conservation status is maintained;
- (b) there are no adverse impacts on areas or sites of national biodiversity or geological conservation importance unless the benefits of the development clearly outweigh the impact on the objectives of the designation and on the wider network of such designated areas or sites;
- (c) there are no adverse impacts on areas, sites or features of regional or local biodiversity or geological conservation importance unless the benefits of the development clearly outweigh the impact on the objectives of the designation;
- (d) where development would result in the loss of or adversely affect an important area, site or feature, the harm is minimised, mitigated, or compensated for, including, where practicable, the provision of a new resource elsewhere which is of at least equivalent value;
- (e) where appropriate, the creation, enhancement, and management of habitats, ecological networks, and ecosystem services is secured consistent with wider environmental objectives including Biodiversity Opportunity Areas and the South Downs Way Ahead Nature Improvement Area; and
- (f) where necessary, the investigation, evaluation, and recording of important sites and features is undertaken and, where appropriate, representative features are preserved.

W16: Air, Soil, and Water

Proposals for waste development will be permitted provided that:

- (a) there are no unacceptable impacts on the intrinsic quality of, and where appropriate the quantity of, air, soil, and water resources (including ground, surface, transitional, and coastal waters);
- (b) there are no unacceptable impacts on the management and protection of such resources, including any adverse impacts on Air Quality Management Areas and Source Protection Zones;
- (c) the quality of rivers and other watercourses is protected and, where possible, enhanced (including within built-up areas); and
- (d) they are not located in areas subject to land instability, unless problems can be satisfactorily resolved.

W18: Transport

Proposals for waste development will be permitted provided that:

- (a) where practicable and viable, the proposal makes use of rail or water for the transportation of materials to and from the site;
- (b) transport links are adequate to serve the development or can be improved to an appropriate standard without an unacceptable impact on amenity, character, or the environment; and
- (c) where the need for road transport can be demonstrated:
 - (i) materials are capable of being transported using the Lorry Route Network with minimal use of local roads, unless special justification can be shown;
 - (ii) vehicle movements associated with the development will not have an unacceptable impact on the capacity of the highway network;
 - (iii) there is safe and adequate means of access to the highway network and vehicle movements associated with the development will not have an adverse impact on the safety of all road users;
 - (iv) satisfactory provision is made for vehicle turning and parking, manoeuvring, loading, and, where appropriate, wheel cleaning facilities; and
 - (v) vehicle movements are minimised by the optimal use of the vehicle fleet

W19: Health and Amenity

Proposals for waste development will be permitted provided that:

- (a) lighting, noise, dust, odours and other emissions, including those arising from traffic, are controlled to the extent that there will not be an unacceptable impact on public health and amenity;
- (b) the routes and amenities of public rights of way are safeguarded, or where temporary or permanent re-routing can be justified, replacement routes of comparable or enhanced amenity value are provided; and
- (c) where necessary, a site liaison group is established by the operator to address issues arising from the operation of a major waste management site or facility.

W21: Cumulative Impact

Proposals for waste development, including the intensification of use, will be permitted providing that an unreasonable level of disturbance to the environment and/or local communities will not result from waste management and other sites operating simultaneously and/or successively. Phasing agreements may be sought to co-ordinate working, thereby reducing the cumulative impact.

ANNEX 5

GUIDANCE NOTES ON HOW TO MAKE AN APPEAL



The Planning Inspectorate

CST Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000

Fax No 0117-372 8782

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

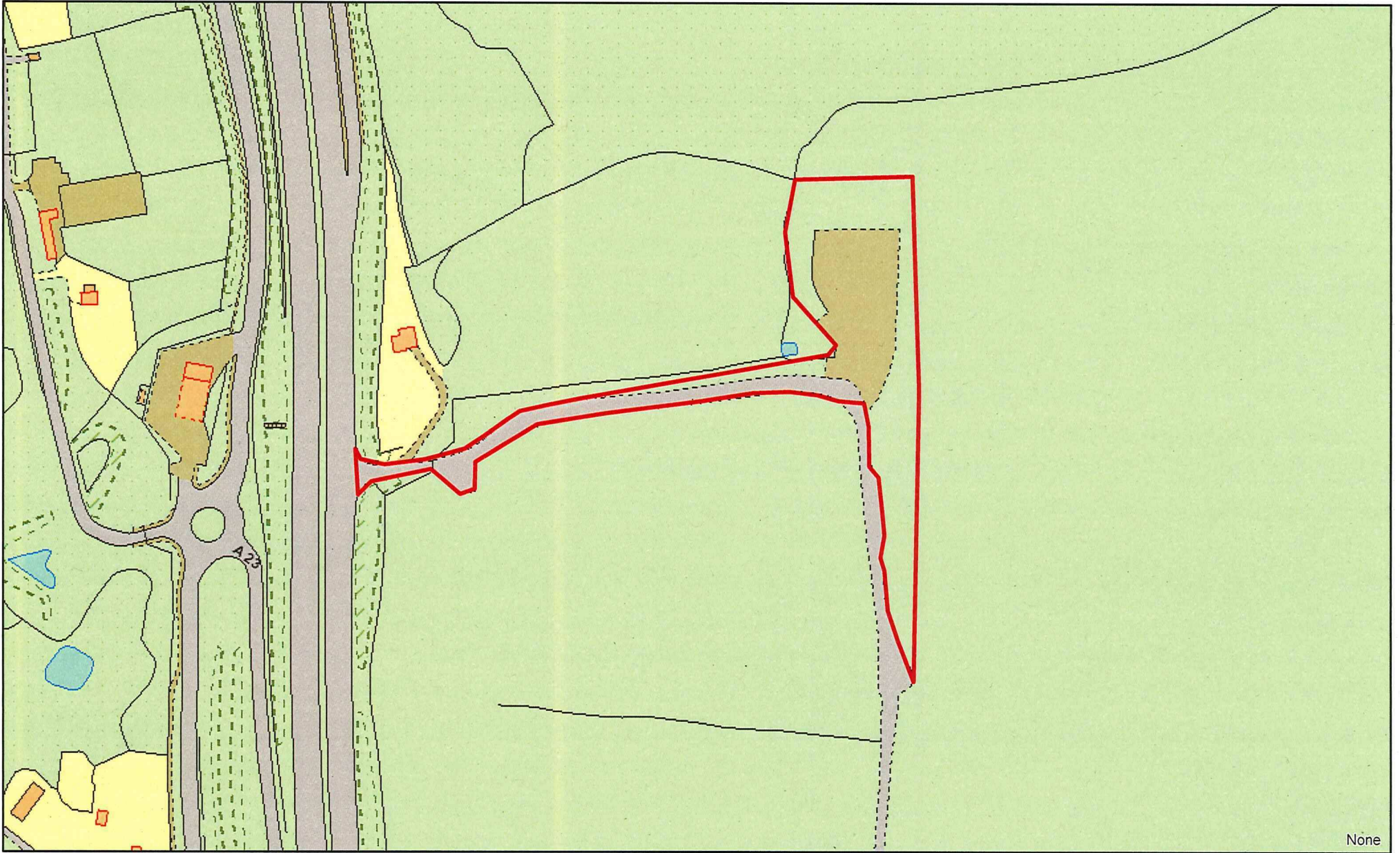
- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- by getting enforcement appeal forms by phoning us on 0303 444 5000 or by emailing us at enquiries@pins.gsi.gov.uk

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- your address; and
- the effective date of the enforcement notice.

We MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.



None

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PJ Brown Yard, land east of Dan Tree Farm, off A23, Bolney

1:2,500

