

APPEAL BY PJ BROWN (CIVIL ENGINEERING) LTD

PROOF OF EVIDENCE OF BRIAN WOODS Appendices

**regarding the service of an enforcement notice by Mid Sussex
District Council alleging that, Without Planning Permission:**

**3.1 The material change of use of the Land from agriculture to a
Mixed Use of:**

**3.1.1 the importation, processing, storage and export of
waste materials upon the Land;**

3.1.2 the deposition of waste material upon the Land;

3.1.3 the storage of building materials upon the Land;

**3.1.4 the storage of plant, machinery, and containers upon
the Land;**

**3.2 Operational development comprising of the laying and
construction of hardstanding upon the land**

**on Land East of Dan Tree Farm, London Road, Bolney, West
Sussex, RH17 5QF**

August 2024

Our Ref: J004451
PINS Ref: APP/C3620/C/21/3269098
LPA Ref: 2020/0102/ENF

WS Planning & Architecture
enquiries@wspa.co.uk | wspa.co.uk

Reg Office: 5 Pool House, Bancroft Road, Reigate Surrey, RH2 7RP
Company No. GB3763487 | WS Planning & Architecture is a trading
name of Woods, Sanders & Co Ltd
Managing Director: Mr B Woods BA TP MRTPI
Planning Director: Mr S Copping BA (Hons) DipTP MRTPI
Architectural Director: Mr L Barker BA (Hons) BArch (Hons) RIBA

Surrey Office
5 Pool House
Bancroft Road
Reigate
Surrey RH2 7RP
+44 (0)1737 225 711

London Office
No. 1 Croydon
11th Floor
12-16 Addiscombe Rd
Croydon CR0 0XT
+44 (0)20 3828 1180

Kent Office
Brouard Architects
83 High Street
Farnborough Village
Kent BR6 7BB
+44 (0)1689 857 253



APPENDICES

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APPENDIX 1

04 March 2014 site visit photos only no meeting note





APPENDIX 2

NON FEES SITE COMPLIANCE INSPECTION REPORT



NON FEES SITE COMPLIANCE INSPECTION REPORT



NON FEES SITE COMPLIANCE INSPECTION REPORT



APPENDIX 3

Site Visit – JN 03 01 19

Arrival 11:00 - depart 11:45

Heading south on the A23, I pulled into the shared access for Dan Tree Farm (and 'the site') and was following a large PJ Browns HGV. At the access we had to wait, whilst another large PJ Browns HGV exited the site (it is difficult for two vehicles to pass).

I did not see the vehicle empty a load as was accessing the Dan Tree Farm site to conduct a site visit in respect of a current planning application on the adjacent land. However whilst at the eastern end of the Dan Tree Farm site, through the tree line (which shares a boundary with 'the site'), I could see a front loader moving material from the south to the north east corner of the site.

Upon completion of the Dan Tree farm site inspection, I entered 'the site' to the right of the gated access. Here I could see what looked like a new post for a gate. I could also see PJ Browns HGV parked on the access track (DSC01456, DSC01478, DSC01479).

I continued up the track towards the main area of the site where there was a wheel wash present. There also appeared to be two screening devices, a number of metal containers and a PJ browns van present (DSC01462, DSC01477).

Within the main area of the site on the eastern side was a bund (approx 2.5m topped with skips, pipes, a large metal tank, and section of concrete culvert (DSC01463, DSC01468). Within the site was three main stockpiles consisting of waste bricks, and assorted C&D waste (DSC01465, DSC01466, DSC01473). Two skips were also present on this side of the site, the smaller containing waste metal and the larger consisting what appeared to include wood waste which was smouldering from a recent fire. This had an odour of burning plastic. (DSC01471, DSC01472).

To the north and west of the main site was a low bund of what appeared to be screened fine inert material and soils. In the North West corner were two further screening plants and a single skip containing wood and rubble. On the western boundary were five large containers (four double stacked) one of which appeared to be being used as an office (containing a desk and a chair). Slightly to the north was a stockpile of screened (possibly crushed) C&D material (DSC01464, DSC01467, DSC01469).

To the south of the main area of the site, a bund continued along a surfaced track, alongside which was an area of building materials (including a headwall, pipes and building materials). In this location were also a number of additional metal containers and a tractor. (DSC01470, DSC01476) Further to the south, along the track, was a 360 excavator which appeared to be clearing or levelling material on the road? I did not speak with the operator who carried on despite my presence. In this location (to the east of the track) there appeared to be a large stockpile of what may have been silage? (DSC01476, DSC01459).



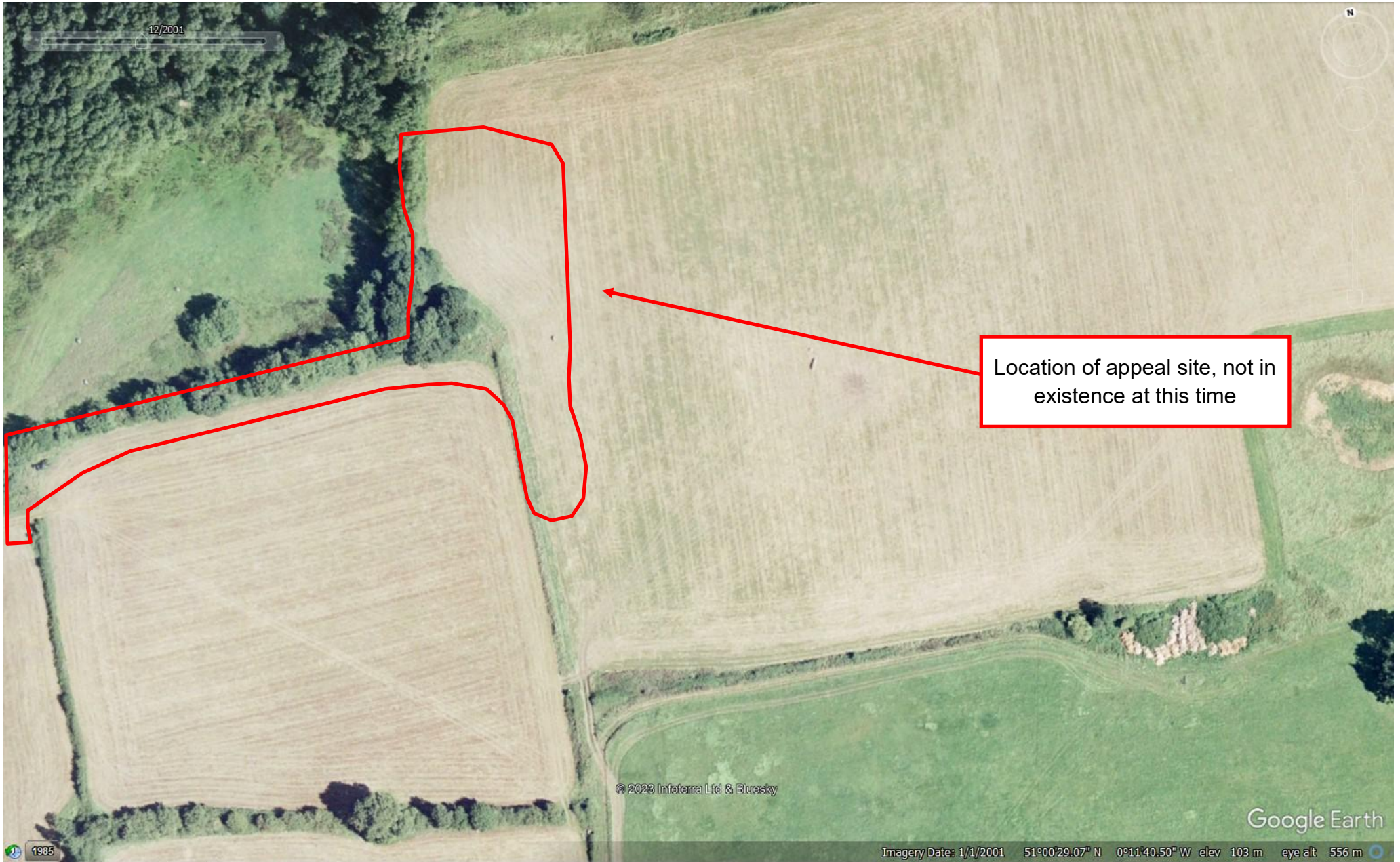








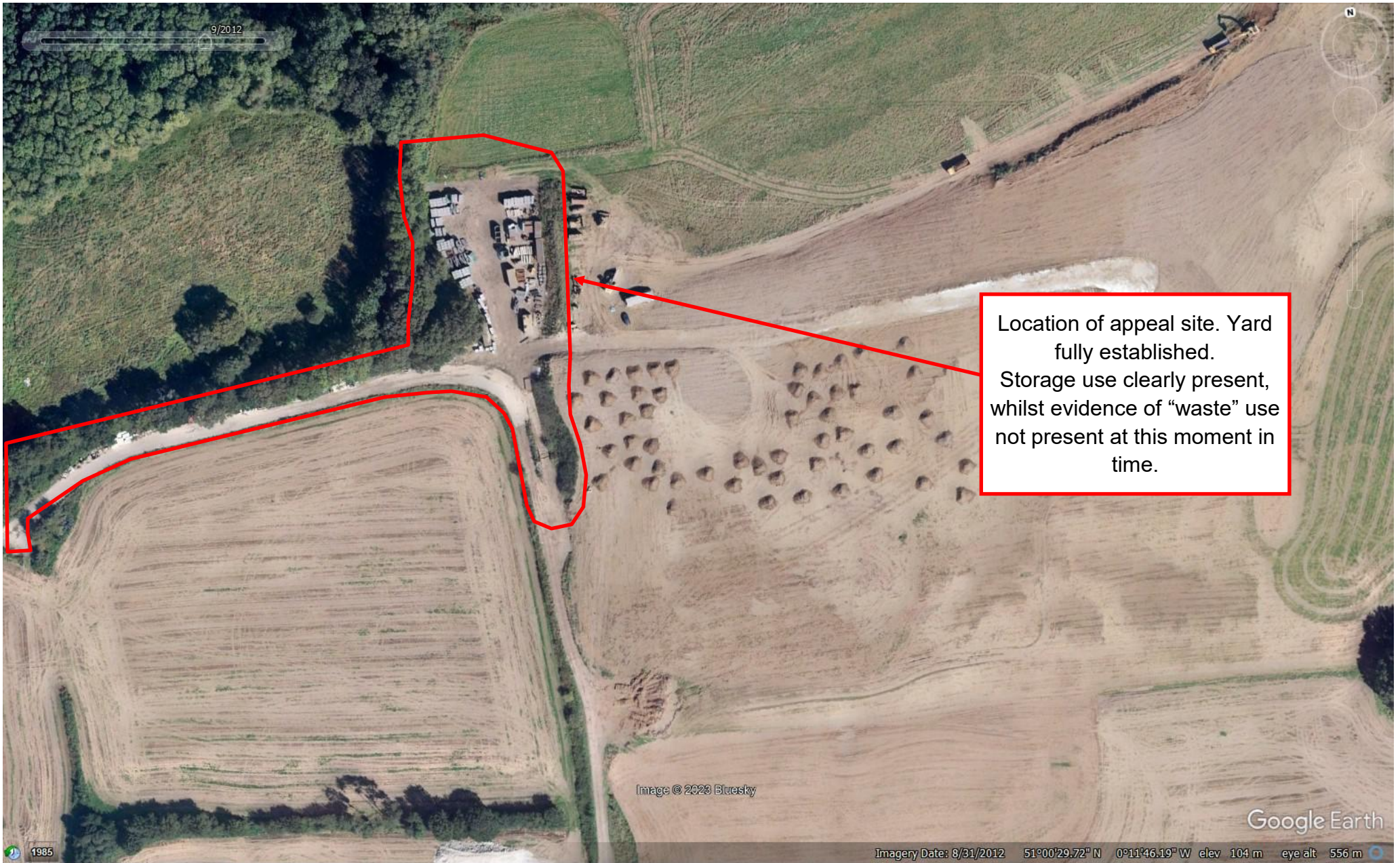
APPENDIX 4





Location of appeal site. Yard partially established at this time. Access road in-situ, as is some hardstanding. Considered to be "complete" at this stage in time.





Location of appeal site. Yard fully established. Storage use clearly present, whilst evidence of “waste” use not present at this moment in time.



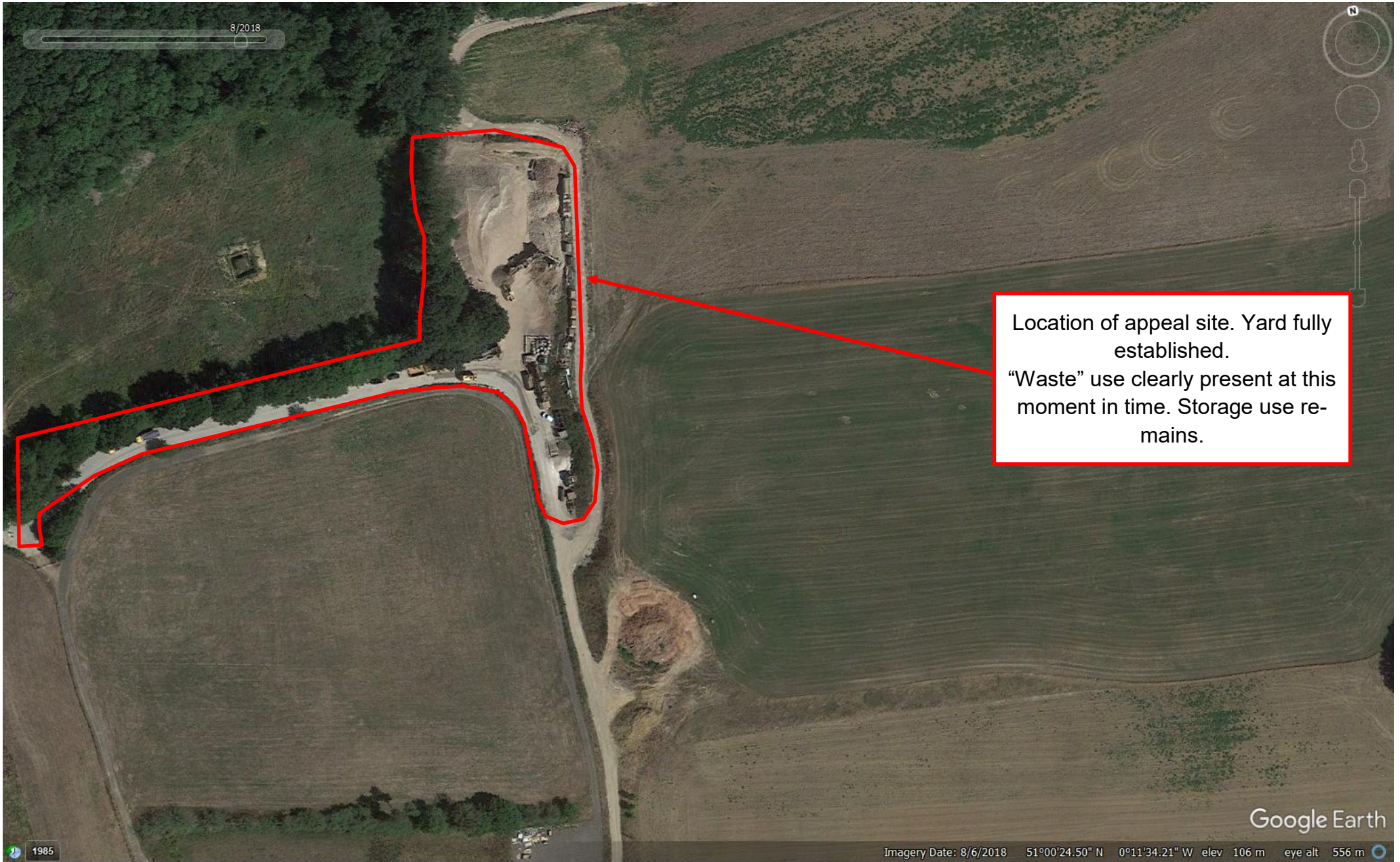
Location of appeal site. Yard fully established.
Storage use clearly present, whilst some evidence of “waste” use (western periphery) present at this moment in time.



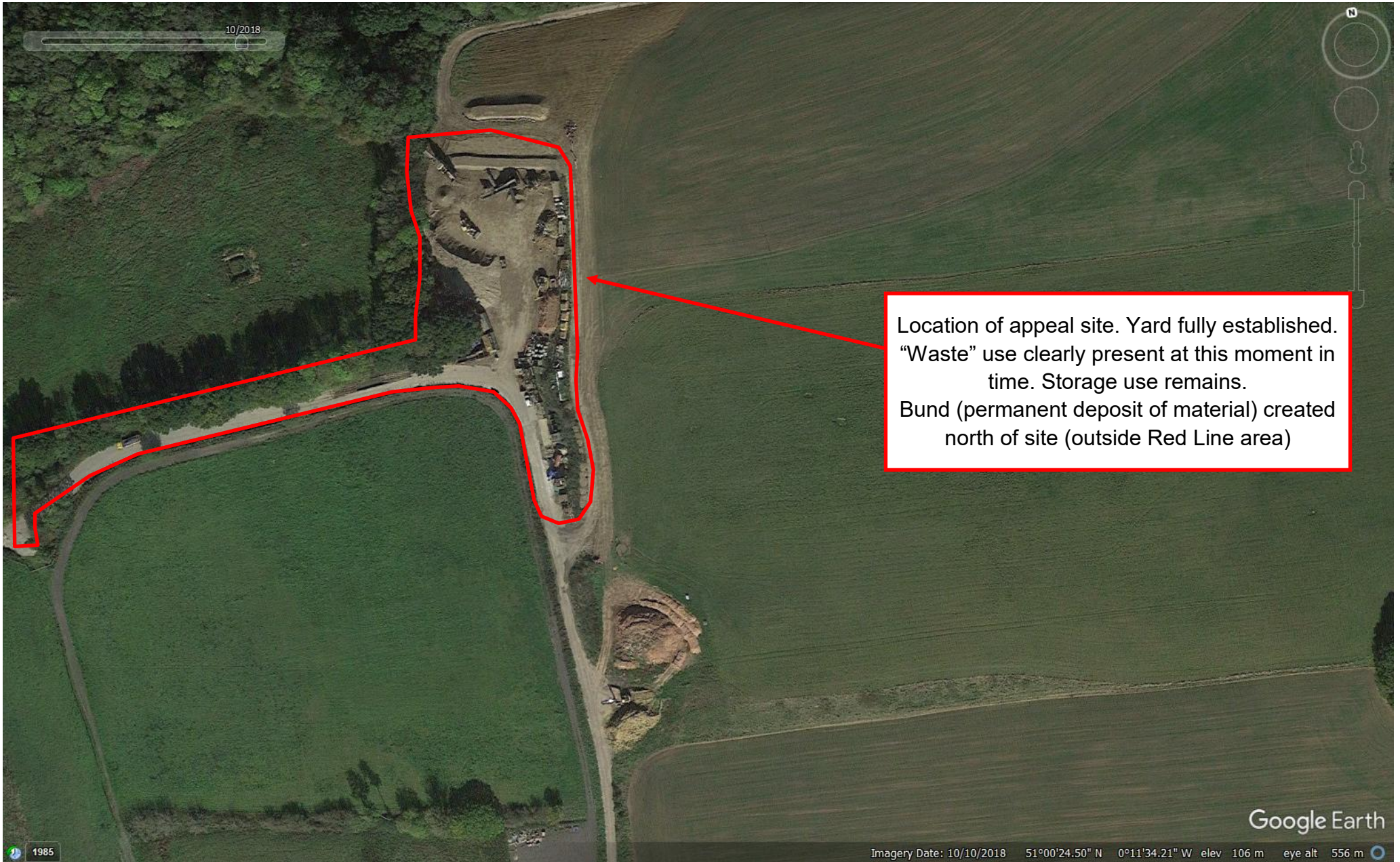
Location of appeal site. Yard fully established.
Storage use clearly present, whilst some evidence of "waste" use (western periphery) present at this moment in time.



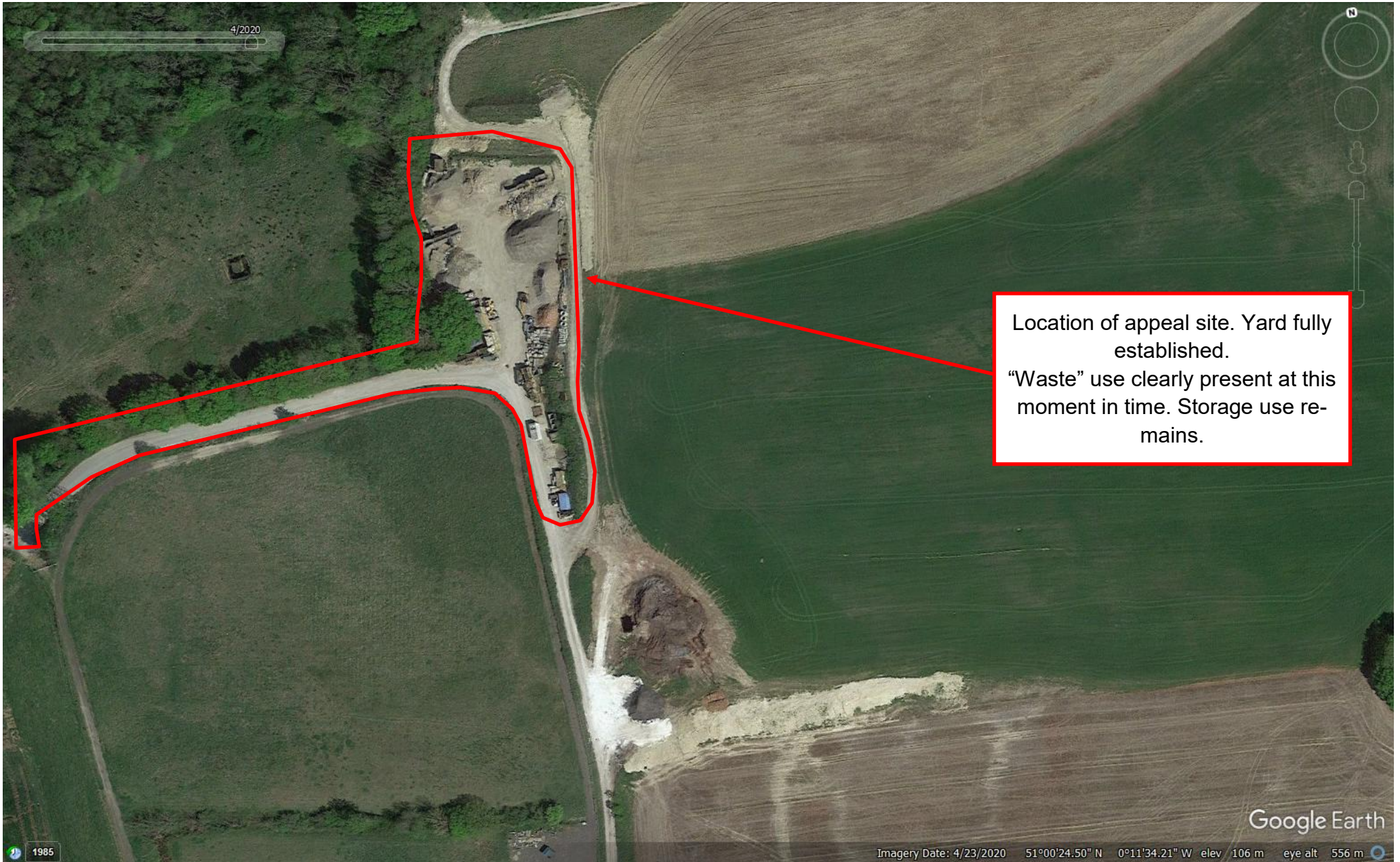
Location of appeal site. Yard fully established.
Storage use clearly present, whilst some evidence of “waste” use clearly present at this moment in time.



Location of appeal site. Yard fully established.
“Waste” use clearly present at this moment in time. Storage use remains.



Location of appeal site. Yard fully established. "Waste" use clearly present at this moment in time. Storage use remains. Bund (permanent deposit of material) created north of site (outside Red Line area)



Location of appeal site. Yard fully established.
“Waste” use clearly present at this moment in time. Storage use remains.



Location of appeal site. Yard fully established. "Waste" use clearly present at this moment in time. Storage use remains present along northern boundary



Location of appeal site. Yard fully established. "Waste" use clearly present at this moment in time. Storage use remains present along northern boundary

APPENDIX 5

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)**

PLANNING CONTRAVENTION NOTICE

REFERENCE NUMBER: EF/18/0446

To: PJ Brown (Civil Engineering) Ltd

1. It appears to the Mid Sussex District Council ("the Council") being the Local Planning Authority for the purposes of Section 171C of the Town and Country Planning Act 1990 ("the Act"), that there may have been a breach of planning control in respect of the land described in Schedule 1 below ("the land")
2. The breach of planning control which may have occurred is specified in Schedule 2 below.
3. This notice is served on you as a person who;
 - (a) is the owner or occupier of the land or has any other interest in it;OR
 - (b) is carrying out operations in, on over or under the land or is using it for any purpose.
4. In exercise of their powers under Section 171C (2) and (3) of the Act the Council require you, so far as you are able, to give to them the following information in writing **WITHIN TWENTY ONE DAYS**, beginning on the day on which this notice was served on you:
 - (a) Please confirm your full name, job title and address, including post code, telephone number and email address.
 - (b) Please confirm the nature and description of the operation being carried out on the land stated in Schedule 1 and shown outlined in red on the plan attached to this Notice.
 - (c) Please confirm the date upon which the operation being carried out on the land stated in Schedule 1 and shown outlined in red on the plan attached to this Notice began.
 - (d) Please confirm your (PJ Brown (Civil Engineering) Ltd) interest in the land stated in Schedule 1 and shown outlined in red on the plan attached to this Notice began.

- (e) Please confirm how long and from what date you (PJ Brown (Civil Engineering) Ltd) have had interest in the land stated in Schedule 1 and shown outlined in red on the plan attached to this Notice began.
- (f) When did PJ Brown (Civil Engineering) Ltd begin to import material onto the land?
- (g) When did PJ Brown (Civil Engineering) Ltd begin to process material onto the land?
- (h) When did PJ Brown (Civil Engineering) Ltd begin to deposit material onto the land?
- (i) What tonnage of material is imported onto the land PJ Brown (Civil Engineering) Ltd per annum?
- (j) Please confirm the number of HGV deliveries to the land over the past a) 4 week period and b) 12 month period prior to the date of this Notice.
- (k) Please provide any tenancy or lease agreement, including details of any payments made or received, relating to the use of the land stated in Schedule 1 and shown outlined in red on the plan attached to this Notice
- (l) Please provide the following information in relation to the blue ducting shown in photo 1 on the Appendix 1 attached to this Notice:
 - i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (m) Please provide the following information in relation to the metallised fencing shown in photo 1 on the Appendix 1 attached to this Notice:
 - i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (n) Please provide the following information in relation to the concrete drainage sections shown in photo 2 on the Appendix 1 attached to this Notice:
 - i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (o) Please provide the following information in relation to the black ducting shown in photo 2 on the Appendix 1 attached to this Notice:
 - i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site

- (p) Please provide the following information in relation to the black plastic drainage sections shown in photo 3 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (q) Please provide the following information in relation to the yellow skip shown in photo 4 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (r) Please provide the following information in relation to the gate / barrier and associated mechanism shown in photo 5 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (s) Please provide the following information in relation to the metallised gates / tracks shown in photo 6 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (t) Please provide the following information in relation to the plastic pipes shown in photo 7 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (u) Please provide the following information in relation to the metallised wheelwash shown in photo 8 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site

- (v) Please provide the following information in relation to the black plastic drainage sections shown in photo 9 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (w) Please provide the following information in relation to the metalled tracks shown in photo 10 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (x) Do you consider that planning permission (deemed or express) would be necessary for any of development, including that referred in questions b -w above, on the land? If no, please clarify why.
- (y) Do you intend to make a planning application for any of development, including that referred in questions b -w above, on the land? If no, please clarify why.
- (z) Please provide any other information you believe the LPA should consider in its assessment of the breach of planning control as stated in Schedule 2.

5. If you wish to make:

- (a) an offer to apply for planning permission to vary the wording of the condition, or to refrain from carrying out operations or activities which represent a breach of planning control OR
- (b) any representations about this notice

the Council, or representatives of the Council, will consider them at a time, day and date, mutually agreed, at the Planning Department, Mid Sussex District Council, Oakland's, Oaklands Road, Haywards Heath, when you will be able to make such offer or representation in person at that time and place.

Dated this 28th April 2022

Signed 

Andy Clarke

Senior Planning Officer – Planning Investigation and Enforcement

SCHEDULE 1

Land to which this notice relates:

Land at Bolney Park Broxmead Lane, Bolney, West Sussex, RH17 5RU ("the Land") and as shown edged in red on the attached plan.

SCHEDULE 2

Without planning permission, the change of use of land for the importation, processing, deposit and transfer of waste and storage of associated items

WARNING

1. It is an offence to fail without reasonable excuse, to comply with the requirements of the notice within twenty one days, beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1000. Continuing failure to comply following conviction will constitute a further offence.
2. It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in any particular. The maximum penalty on conviction of this offence is a fine of £5000.

ADDITIONAL INFORMATION

3. If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular they may issue an Enforcement Notice under s.172 of the 1990 Act, requiring the breach, or the injury to amenity caused by it, to be ceased.
4. If the Council serve a Stop Notice under Section 183 of the 1990 Act, Section 186 (5) (b) of the Act provide that should you otherwise become entitled (under Section 186) to compensation for loss or damage attributable to that notice, no such compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice or had you otherwise co-operated with the Council when responding to it.

PLEASE RETURN TO;

Divisional Leader for Planning and Economy
Mid Sussex District Council
Oakland's
Oakland's Road
Haywards Heath
West Sussex
RH16 1SS

MID SUSSEX DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE PLANNING
COMPENSATION ACT 1991)

PLANNING CONTRAVENTION NOTICE

Served On: PJ Brown (Civil Engineering) Ltd

Reference No: EF/18/0446

Further to the notice served on me the answers to the questions listed in Paragraph
4 are as follows:

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Please continue on separate sheet if required

Signed..... Dated.....

Land at Bolney Park Farm, East of the A23 in Bolney Mid Sussex, RH17 5RJ



(In response to the questionnaire dated the 28th April 2022)



Statement prepared on behalf of:
PJ Brown (Civil Engineering) Ltd
 Burlands Farm
 Charlwood Road
 Crawley
 West Sussex
 RH11 0JZ

Local Planning Authority:
Mid Sussex District Council
 Oakland's
 Oakland's Road
 Haywards Heath
 West Sussex
 RH16 1SS

Report Dated: MAY 2022

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 - II Farm Contravention Notice and Response**
 - III Photographs**
 - IV Contracted Legal Plan of Site**
(please refer to boundary plan which is at odds with the plan forwarded with the questionnaire)
 - V Communication re Notice Distribution**
 - VI Evidence of Use**

1 INTRODUCTION

- 1.1 This material attached is submitted in response to the “Planning Contravention Notice” (Ref No EF/18/0446) dated the 28th April 2022 in relation to ‘**land at Bolney Park Farm, east of the A23 in Bolney, Mid Sussex, RH17 5RJ**’.
- 1.2 The existing land use as referenced in the questionnaire is ***‘the importation, deposit, re-use and recycling of waste material and the use of the land for storage purposes’***

2 SITE LOCATION and CHARACTERISTICS

- 2.1 The compound the subject of this response is circa 0.7 hectares and a parcel of land located on former farmland to the rear (east) of a permitted dwelling at Dan Tree Farm where the area of leased land is at odds with the plan provided by Mid Sussex Council under cover of their questionnaire Ref EF/18/0446
- 2.2 The Site shares an access directly to/from the A23 where PJ Brown (Civil Engineering) Ltd have a right of way over to the adopted highway.

3 THE DEVELOPMENT

- 3.1 The Site that is the subject of this questionnaire response relates to the importation, processing, and export of waste when it then removed from the site as waste either destined for further processing or permanent deposit elsewhere unconnected to this site, this activity has been undertaken at the Application Site in excess of 10 years (of relevance should a Cert of Lawfulness be submitted) whereas advised that the land has been in my client’s leasehold interest in Circa 2007.
- 3.2 The purpose of a CLEUD under Section 191 of the TCPA 1990 should it be necessary to submit is to establish whether the use or development described in it, on the land it describes, is lawful in planning terms and thereby immune from enforcement action. Development is lawful if, or to the extent that, any of the following apply:
- (a) the activity does not constitute ‘development’ subject to planning control;
or
- (b) the development has been granted express planning permission; or

(c) the development is lawful through the passage of time, and it is not subject to an extant enforcement notice.

4 PLANNING HISTORY

4.1 Historical planning records show that a Certificate of Lawfulness Application Ref. WSCC/070/19 (DTF034) was submitted to Council with planning permission refused (10 January 2020). The application was refused by the Council 'on the basis of the evidence submitted with the application, the Council is not satisfied, on the balance of probabilities, that the use has taken place for ten (10) years prior to the County Council receiving application reference WSCC/070/19.

4.2 An enforcement notice was then issued by the Council on the 27 January 2020 which was appealed by the Applicant (PJ Brown Civil Engineering Ltd) and eventually withdrawn by the Council. No enforcement action has therefore been undertaken at the site.

5 HISTORY OF THE SITE

5.1 The Application Site at Bolney Park Farm has been in continuous use for both a mix of general open air storage purposes comprising of storage of inert material in addition to the storage and use of crushing and screening equipment (B8/sui generis uses) for a period in excess of 10 years.

5.2 In order to establish context for this landholding and establish its operational timeline, a historical summary of commencement operations is provided. The Applicant originally undertook work for Southeast Tipping at Bolney Park Farm, Broxmead Lane, West Sussex, RH17 5RJ from around 2004. In 2006 they assumed the tenancy contract for the Land and have held an established interest in the yard since then. In 2007 the Applicant began their formal renting of the yard and paid advance rental fees to the landowners indicating their intent to continue operating at the Site for some time.

5.3 Evidence included in support of this questionnaire response that clearly shows a material change of use took place at the Application Site towards the end of 2007/beginning of 2008.

At this point in time the use of the Site was primarily a mixed or composite use for storage and waste recycling (i.e.: principally for the crushing and recycling of concrete for use in construction works).

5.4 By May 2010 it is clear that the proposed uses would have been well established and it is clear from aerial photographs dating from March 2012 (and prior to) that this use has been gradually developed and ongoing at the Application Site.

5.5 A timeline series of aerial photographs to support the historical operational use of the Site and includes photos dated 2007, 2012, 2014, 2015 and 2018.

Date	Aerial Photograph Description
2007	This image shows storage activities taking place immediately to the east of the vegetation that separates Dan Tree Farm and the Bolney Park Farm compound.
March 2012	This is the earliest photographic evidence showing well established activities on the Application Site.
September 2012	This photo shows the continued use of the site for storage purposes.
June 2013	This photo shows that the storage use on the site has altered in what is being stored on site. Whilst previously containers were being stored there are now a number of skips and road plannings on the site. This image also shows that activities to the east of the Application Site have ceased and have moved to the southwest of the appeal site where operational works were being undertaken.
April 2015	This image once again shows the use of the Application Site for storage purposes, and operational works being undertaken on land to the southwest of the Site. It is also evident from this aerial photo that waste material is being stored on the Application Site.

September 2015	This aerial photo confirms that the activities on the Application Site continued, whilst also showing the use of the site for storage purposes.
May 2018	This photo shows the Application Site being used quite extensively for both the importation, deposit, and processing of waste, alongside the storage use.
August 2018	This photo shows the Application Site being used quite extensively for both the importation, deposit, and processing of waste, as well as storage.
October 2018	This photo shows that the storage use has moved further south due to waste recycling activities taking place in the northern most area of the Application Site.

5.6 An aerial photograph from April 2020 also shows a similar character of use with plant and machinery storage containers and skips, piles of material (including processed and crushed concrete and road plannings). In all of the aerial photographs witnesses have been able to identify the large machines used for screening and crushing concrete to create aggregates.

5.7 An additional number of other supporting documents are also included as part of this questionnaire which support the use of the facility for **the importation, deposit, re-use and recycling of waste material and the use of the land for storage purposes** including:

- Documents from Finning UK & Ireland Ltd - Six 'daily service reports' relating to field repairs at Bolney dated from 2004 in addition to an email dated 11 December 2018 which confirms that they undertook warranty work and general repairs to concrete crushing, screening equipment, and repairs to excavators including shovels and dozers at the site since 2006
- A letter from Pirtek confirming that they '*have been continuously carrying out onsite repairs for plant and auxiliary equipment for the past 10 years*', with works orders confirming plant repairs, albeit with records only dating from 2014. A letter from Stallion Testing is also enclosed.

- 5.8 On land immediately south of the Application Site, planning permission was granted in 2012 which permitted the importation of some 76,500 cubic metres of inert waste to create a bund along the A23 (ref. WSC/077/11/BK). The access used for that development was also the access road to the Application Site. The construction of these bunds has since been completed. Evidence from these operations can also be provided supporting that the Application Site was used for the storage and transfer of waste and earth whilst the bunds were completed. Stated in the Council's Committee Report (Ref WSCC/070/19) at paragraph 7.3 *'at the far point of the site there is a considerable pile of construction and demolition waste which appear to be part bladed into the ground extending the area out into the field. I asked NP [Nick Page, PJ Brown Ltd.] the reason for the waste pile, which he said was for constructing tracks within the planning permission area' [i.e., the Park Farm bund site].*
- 5.9 The Council has evidenced a statement was made by Mr Stephen Kinchington of the EPA who made a number of visits to the Application Site from 2013 to 2018 (over 5 year period). He states that *'over the 5 years or so that I visited the site the items stored in this area consisted of various pieces of equipment apparently owned by PJ Brown including old portacabins, a broken soil screening machine, around 40 to 50 second hand skips, storage tanks, pallets of brick and general construction equipment'.*
- 5.10 for a period of 10 years for the importation, deposit, re-use and recycling of waste material and the use of the land for storage purposes

6 CONCLUSIONS

- 6.1 On consideration of the evidence presented in this questionnaire response, it is concluded that the Site has been in composite use for storage and waste use, involving the re-use and recycling of waste/construction material, and storage of plant and equipment for an uninterrupted min period of 10 years (for the period May 2012 to May 2022).

Dated

2001

DANE RAWLINGS (1)

and

**P J BROWN trading as P J BROWN CIVIL ENGINEERING AND HAULAGE
CONTRACTORS (2)**

**LICENCE
for tipping soil at Bolney Park Farm**

asb law
8 Ifield Road
Crawley
West Sussex RH11 7YY
Tel: 01293 603 603
Fax: 01293 603 666
E-mail: corporate.commercial@asb-law.com

THIS LICENCE is made the _____ day of _____ 2001

BETWEEN:

- (1) **DANE RAWLINGS** of _____ (the “Licensor”)
- (2) **PETER JOHN BROWN trading as P J BROWN CIVIL ENGINEERING AND HAULAGE CONTRACTORS** of Burlands Charlwood Road Ifield Wood Crawley West Sussex RH11 0JZ (the “Licensee”).

1 DEFINITIONS

1.1 In this Licence the following expressions shall have the meanings respectively assigned to them:

- “Agent” James Phillips trading as South East Tipping of _____
- “Commencement Date” _____
- “Payment Date” the due date for monthly payment of the Royalty as set out in clause 3.2.
- “Royalty” the amount payable by the Licensee in accordance with clauses 3.2 and 3.3.
- “Site” Bolney Park Farm _____
- “Soil” inert soil.
- “VAT” value added tax or any other tax of a similar nature which may be substituted therefor or levied in addition thereto.

2 GRANT OF LICENCE

2.1 In consideration of the payments below and of the covenants on the part of the Licensee contained in this Licence the Licensor grants to the Licensee from the Commencement Date and during the period of this Licence the following exclusive rights and liberties:

- 2.1.1 the exclusive Licence and authority for the Licensee to deposit Soil at the Site; and
- 2.1.2 the right to gain access to and from the Site with or without motor vehicles and plant for the purpose of exercising the right granted above

by the use of all access roads or ways now constructed or which may during the period of this Licence be constructed by or on behalf of the Licensor within the Site.

3 PAYMENTS

- 3.1 On Completion of this Licence, the Licensee shall pay to the Licensor the sum of £40,000 (FORTY THOUSAND POUNDS) on account of the Royalties to be paid under clause 3.2 (the "Advance Payment").
- 3.2 The Licensee shall during the period of this Licence pay to the Licensor a Royalty of £35 per eight wheel lorry load of Soil deposited at the Site, such Royalty to be paid in arrears on the _____ day of each month and which shall be deducted from the Advance Payment.
- 3.3 Any Royalty to be paid in relation to other sizes of vehicles shall be agreed in writing between the parties prior to and subject to such vehicles being granted access under clause 2 of this Licence.
- 3.4 The Licensor shall be responsible for counting the number of loads of Soil deposited by the Licensee at the Site and shall within 2 working days from the end of each Payment Date provide the Licensee with a statement setting out the number of loads of Soil deposited by the Licensee for the relevant month.
- 3.5 An assessment of the volume deposited at the Site by the Licensee shall be jointly undertaken by the Licensor and Licensee 8 weeks from the Commencement Date with such volume being agreed in writing and further assessments shall take place as agreed between the parties.
- 3.6 In the event of a dispute relating to any Royalty payment, any assessment under clause 3.5 or Refund (as defined in clause 3.9) the parties shall settle such dispute in writing and shall attempt to reach such settlement:
- 3.6.1 in relation to any Royalty payment within 14 days of the relevant statement being issued (pursuant to clause 3.4);
 - 3.6.2 in the case of any assessment pursuant to clause 3.5 within 14 days of the assessment; and
 - 3.6.3 in the case of a Refund within 14 days of the written notice being given by the Licensee (pursuant to clause 3.9);

failing which an independent member of the Royal Institute of Chartered Surveyors (the "Institute") will be appointed on application by either party by the President of the Institute for the purposes of determining the quantity of Soil deposited acting as expert and not arbitrator and whose decision shall (save in the case of manifest error) be final and binding on the parties and the cost of appointing such expert shall be borne by the parties equally.

- 3.7 The Royalty payable for any given month shall be adjusted (if applicable) to take into account any overpayment or underpayment by the Licensee for the previous month.
- 3.8 The Royalty shall be deemed to be exclusive of VAT.
- 3.9 In the event that the Licensee decides to cease depositing Soil at the Site for any reason whatsoever (including any event under clause 7), the Licensee shall give to the Licensor written notice of the same and the Licensor shall upon receipt of such notice immediately pay to the Licensee the balance of the Advance Payment (the "Refund")(if any).
- 3.10 If the Licensor fails to immediately pay the Refund to the Licensee then the amount of the Refund due shall bear interest from the date on which the Licensor receives the written notice of the Licensor (given pursuant to clause 3.9) until payment is made in full, both before and after any judgement, at _____ per cent per annum over _____ Bank Plc base rate from time to time.

4 LICENSOR'S AGENT

- 4.1 The Licensor hereby confirms and warrants that:
- 4.1.1 he has appointed the Agent as his authorised agent for the performance of his obligations under this Agreement;
- 4.1.2 the Agent is fully authorised on behalf of the Licensor to accept and acknowledge receipt of all monies due to the Licensor under this Agreement and such acknowledgement of any sum shall be deemed sufficient to discharge the Licensee's obligation to pay the same;
- 4.1.3 the Agent is fully authorised on behalf of the Licensor to accept and acknowledge receipt of all notices given to the Licensor by the Licensee under this Agreement; and
- 4.1.4 he agrees to ratify the acts of the Agent.
- 4.2 In the event that the Agent does not perform the obligations of the Licensor as set out in this Agreement the Licensor hereby undertakes to perform the same.

5 LICENSEE'S COVENANTS

- 5.1 The Licensee agrees to provide to the Licensor (at no expense to the Licensor) the following:
- 5.1.1 A wheelspinner with a portable water dip and concrete base;
- 5.1.2 A roadsweeper as and when required;
- 5.1.3 A D6H machine or similar machine; and
- 5.1.4 Road making materials as agreed between the parties.
- 5.2 The Licensee further agrees to perform (at no expense to the Licensor) the following:

- 5.2.1 Push over and spread out evenly loads of Soil deposited by South East Tipping; and
- 5.2.2 Maintain the internal road at the Site.

6 LICENSOR'S COVENANTS

- 6.1 The Licensor hereby covenants with the Licensee that it will in connection with its use of the Site for whatever purpose cause as little interference or interruption possible to the operations of the Licensee in or upon the Site.
- 6.2 For the avoidance of doubt the Licensor hereby covenants that the use of the Site for the depositing of Soil or otherwise shall only be granted to the Licensor and the Agent and the Licensor further covenants that he will not during the period of this Agreement enter into any other agreements with third parties relating to the same.

7 FORCE MAJEURE

- 7.1 Notwithstanding any other provisions of this Licence neither party shall be under any liability to the other to the extent that it may be hindered or prevented from performing any of its obligations by reason of any circumstances whatever beyond the control of the party affected including but not limited to the following circumstances namely acts of God war labour disputes fire riot explosion act of national or local authority (other than where the imposition thereof is due to the act neglect or default of the party affected).

8 NOTICES

- 8.1 Any notice or other information required to be given by any of the parties under this Licence may be given by hand or sent by first class post, facsimile transmission or comparable means of communications, to the address of the addressee as set out in this Licence (and in the case of notices addressed to the Licensor, this includes the address of the Agent) or to such other address as the addressee may from time to time have notified for the purpose of this Clause. Communications sent by post shall be deemed to have been received forty-eight hours after posting. Communications sent by facsimile may be made between 9.00 am and 4.00 pm on any business day and shall be deemed to be received 1 hour after despatch provided that any notice received outside such hours shall be deemed to be served on the next succeeding business day. In proving service by post it shall only be necessary to prove that a communication sent was contained in an envelope which was duly and correctly addressed, stamped and posted in accordance with this Clause.

IN WITNESS whereof this Deed has been executed by the Licensor and the Licensee the day and year first above written.

SIGNED AS A DEED by the said)
DANE RAWLINGS)
in the presence of:)

.....

.....
Signature of Witness

Name:

Address:

Occupation:

SIGNED AS A DEED by the said)
PETER JOHN BROWN)
in the presence of:)

.....

.....
Signature of Witness

Name:

Address:

Occupation:

14th December 2001

J Phillips
South Eastern Tipping Ltd
Pedham Place Farm
Old London Road
Farningham
Kent
DA4 0WA

Dear Mr Philips

Re: Tipping Bolney Court Farm

We write to confirm that any material tipped at Bolney Court Farm will be inert only originating from various sites in our area.

Any contaminated material will be notified by the developer and taken to an appropriate site.

Yours sincerely,

P J Brown.

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)**

PLANNING CONTRAVENTION NOTICE

REFERENCE NUMBER: EF/18/0446

To: PJ Brown (Civil Engineering) Ltd

1. It appears to the Mid Sussex District Council ("the Council") being the Local Planning Authority for the purposes of Section 171C of the Town and Country Planning Act 1990 ("the Act"), that there may have been a breach of planning control in respect of the land described in Schedule 1 below ("the land")
2. The breach of planning control which may have occurred is specified in Schedule 2 below.
3. This notice is served on you as a person who;
 - (a) is the owner or occupier of the land or has any other interest in it;OR
 - (b) is carrying out operations in, on over or under the land or is using it for any purpose.
4. In exercise of their powers under Section 171C (2) and (3) of the Act the Council require you, so far as you are able, to give to them the following information in writing **WITHIN TWENTY ONE DAYS**, beginning on the day on which this notice was served on you:
 - (a) Please confirm your full name, job title and address, including post code, telephone number and email address.
 - (b) Please confirm the nature and description of the operation being carried out on the land stated in Schedule 1 and shown outlined in red on the plan attached to this Notice.
 - (c) Please confirm the date upon which the operation being carried out on the land stated in Schedule 1 and shown outlined in red on the plan attached to this Notice began.
 - (d) Please confirm your (PJ Brown (Civil Engineering) Ltd) interest in the land stated in Schedule 1 and shown outlined in red on the plan attached to this Notice began.

- (e) Please confirm how long and from what date you (Industrial Waste Recycling Ltd) have had interest in the land stated in Schedule 1 and shown outlined in red on the plan attached to this Notice began.
- (f) When did Industrial Waste Recycling Ltd begin to import material onto the land?
- (g) When did Industrial Waste Recycling Ltd begin to process material onto the land?
- (h) When did Industrial Waste Recycling Ltd begin to deposit material onto the land?
- (i) What tonnage of material is imported onto the land by Industrial Waste Recycling Ltd per annum?
- (j) Please confirm the number of HGV deliveries to the land over the past a) 4 week period and b) 12 month period prior to the date of this Notice.
- (k) Please provide any tenancy or lease agreement, including details of any payments made or received, relating to the use of the land stated in Schedule 1 and shown outlined in red on the plan attached to this Notice
- (l) Please provide the following information in relation to the blue ducting shown in photo 1 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (m) Please provide the following information in relation to the metalled fencing shown in photo 1 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (n) Please provide the following information in relation to the concrete drainage sections shown in photo 2 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (o) Please provide the following information in relation to the black ducting shown in photo 2 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site

- (p) Please provide the following information in relation to the black plastic drainage sections shown in photo 3 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (q) Please provide the following information in relation to the yellow skip shown in photo 4 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (r) Please provide the following information in relation to the gate / barrier and associated mechanism shown in photo 5 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (s) Please provide the following information in relation to the metallised gates / tracks shown in photo 6 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (t) Please provide the following information in relation to the plastic pipes shown in photo 7 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (u) Please provide the following information in relation to the metallised wheelwash shown in photo 8 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site

- (v) Please provide the following information in relation to the black plastic drainage sections shown in photo 9 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (w) Please provide the following information in relation to the metalled tracks shown in photo 10 on the Appendix 1 attached to this Notice:
- i) a description of the item;
 - ii) for what purpose it is on the site;
 - iii) any intended use of the item;
 - iv) how long it has been present upon the site
- (x) Do you consider that planning permission (deemed or express) would be necessary for any of development, including that referred in questions b -w above, on the land? If no, please clarify why.
- (y) Do you intend to make a planning application for any of development, including that referred in questions b -w above, on the land? If no, please clarify why.
- (z) Please provide any other information you believe the LPA should consider in its assessment of the breach of planning control as stated in Schedule 2.

5. If you wish to make:

- (a) an offer to apply for planning permission to vary the wording of the condition, or to refrain from carrying out operations or activities which represent a breach of planning control OR
- (b) any representations about this notice

the Council, or representatives of the Council, will consider them at a time, day and date, mutually agreed, at the Planning Department, Mid Sussex District Council, Oakland's, Oaklands Road, Haywards Heath, when you will be able to make such offer or representation in person at that time and place.

Dated this 28th April 2022

Signed 

Andy Clarke

Senior Planning Officer – Planning Investigation and Enforcement

SCHEDULE 1

Land to which this notice relates:

Land at Bolney Park Broxmead Lane, Bolney, West Sussex, RH17 5RU ("the Land") and as shown edged in red on the attached plan.

SCHEDULE 2

Without planning permission, the change of use of land for the importation, processing, deposit and transfer of waste and storage of associated items

WARNING

1. It is an offence to fail without reasonable excuse, to comply with the requirements of the notice within twenty one days, beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1000. Continuing failure to comply following conviction will constitute a further offence.
2. It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in any particular. The maximum penalty on conviction of this offence is a fine of £5000.

ADDITIONAL INFORMATION

3. If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular they may issue an Enforcement Notice under s.172 of the 1990 Act, requiring the breach, or the injury to amenity caused by it, to be ceased.
4. If the Council serve a Stop Notice under Section 183 of the 1990 Act, Section 186 (5) (b) of the Act provide that should you otherwise become entitled (under Section 186) to compensation for loss or damage attributable to that notice, no such compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice or had you otherwise co-operated with the Council when responding to it.

PLEASE RETURN TO;

Divisional Leader for Planning and Economy
Mid Sussex District Council
Oakland's
Oakland's Road
Haywards Heath
West Sussex
RH16 1SS

MID SUSSEX DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE PLANNING
COMPENSATION ACT 1991)

PLANNING CONTRAVENTION NOTICE

Served On: Industrial Waste Recycling Ltd

Reference No: EF/18/0446

Further to the notice served on me the answers to the questions listed in Paragraph
4 are as follows:

(a).....

.....

.....

.....

(b).....

.....

.....

.....

(c).....

.....

.....

.....

The Company Secretary
Industrial Waste Recycling Ltd
Burlands
Charlwood Road
Ifield Wood
Crawley
West Sussex
RH11 0JZ

CONTACT: Andy Clarke
PHONE: 01444 477332
E-MAIL: Andrew.Clarke@midsussex.gov.uk
OUR REF: EF/18/0446
DATE: 29th April 2022

Re: Alleged breach of planning control relating to the change of use of land for the importation, processing, deposit and transfer of waste and storage of associated items to the at Bolney Park Broxmead Lane, Bolney, West Sussex, RH17 5RU

Dear Sirs

I refer to the above site and an alleged breach of planning control relating to the change of use of the land.

In order that the Council can consider and assess any breach of planning control we are serving upon you a Planning Contravention Notice under s.171C of the Town and Country Planning Act. This must be returned completed within 21 days of the date of this letter. The Planning Contravention Notice is enclosed. Please note the implications should the Notice not be returned or incorrect information is provided.

I look forward to your co-operation in this matter and should you wish to discuss the matter please contact me on the details at the top of this letter.

Yours sincerely



Andy Clarke
Senior Planning Officer
Planning Investigation and Enforcement

APPENDIX II - CONTRAVENTION RESPONSE

Answers to Planning Contravention Notice, Reference No: EF/18/0446

- A. Richard Sonny Brown – Manager
Phoenix Lodge, Collendean Lane, Norwood Hill, Surrey RH6 0HP
Sonny.Brown@pjbrown.co.uk
01293 544856
- B. Inert Waste Recycling Facility (Permit number JB3502UD only 2 years old) Crushing and Screening of C, D & E waste.
Storage of materials to be treated and Recycled materials post treatment
E.g Recycled Aggregates (Crushed concrete, 2C aggregate, Brick hardcore) Please note the attached the attached plan reflecting the land ownership occupied by the company which is at odds with the plan the subject of your required questionnaire. Kindly note the Company has an open unincumbered *right of way* linking the site to the adopted highway.
- C. Occupied the land since 2001/2 (Dated agreement with landowner)* (details provided).
2007 activity increased to include treatment of Waste/Materials i.e., Crushing and Screening in addition to which on site storage of materials and plant pursuant to the operation of the business in general.
2012– present = Current level of activity and use.
Affidavits can be provided (as part of any future planning application (subject to discussion) Dated google images covering the time period referenced.
- D. Operator of the Facility/ Site (*as referenced in item B*), as a paying Tenant direct to the Freeholder.
- E. Since 2001 in certain capacity (*as previously referenced*) ranging through until present day, where activity has intensified in accordance with the company’s business plan.
- F. From 2001 to a limited extent, albeit through a smaller operation increasing roughly to 2007 through to 2012 since when the quantum of imports peaked in 2012 and continues at the same level as at today.
- G. As above where Affidavits can be made available if required.
- H. As above, important distinction to make is that any material is deposited for storage and processing to be reused and recycled or sold.
- I. Up to 75,000tonnes throughput of Waste, will have significantly grown between 2007 -2012 (PJ Brown had alternative facility in place at that time)

J. INBOUND MOVEMENTS

1 week – 240 (Mon – Sat)

4 week – 960

12 months (480 x 52) – 12,480

K. Tenancy agreement attached and where associated invoices can be provided.

L. L (through to W): These are all generally similar responses for each. Simply they are Ad Hoc casual storage of materials pertinent to the general running of our business that have been picked up over the years. Some are stored to be used again for other sites, others were simply stored awaiting a further need. All can be removed from site if required. No skip business (in the case of question Q) is in operation the skip pictured is simply used as an incidental storage container and is permanently in situ.

X) Given the longevity of the business operations as described it is our opinion that the uses as referenced are “established “

Y) To evidence this a planning “Certificate of Lawful use “could be prepare to cover the 2 prime uses referenced under Point B

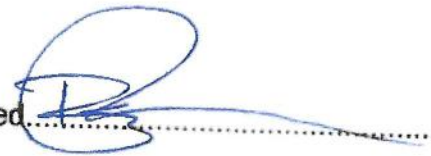
The “Ad Hoc“ referenced storage items could be removed and would not be included in any future planning application save perhaps the 2 permanent storage skips.

(x).....
.....
.....
.....

(y).....
.....
.....
.....

(z).....
.....
.....
.....

Please continue on separate sheet if required

Signed  Dated 11 / 5 / 2022



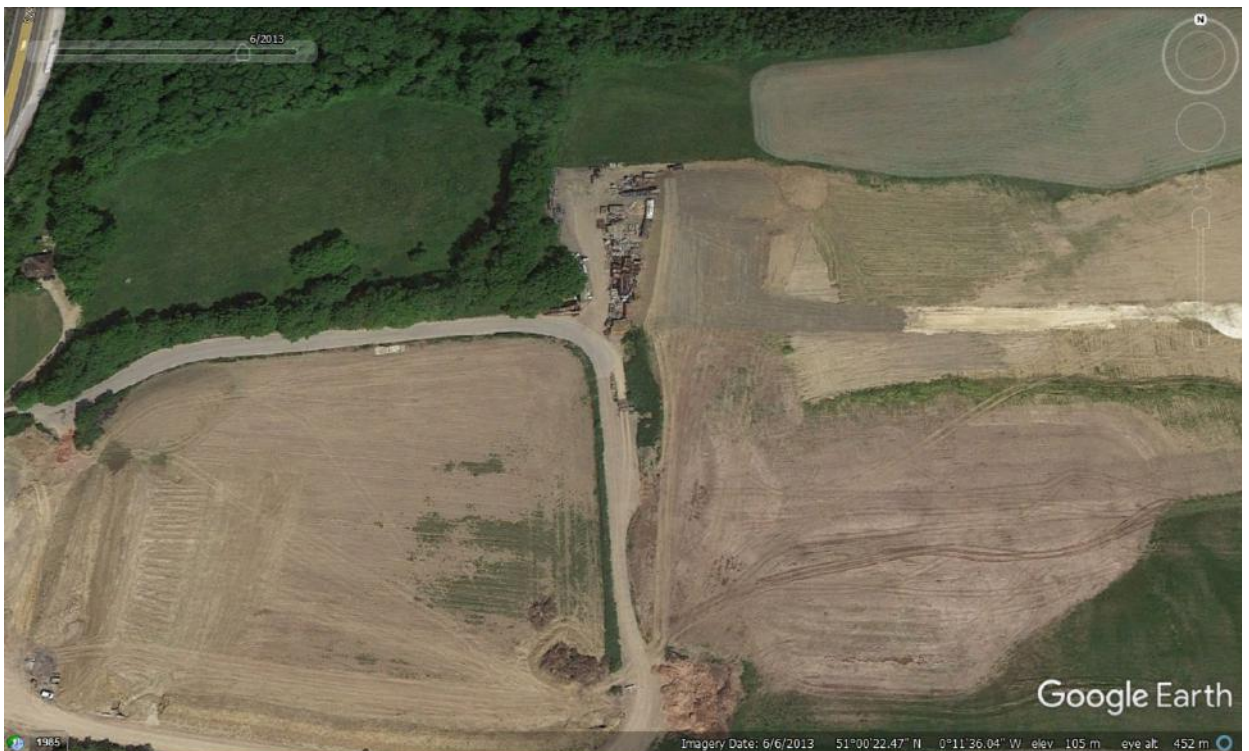
01.01.2001



01.01.2005



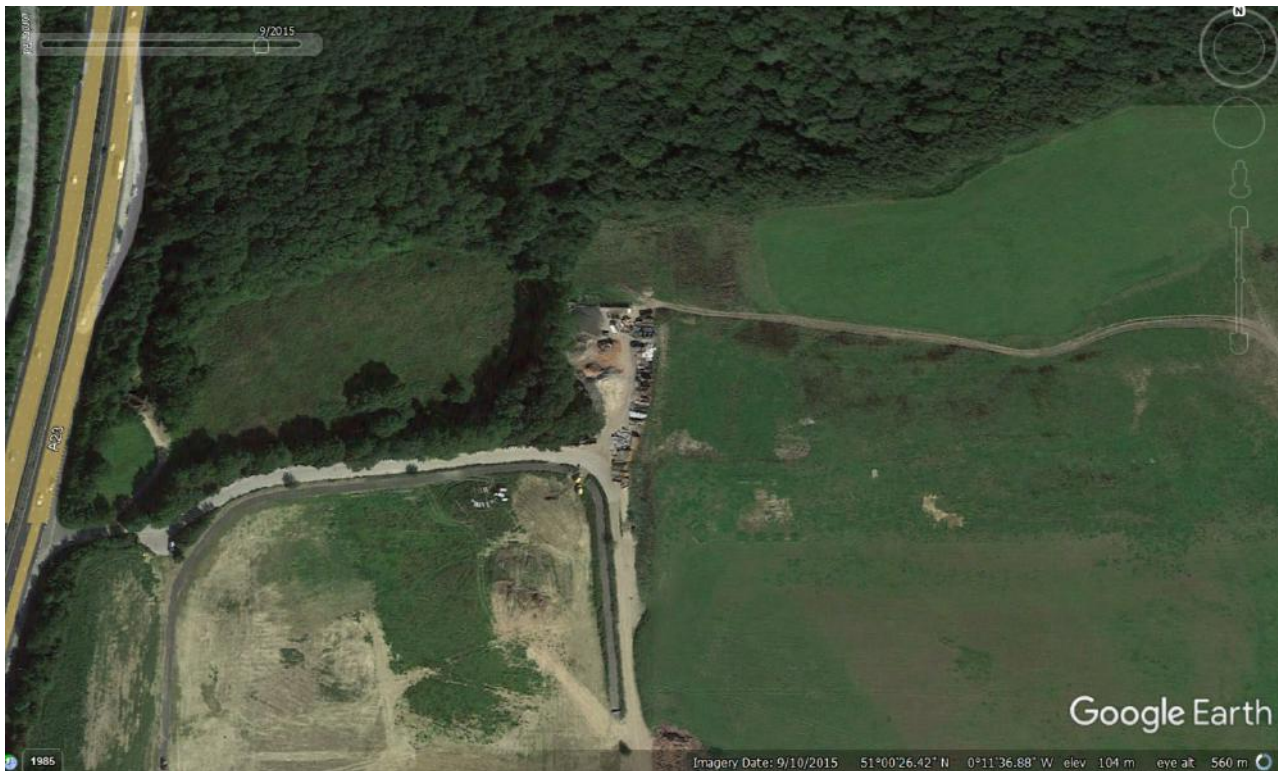
3.28.2012



6.6.2013



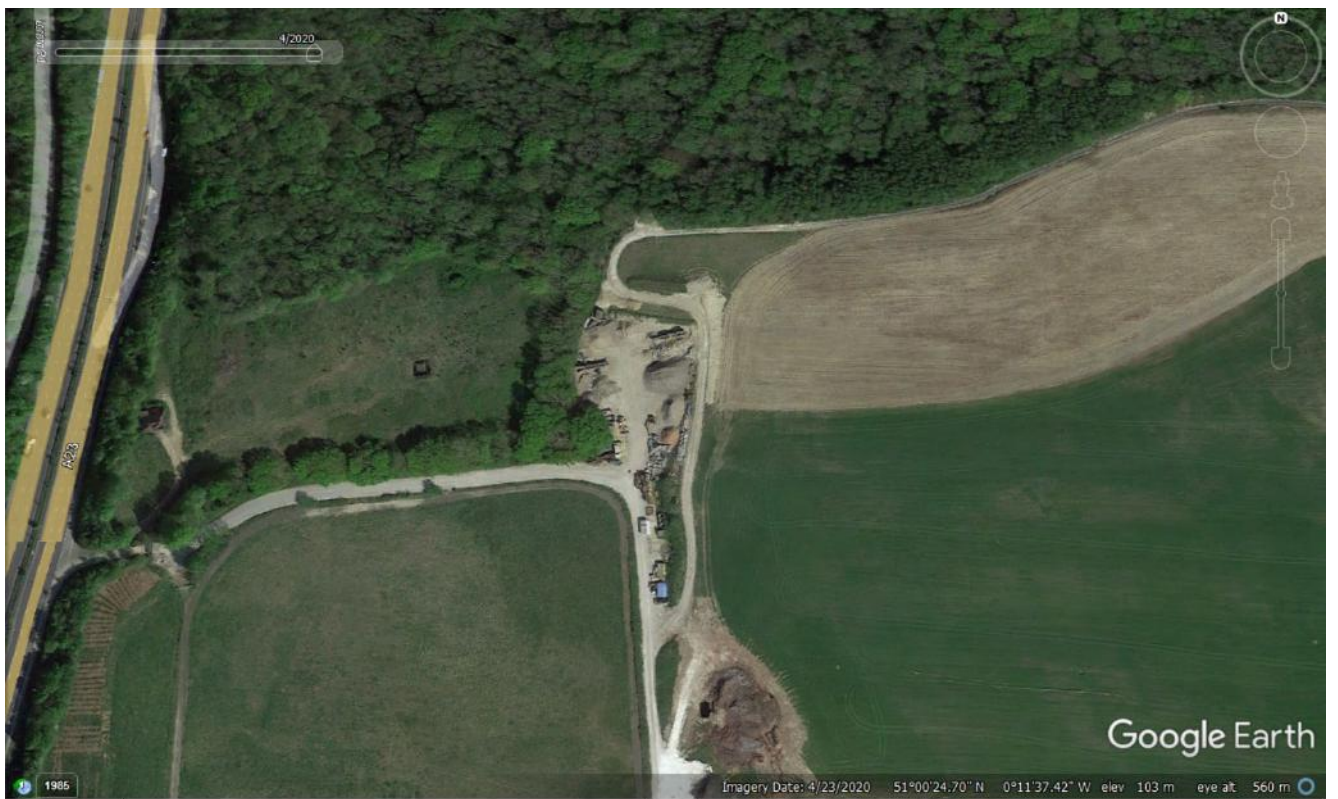
4.12.2015



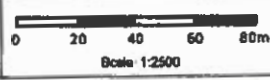
9.10.2015



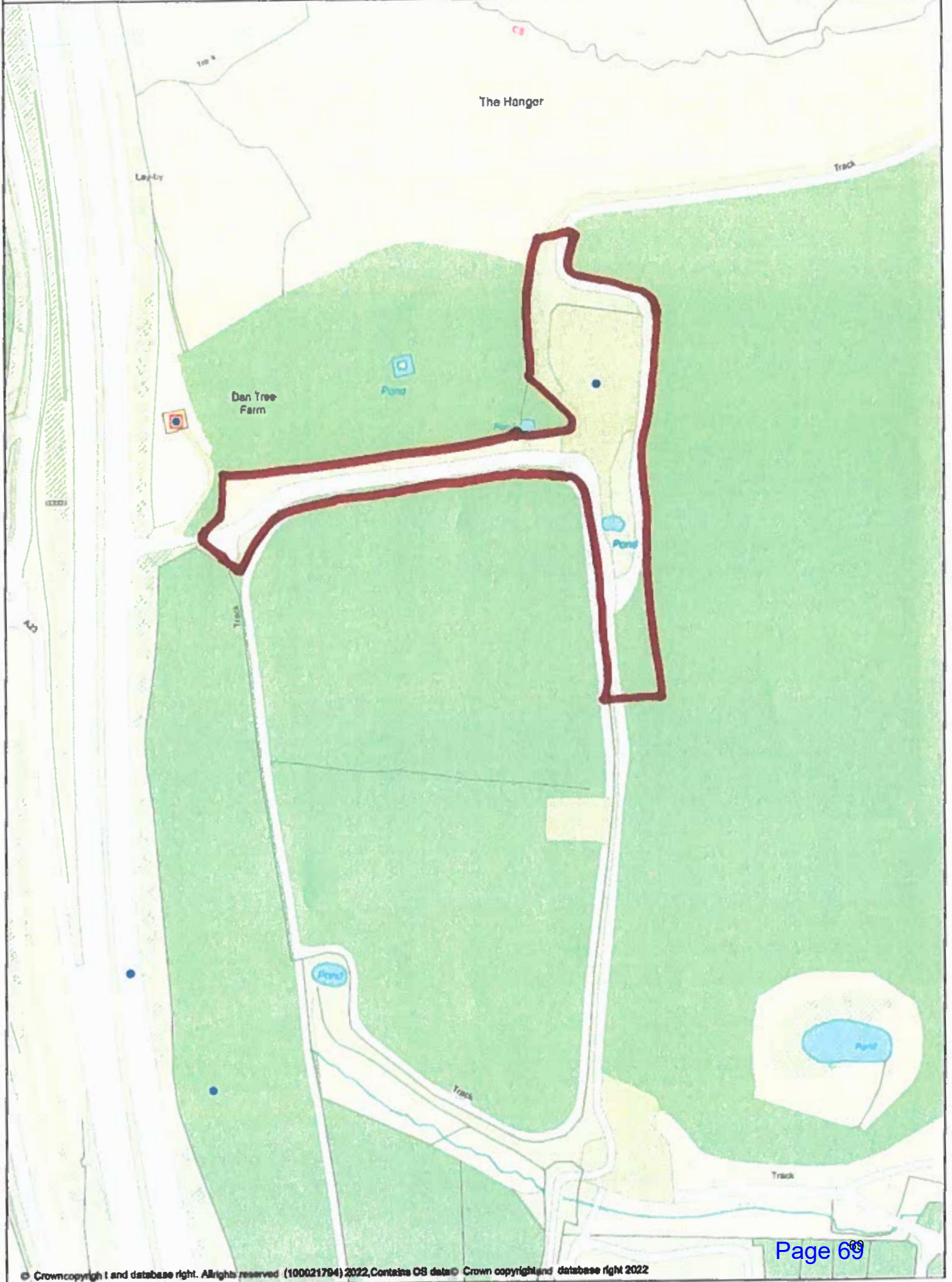
8.6.2018



4.23.2020



Author: A. Clarke
Date: 26/04/2022



APPENDIX IV - CONTRACTED LEGAL PLAN OF SITE





Divisional Leader for Planning and Economy
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

17th May 2022

Dear Sirs

Re: PCN Contravention Notice EF/18/0446 (Land at Bolney)

The PCN (Planning Contravention Notice) Served on the Recycling facility at Land east of Bolney Park Farm (Addressed a Bolney Park Broxmead lane, Bolney, West Sussex, RH17 5RU) has been served on several companies with no relation to the site aside from a singular Director in common.

The Site is solely operated by P J Brown (Civil Engineering) Ltd

The list of companies therefore with no relevance to site the subject of your enquiry are listed below:

- P J Brown Skips Ltd
- Construction Waste Recycling Ltd
- Industrial Waste Recycling
- P J Brown Holdings Ltd
- P J Brown Construction Ltd (brought into administration in 2020).

(Given the number of documents sent over if more have been sent to relevant addresses but not received, please again circulate any future correspondence to P J Brown (Civil Engineering) Ltd as Burlands, Charlwood Road, Ifield wood, Crawley, West Sussex, RH11 0JZ.

Kind Regards and with many thanks.

Barry Kitcherside



STALLION PLANT SERVICES LTD

Incorporating Stallion Testing

The Test House
Ditchling Common Ind Ltd
Ditchling
West Sussex
BN6 8SG
TEL: 01444 246662
E-MAIL: enquiries@stallionplant.co.uk
www.stallionplant.co.uk

Bolney Park Farm
Broxmead Lane
Bolney
W17 5RA

25th March 2019

To whom it may concern,

I can confirm that Stallion Plant Services have carried out equipment and plant examinations for PJ Brown at the above address during 2008 to the present day.

If any more information is required please let me know.

David C Jones

Managing Director.



FINNING

DAILY SERVICE REPORT

Sheet No.
1

Date 20-Feb-2006 Dealer Code M610 Engineer Name IAN BARNES Clock No 2736

Customer P J Brown Ltd Site Address Bolney, West Sussex

Field Repair			Mileage		Travel Time	
Time on Site	Time Off Site	Hours Worked	Out	Return	Out	Return
09.30	13.15	3hr 15min	74		2hrs	

Shop Repair		
Time on	Time off	Hours Worked
08.00	08	15min

The following Sims Details are Required for Each Separate Incident

Work Order No.	Seg	Model	Serial Number	Hrs/Miles/Km	h/m/k
6905305	02	D6R II	BNC00236	785	H

Part Caus.	Failure	PD Code	Group No.	Inop. Y/N	Comments
PI-305	5	56	7751	N	Bottom coolant hoses

Detail of Failure Including Consequential Damage

Carry out Product Improvement Program to replace the engine cooling hoses.

Detail of Your Method of Repair

Collected the machine, drove to site. Drain engine coolant, remove the front guard and the bottom guard. Remove the two coolant hoses and fit new 185-0844 (185-1724) hoses. Refill the coolant and run the engine, check for leaks and find okay. Re-fit the engine front guards.
The right side baffle fitted to the front guard had broken it's rivets and was loose. I refitted the baffle using nuts and bolts as I had no rivets of the correct length.

Customer Signature Print Name

Job Complete (Y/N) Y Parts to be returned (Y/N) N

What in Your Opinion Caused the Failure?

Day start Time	Lunch Time Start	Lunch Time Stop	Day Finish Time	Total Hours Worked (excluding lunch)
07 15	12 30	13 00		

Document Version 1.2
Document Date 14/04/2005

Date	20-Feb-2004	Dealer Code	M610	Engineer Name	IAN BARNES	Clock No	2736
------	-------------	-------------	------	---------------	------------	----------	------

Customer	P J Brown Ltd	Site Address	Bolney, West Sussex
----------	---------------	--------------	---------------------

Field Repair			Mileage		Travel Time	
Time on Site	Time Off Site	Hours Worked	Out	Return	Out	Return
13.15	17.15	4				

Inop Repair		
Time on	Time Off	Hours Worked
X	X	X

The following Sims Details are Required for Each Separate Incident

Work Order No.	Seg	Model	Serial Number	Hrs/Miles/Km	h/m/k
6905305		D6R II	BNC00236	785	H

Part Catalog Failure	PD Code	Group No.	Inop. Y/N	Comments

Details of Failure Including Consequential Damage
 Reported low power problem with the C9 engine. Serial No. 4ZF04750

Brief Details of Method of Repair
 Carry out performance checks to the Engine, Power Train, and Hydraulics as requested by Service Technical dept.
 Engine software was upgraded to the latest Flash File # 244-6531.
 Data to be sent Service Tech at Cannock.

Customer Signature		Print Name	
--------------------	--	------------	--

Job Complete (Y/N)	Y	Parts to be returned (Y/N)	N
--------------------	---	----------------------------	---

What in Your Opinion Caused the Failure?

Day start Time	Lunch Time Start	Lunch Time Stop	Day Finish Time	Total Hours Worked (excluding lunch)
07.15	12.30	13.00		

FINNING

DAILY SERVICE REPORT

Sheet No.
2

Date: 09-Feb-2004 Dealer Code: M610 Engineer Name: IAN BARNES Clock No: 2736

Customer: P J Brown Ltd Site Address: Bolney, West Sussex

Field Repair				Mileage		Travel Time	
Time @ Site	Time Off Site	Hours Worked	Out	Return	Out	Return	
13:00	16:00	3	56	76	1hr	1hr 45min	

Shop	Time Off	Hours Worked
X	X	X

The following Sims Details are Required for Each Separate Incident

Work Order No.	Seg	Model	Serial Number	Hrs/Miles/Km	h/m/k
6906189	01	D6R II	BNC00236	734	H

Failure	PD Code	Group No.	Inop. Y/N	Comments
19	10	4050	Y	broke through root

Details of Failure including Consequential Damage

The following details are required for each separate incident. This should be a separate sheet for each incident. The details should be typed or printed on a separate sheet and attached to the back of this report.

Details of Method of Repair

Drain the drive oil and remove the drive shaft, planetary housing, ring-gear, and lock. Clean the track and dirt from the track and track frame before separating the track and rolling it off the f/drive sprocket. Load planetary assembly into van to take back to Slough for repair. Inform the office of parts required for assembly.

Customer Signature: _____ Print Name: _____

Job Complete (Y/N): N Parts to be returned (Y/N): _____

What in Your Opinion Caused the Failure?

Day Start Time	Lunch Time Start	Lunch Time Stop	Day Finish Time	Total Hours Worked (excluding lunch)
07:30	12:30	13:00	17:45	9h 45min

Document Version: 1.0
 Document Date: 1st Feb 2004

FINNING

DAILY SERVICE REPORT

Sheet No.
1

Date: 10-Feb-2011 Dealer Code: M610 Engineer Name: IAN BARNES Clock No: 2736

Customer: P J Brown Ltd Site Address: Bolney, West Sussex

Field Repair		Mileage		Travel Time	
Time on Site	Hours Worked	Out	Return	Out	Return
X	X	16	16	45min	30min

Shop Repair		Hours Worked
Time on Site	Start	End
	05:15	17:00
	8hr 15min	

The following Sims Details are Required for Each Separate Incident

Work Order No.	Seg	Model	Serial Number	Hrs/Miles/Km	h/m/k
6905189	01	D6R II	BNC00236	734	H

Part Causing Failure	PD Code	Group No.	Inop. Y/N	Comments
9G-8639	10	4050	Y	cracked through root

Details of Failure Including Consequential Damage

The ring gear of left hand planetary gear set had cracked through root of several teeth. It was necessary to strip up and remove the planetary gear set.

Disassemble the planetary gears from the carrier housing using press tooling. Wash all the parts and examine for damage. The carrier housing, roller bearings, pins, and half-shaft were all undamaged and reusable. The planet gears each had a few damaged teeth so required replacement. Had no means of salvaging the bearing cups in the gears so these were replaced. Reassemble the planetary with 6 new bearing cups and 3 new gears. Press fit the pins to correct depth for bearing preload. Store old parts for warranty return.

Customer Signature: Print Name:

Job Complete (Y/N) Parts to be returned (Y/N)

What, if any, other work was carried out on this job?

Day Start Time	Leave Time (am)	Lunch Time (hrs)	Day Finish Time	Hours Worked (including lunch)
07:30	12:30	1:00	17:30	9hr 30min

FINNING

DAILY SERVICE REPORT

Sheet No.
1

Date	11-Feb-2004	Dealer Code	M610	Engineer Name	IAN BARNES	Clock No	2736
------	-------------	-------------	------	---------------	------------	----------	------

Customer	P J Brown Ltd	Site Address	Bolney, West Sussex
----------	---------------	--------------	---------------------

Field Repair			Mileage		Travel Time	
Time on Site	Time Off Site	Hours Worked	Out	Return	Out	Return
09.15	14.45	5	75		1hr 45min	

Shop Repair		
Time on	Time Off	Hours Worked
07.00	08.00	1

The following Sims Details are Required for Each Separate Incident

Work Order No.	Seg	Model	Serial Number	Hrs/Miles/Km	h/m/k
6905189	01	D6R II	BNC00236	734	H

Part Causing Failure	PD Code	Group No.	Inop. Y/N	Comments
9G-8639	10	4050	Y	cracked through root

Details of Failure Including Consequential Damage

The ring gear of left hand final drive planetary set had broken along the root of a tooth. This allowed it to spring open and release the locking ring. The broken gear fell down inside the housing causing damage to the planet gears and reaction hub teeth.

Brief Details of Method of Repair

Fit the new 9G-8638 gear onto the new 106-8535 reaction hub. Collect other parts & tooling and drive to site. Remove the old reaction hub and wash the housing & bearings. Install the new hub assembly and torque fasten the bolts. Install the planetary gear group, drive shaft and cover then fill with 50w oil. Reconnect the track and torque turn the bolts (300lb ft + 180deg). Adjust the track tension. Install a new 9G-9174 drive shaft into the right hand final drive (part of a previous job).

Customer Signature		Print Name
--------------------	--	------------

Job Complete (Y/N)	N	Parts to be returned (Y/N)	Y
--------------------	---	----------------------------	---

What in Your Opinion Caused the Failure?

Possible heat treatment problem on the 9G-8694 ring-gear

Day Start Time	Lunch Time Start	Lunch Time Stop	Day Finish Time	Total Hours Worked (excluding lunch)
09.15	12.45	13.00		

Engineer: IAN BARNES
Date: 11-Feb-2004

FINNING

FIELD SERVICE - BASIC RISK ASSESSMENT

SERVICEMAN : Ion BARNES DATE : 9-2-04

CUSTOMER : PJ BROWN SITE : BOWEY, WEST SUSSEX.

BRIEF DESCRIPTION OF DUTIES OR TASK : _____ JOB No : 6905189

Repair Final Drive. DGR.

HAZARDS OR RISKS PRESENT ON SITE

Are you aware of your responsibilities as detailed in H&S Policy (FIN 063)?.....	YES/NO
Are you aware of the Safety and Environmental Rules in force on this site?.....	YES/NO
Do you have safe access to and from the machine?.....	YES/NO
Is the machine currently in a safe position? (Stable Ground, Overhead Power Lines etc).....	YES/NO
Are you adequately protected against material falling on you from height?.....	YES/NO
Will you take precautions against falling from a height in excess of 2m?.....	YES/NO
Have you adequate illumination to safely complete the job in hand?.....	YES/NO

HAZARDS OR RISKS ASSOCIATED WITH TASKS

Is the machine or unit currently in a safe condition (Blocked and/or Locked-out)?.....	YES/NO
Are your Portable Power Tools safe and adequate for the task?.....	YES/NO
Is your Test Equipment safe and adequate for the task?.....	YES/NO
Are the manual handling requirements of the task within your safe capabilities?.....	YES/NO
Is available Mechanical Lifting Tackle safe and adequate for the task?.....	YES/NO
Do you have adequate Personal Protective Equipment for the task?.....	YES/NO
Are you aware of precautions to be taken when using Hazardous Substances?.....	YES/NO
Will you take adequate precautions to prevent spillages and environmental contamination?.....	YES/NO
So far as is reasonably practical, will the job be accomplished safely?.....	YES/NO

IF THE ANSWER TO ANY OF THE ABOVE IS NO, IT IS PREFERABLE TO REVIEW & RESOLVE WITH LOCAL SITE MANAGEMENT, BUT IF THE CONCERN CANNOT BE RESOLVED LOCALLY THEN CONTACT YOUR OWN SUPERVISOR FOR ADVICE

ACTION TAKEN TO REDUCE PERCEIVED HAZARDS :

None Required

SIGNED : Ion Barnes

FINNING (UK) Ltd.

SITE MANAGEMENT

White copy to Job File, Pink copy optional to leave with customer

FIN 334

Robert Penticost

From: Mark Robinson
Sent: 11 December 2018 09:08
To: Robert Penticost
Subject: FW: Bolney Park Farm RH17 5RJ

I have asked to be put in an official letter to me ASAP.

Regards,

Mark Robinson
Transport & Plant Manager
P J Brown (Construction)Ltd
Tel: +44 (0) 1293 844216
Fax: +44 (0) 1293 571164
Mob: +44 (0) 7889 028974
Web: www.pjbrown.co.uk



ID:007011



P J Brown (Construction)Ltd
Head Office
Burlands Farm
Charlwood Road
Crawley
West Sussex
RH11 0JZ

From: Alan Shea (UK) <ashea@finning.com>
Sent: 11 December 2018 08:00
To: Mark Robinson <Mark.Robinson@pjbrown.co.uk>
Subject: Bolney Park Farm RH17 5RJ

To Whom It May Concern

We Finning Caterpillar have worked with P J Brown at the above site since 2006 , in that period we have carried out warranty and general repairs to their concrete crushing (Power plants) and screening (Power Plants) equipment and repairs to their excavators, loading shovels and dozers.

Many Thanks &
Best Regards

Alan Shea
Product Support Sales Manager South East
Finning UK & Ireland Ltd
[250 Leigh Road, Slough Trading Estate, Slough \(South East\).SL1 4BD](http://250 Leigh Road, Slough Trading Estate, Slough (South East).SL1 4BD)

To whom it may concern,

Reference: P J Brown site at Bolney

Please find attached data of work completed since 2014, unfortunately this is where our data records end, but we have been continuously carrying out onsite repairs for plant and auxiliary equipment for the past 10 years.

Worksheets from the period 2014:

12968607
12969428
12970859
12972165
12972324
12972898
12981509
12981522
12982859
12984686
12987690
12995620
12996428
12998774
129100746
129101427
129101611
129103135
129103931
129108371
129110443
129110548
129111914

Yours faithfully

Mr D Peters
Director Pirtek Ashford & Crawley



Unit 5, Stockwell Trading Estate
 Stephenson Way, Crawley RH10 1TN
 Tel: (01293) 571707. Fax: (01293) 571711
 Email: accounts@pirtek-crawley.co.uk

WORK ORDER NUMBER
12968607

WORK ORDER

0800 38 24 38 www.pirtek.eu

Customer Name: P J Brown Construction Ltd	Date: 28/05/2014
Site Address: BOLNEY, TIP OFF A23	Job Ref. No:
Description of Work: CUT AND RE-END JETTING HOSE	Customer Order No: MARK/Y359KAN
Location of Hose: JETTING HOSE	Account Ref: PJBS0100
This work has been completed in accordance with Pirtek quality (ISO 9001), environmental (ISO 14001) and Health & Safety (OHSAS 18001) accreditations and procedures	Technician: Spare Eng 2

Part Number	Description	Qty	Unit Price	Amount
801-06-06	##801 SERIES (BSPP FEMALE)	1	£5.76	£3.46
UPN-06	##SWAGE FERRULE FOR BRAIDED HYDR	1	£4.75	£2.85
LABOUR	Labour (normal hrs)	0.5	£61.00	£15.00
SERVICE	Service Call (normal hrs)	1	£40.00	£20.00

OPERATIONAL PROCEDURES

- Hoses cleaned
- Hoses tagged
- Covers & clamps replaced
- Oil level checked
- Machine tested
- Site damage
- Oil disposal
- Return old hose to Centre

MACHINE DETAILS

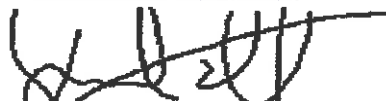
Type: **SWEeper**
 Serial/Reg.No: Y395KAN
 Mileage/Hours: 278965

Start: 28/05/2014 09:53:00
 Finish: 28/05/2014 10:13:29

Sub-total	£41.31
VAT	£8.26
Total	£49.57

I hereby certify receipt of goods and have read and understood the Conditions referred to

AUTHORISED SIGNATURE



PLEASE PRINT NAME

SIMON MARSHALL



Unit 5, Stockwell Trading Estate
 Stephenson Way, Crawley RH10 1TN
 Tel: (01293) 571707. Fax: (01293) 571711
 Email: accounts@pirtekcrawlley.co.uk

WORK ORDER NUMBER
12969428

WORK ORDER
 0800 38 24 38 www.pirtek.eu

Customer Name: P J Brown Construction Ltd

Site Address: BOLNEY, LAND FILL SITE

Description of Work: MAKE HOSE TO PATTERN NOT FITTED OR TESTED

Location of Hose: NA

Date:
24/06/2014

Job Ref. No:

Customer Order No:
MARK/PL147

Account Ref:
PJBS0100

Technician:
Tom Healey

This work has been completed in accordance with Pirtek quality (ISO 9001), environmental (ISO 14001) and Health & Safety (OHSAS 18001) accreditations and procedures

Part Number	Description	Qty	Unit Price	Amount
PFM35-06	##PFM 350 BAR BRAIDED HOSE	1.34	£26.20	£21.06
UPN-06	##SWAGE FERRULE FOR BRAIDED HYDR	2	£4.52	£5.42
801-06-06	##801 SERIES (BSPP FEMALE)	1	£5.49	£3.29
851-06-06	##851 SERIES (BSPP FEMALE 90 DEG	1	£10.88	£6.53
HKS-01	#HOSECLEAN PELLET CHARGE UP TO 1 INCH	1	£3.00	£0.00
800-AC-B	#ASSEMBLY CHARGE - 800 SERIES - BRAIDED HOSE	1	£19.00	£11.40
SERVICE	Service Call (normal hrs)	1	£40.00	£20.00

OPERATIONAL PROCEDURES

- Hoses cleaned
- Hoses tagged
- Covers & clamps replaced
- Oil level checked
- Machine tested
- Site damage
- Oil disposal
- Return old hose to Centre

MACHINE DETAILS

Type: 20TON DIGGER
Serial/Reg.No: V20
Mileage/Hours: 1872

Start:
24/06/2014 10:04:31
Finish:
24/06/2014 10:22:23

Sub-total	£67.70
VAT	£13.54
Total	£81.24

I hereby certify receipt of goods and have read and understood the Conditions referred to

AUTHORISED SIGNATURE



PLEASE PRINT NAME

STUART

Unit 5, Stockwell Trading Estate
 Stephenson Way, Crawley RH10 1TN
 Tel: (01293) 571707. Fax: (01293) 571711
 Email: accounts@pirtekcreawley.co.uk

WORK ORDER NUMBER
12970859

WORK ORDER
 0800 38 24 38 www.pirtek.eu

Customer Name: P J Brown Construction Ltd

Site Address: BOLNEY, TIP OFF A23

Description of Work: MAKE HOSE TO PATTERN NOT FITTED OR TESTED

Location of Hose:

Date:
09/08/2014

Job Ref. No:

Customer Order No:
2139SC

Account Ref:
PJBS0100

Technician:
Tom Healey

This work has been completed in accordance with Pirtek quality (ISO 9001), environmental (ISO 14001) and Health & Safety (OHSAS 18001) accreditations and procedures

Part Number	Description	Qty	Unit Price	Amount
PFM35S-20	#PFM 350 BAR SPIRAL HOSE	0.89	£141.88	£75.76
1801-20-20	#1801 SERIES BSPP FEMALE	2	£91.75	£110.10
HKS-01	#HOSECLEAN PELLET CHARGE UP TO 1 INCH	1	£3.00	£0.00
S1-PART	CJDP-20-20	1	£76.80	£46.08
LABOUR	Labour (normal hrs)	0.75	£61.00	£22.50
DEPOTCALL	Call from Depot (normal hrs)	1	£40.00	£0.00

OPERATIONAL PROCEDURES

- Hoses cleaned
- Hoses tagged
- Covers & clamps replaced
- Oil level checked
- Machine tested
- Site damage
- Oil disposal
- Return old hose to Centre

MACHINE DETAILS

Type: CONCRETE
Serial/Reg.No:
Mileage/Hours:

Start:
09/08/2014 10:04:38
Finish:
09/08/2014 10:47:24

Sub-total	£254.44
VAT	£50.89
Total	£305.33

I hereby certify receipt of goods and have read and understood the Conditions referred to

AUTHORISED SIGNATURE



PLEASE PRINT NAME

SEAN

Unit 5, Stockwell Trading Estate
 Stephenson Way, Crawley RH10 1TN
 Tel: (01293) 571707. Fax: (01293) 571711
 Email: accounts@pirtekcrawlley.co.uk

WORK ORDER NUMBER
12972165

WORK ORDER
 0800 38 24 38 www.pirtek.eu

Customer Name: P J Brown Construction Ltd
Site Address: BOLNEY, PJ BROWN TIP
Description of Work: MAKE UP HOSE TO PATTERN, NOT FITTED
Location of Hose:

Date: 26/09/2014
Job Ref. No:
Customer Order No: MARK-WARRIER 1800
Account Ref: PJBS0100
Technician: Nathan Soutter

This work has been completed in accordance with Pirtek quality (ISO 9001), environmental (ISO 14001) and Health & Safety (OHSAS 18001) accreditations and procedures

Part Number	Description	Qty	Unit Price	Amount
PFM25-12	##PFM 250 BAR BRAIDED HOSE	2.87	£43.52	£74.94
801-12-12	##801 SERIES (BSPP FEMALE)	1	£14.03	£8.42
851-12-12	##851 SERIES (BSPP FEMALE 90 DEG)	1	£32.32	£19.39
UPN-12	##SWAGE FERRULE FOR BRAIDED HYDR	2	£13.38	£16.06
HKS-01	#HOSECLEAN PELLET CHARGE UP TO 1 INCH	1	£3.00	£0.00
800-AC-B	#ASSEMBLY CHARGE - 800 SERIES - BRAIDED HOSE	1	£19.00	£11.40
SERVICE	Service Call (normal hrs)	1	£40.00	£20.00

OPERATIONAL PROCEDURES


- Hoses cleaned
- Hoses tagged
- Covers & clamps replaced
- Oil level checked
- Machine tested
- Site damage
- Oil disposal
- Return old hose to Centre

MACHINE DETAILS
Type: POWER
Serial/Reg.No: WARRIER
Mileage/Hours: 2499

Start: 26/09/2014 14:01:59
Finish: 26/09/2014 14:20:51

Sub-total	£150.21
VAT	£30.04
Total	£180.25

I hereby certify receipt of goods and have read and understood the Conditions referred to

AUTHORISED SIGNATURE 	PLEASE PRINT NAME SHAUN
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WORK ORDER

0800 38 24 38

www.pirtek.eu

PIRTEK CRAWLEY

Unit 5, Stockwell Trading Estate
Stephenson Way, Crawley RH10 1TN

Tel: (01293) 571707. Fax: (01293) 571711

Email: accounts@pirtekcrawlley.co.uk

WORK ORDER NUMBER
12972324

Customer Name: P J Brown Construction Ltd	Date: 02/10/2014
Site Address: BOLNEY, TIP	Job Ref. No:
Description of Work: HOSE TO PATTERN	Customer Order No: MARK/WARRIOR 1800
Location of Hose:	Account Ref: PJBS0100
This work has been completed in accordance with Pirtek quality (ISO 9001), environmental (ISO 14001) and Health & Safety (OHSAS 18001) accreditations and procedures	Technician: Warren Rivers

Part Number	Description	Qty	Unit Price	Amount
PFM35-04	##PFM 350 BAR BRAIDED HOSE	1.66	£25.26	£25.16
UPN-04	##SWAGE FERRULE FOR BRAIDED HYDR	2	£3.83	£4.60
801-04-04	##801 SERIES (BSPP FEMALE)	2	£4.61	£5.53
HKS-01	##HOSECLEAN PELLET CHARGE UP TO 1 INCH	1	£3.00	£0.00
AH-06-04	##BSPP MALE X BSPP MALE	2	£3.38	£4.06
LABOUR	Labour (normal hrs)	0.5	£61.00	£15.00
DEPOTCALL	Call from Depot (normal hrs)	1	£40.00	£0.00

OPERATIONAL PROCEDURES

- Hoses cleaned
- Hoses tagged
- Covers & clamps replaced
- Oil level checked
- Machine tested
- Site damage
- Oil disposal
- Return old hose to Centre

MACHINE DETAILS

Type: **POWERSCREEN**
Serial/Reg.No: **WARRIOR**
Mileage/Hours:

Start: 02/10/2014 16:23:49
Finish: 02/10/2014 16:42:35

Sub-total	£54.35
VAT	£10.87
Total	£65.22

I hereby certify receipt of goods and have read and understood the Conditions referred to

AUTHORISED SIGNATURE



PLEASE PRINT NAME

SEAN

Unit 5, Stockwell Trading Estate
 Stephenson Way, Crawley RH10 1TN
 Tel: (01293) 571707. Fax: (01293) 571711
 Email: accounts@pirtek-crawley.co.uk

WORK ORDER NUMBER
12972898

WORK ORDER

0800 38 24 38 www.pirtek.eu

Customer Name: P J Brown Construction Ltd

Site Address: BOLNEY, A23 LANDFILL

Description of Work: REPLACED BURST HOSE AS SHOWN BY OPERATOR ,TESTED ALL OK .

Location of Hose: REAR DOOR

Date:
23/10/2014

Job Ref. No:

Customer Order No:
MARK/RX08 FZL

Account Ref:
PJBS0100

Technician:
Graham Senior

This work has been completed in accordance with Pirtek quality (ISO 9001), environmental (ISO 14001) and Health & Safety (OHSAS 18001) accreditations and procedures

Part Number	Description	Qty	Unit Price	Amount
PFM35-04	##PFM 350 BAR BRAIDED HOSE	4.15	£25.26	£62.90
801-04-04	##801 SERIES (BSPP FEMALE)	2	£4.61	£5.53
UPN-04	##SWAGE FERRULE FOR BRAIDED HYDR	2	£3.83	£4.60
HKS-01	##HOSECLEAN PELLET CHARGE UP TO 1 INCH	1	£3.00	£0.00
CVDP-04-04	##BSPP MALE X BSPP FEMALE 90 DEG	1	£14.33	£8.60
ENV-OB-DISP	##ENVIRONMENTAL OIL SPILL PAD SUPPLY & DISPOSAL (EWC 15 02 02)	1	£3.00	£0.00
CT-02	##CABLE TIES TIE	8	£0.16	£0.77
LABOUR	Labour (normal hrs)	1	£61.00	£30.00
DEPOTCALL	##DEPOTCALL	1	£40.00	£0.00

OPERATIONAL PROCEDURES

- Hoses cleaned
- Hoses tagged
- Covers & clamps replaced
- Oil level checked
- Machine tested
- Site damage
- Oil disposal
- Return old hose to Centre

MACHINE DETAILS

Type: ROADSWEeper
Serial/Reg.No: RX08 FZL
Mileage/Hours: 134747

Start:
23/10/2014 12:09:32
Finish:
23/10/2014 13:07:49

Sub-total	£112.40
VAT	£22.48
Total	£134.88

I hereby certify receipt of goods and have read and understood the Conditions referred to

AUTHORISED SIGNATURE



PLEASE PRINT NAME

JOHN COLLIER

Unit 5, Stockwell Trading Estate
 Stephenson Way, Crawley RH10 1TN
 Tel: (01293) 571707. Fax: (01293) 571711
 Email: accounts@pirtekcrawlley.co.uk

WORK ORDER NUMBER
12981509

WORK ORDER
 0800 38 24 38 www.pirtek.eu

Customer Name: P J Brown Construction Ltd
Site Address: BOLNEY, TIP OFF A23 RH17 5QD
Description of Work: REMOVED BLOWN HOSE MADE NEW HOSE TO PATTERN AND REFITTED MACHINE TESTED
Location of Hose: 129/001952 VALVE BLOCK TO TANK

Date: 30/09/2015
Job Ref. No:
Customer Order No: H0265
Account Ref: PJBS0100
Technician: Kenny Gwyther

This work has been completed in accordance with Pirtek quality (ISO 9001), environmental (ISO 14001) and Health & Safety (OHSAS 18001) accreditations and procedures

Part Number	Description	Qty	Unit Price	Amount
PFM25-16	##PFM 250 BAR BRAIDED HOSE	3.2	£78.31	£150.36
UPN-16	##SWAGE FERRULE FOR BRAIDED HYDR	2	£22.54	£27.05
801-16-16	##801 SERIES (BSPP FEMALE)	2	£20.45	£24.54
HKS-01	##HOSECLEAN PELLET CHARGE UP TO 1 INCH	1	£0.00	£0.00
ENV-OB-DISP	##ENVIRONMENTAL OIL SPILL PAD SUPPLY & DISPOSAL	6	£3.00	£0.00
LABOUR	Labour (normal hrs)	1.5	£61.00	£45.00
DEPOTCALL	Call from Depot (normal hrs)	1	£40.00	£0.00

OPERATIONAL PROCEDURES


- Hoses cleaned
- Hoses tagged
- Covers & clamps replaced
- Oil level checked
- Machine tested
- Site damage
- Oil disposal
- Return old hose to Centre

MACHINE DETAILS
 Type: CRUSHER
 Serial/Reg.No: C12
 Mileage/Hours: 7285

Start: 30/09/2015 09:12:56
Finish: 30/09/2015 10:32:40

Sub-total	£246.95
VAT	£49.39
Total	£296.34

I hereby certify receipt of goods and have read and understood the Conditions referred to

AUTHORISED SIGNATURE 	PLEASE PRINT NAME ALAN (FITTER)
--	------------------------------------





WORK ORDER

0800 38 24 38

www.pirtek.eu

PIRTEK CRAWLEY

Unit 5, Stockwell Trading Estate
Stephenson Way, Crawley RH10 1TN

Tel: (01293) 571707. Fax: (01293) 571711

Email: accounts@pirtekcrawlley.co.uk

Page: 1

WORK ORDER NUMBER
12981522

Customer Name: P J Brown Construction Ltd

Site Address: BOLNEY, BROWNS TIP

Description of Work: MADE NEW HOSE TO PATTERN AS REQUESTED

Location of Hose: 129/001953 PATTERN

Date:
30/09/2015

Job Ref. No:

Customer Order No:
MARK/C12 CRUSHER

Account Ref:
PJBS0100

Technician:
Kenny Gwyther

This work has been completed in accordance with Pirtek quality (ISO 9001), environmental (ISO 14001) and Health & Safety (OHSAS 18001) accreditations and procedures

Part Number	Description	Qty	Unit Price	Amount
PFM25-12	##PFM 250 BAR BRAIDED HOSE	3.29	£43.52	£85.91
UPN-12	##SWAGE FERRULE FOR BRAIDED HYDR	2	£13.38	£16.06
801-12-12	##801 SERIES (BSPP FEMALE)	2	£14.03	£16.84
HKS-01	#HOSECLEAN PELLET CHARGE UP TO 1 INCH	1	£0.00	£0.00
HAC-01	#ASSEMBLY CHARGE	1	£22.00	£13.20

OPERATIONAL PROCEDURES

- Hoses cleaned
- Hoses tagged
- Covers & clamps replaced
- Oil level checked
- Machine tested
- Site damage
- Oil disposal
- Return old hose to Centre

MACHINE DETAILS

Type: CRUSHER
Serial/Reg.No: C12
Mileage/Hours: 7825

Start:
30/09/2015 10:48:22
Finish:
30/09/2015 11:06:27

Sub-total	£132.01
VAT	£26.40
Total	£158.41

I hereby certify receipt of goods and have read and understood the Conditions referred to

AUTHORISED SIGNATURE

PLEASE PRINT NAME

ALAN

PIRTEK CRAWLEY is the trading name of West Sussex Hydraulics Ltd, a limited liability company registered in the UK No. 10894948. Granted under licence from PIRTEK (UK) LTD

P (F) 475 Rev.1, Oct 2014



Unit 5, Stockwell Trading Estate
 Stephenson Way, Crawley RH10 1TN
 Tel: (01293) 571707. Fax: (01293) 571711
 Email: accounts@pirtek-crawley.co.uk

WORK ORDER NUMBER
12982859

WORK ORDER
 0800 38 24 38 www.pirtek.eu

Customer Name: P J Brown Construction Ltd
Site Address: BOLNEY, TIP OFF A23 BEFORE BOLNEY, SOUTHBOUND, RH175QD
Description of Work: MADE NEW HOSE TO PATTERN
Location of Hose: 129/003830 PATTERN

Date: 23/11/2015
Job Ref. No:
Customer Order No: MARK-PL124
Account Ref: PJBS0100
Technician: Kenny Gwyther

This work has been completed in accordance with Pirtek quality (ISO 9001), environmental (ISO 14001) and Health & Safety (OHSAS 18001) accreditations and procedures

Part Number	Description	Qty	Unit Price	Amount
PFM35-06	##PFM 350 BAR BRAIDED HOSE	1.78	£27.51	£29.38
UPN-06	##SWAGE FERRULE FOR BRAIDED HYDR	2	£4.75	£5.70
801-06-06	##801 SERIES (BSPP FEMALE)	2	£5.76	£6.91
HKS-01	##HOSECLEAN PELLET CHARGE UP TO 1 INCH	1	£0.00	£0.00
HAC-01	##ASSEMBLY CHARGE	1	£22.00	£13.20
DEPOTCALL	Call from Depot (normal hrs)	1	£40.00	£0.00

OPERATIONAL PROCEDURES


- Hoses cleaned
- Hoses tagged
- Covers & clamps replaced
- Oil level checked
- Machine tested
- Site damage
- Oil disposal
- Return old hose to Centre

MACHINE DETAILS
 Type: EC140V
 Serial/Reg.No: EC140V BOLNEY
 Mileage/Hours: 3776

Start: 23/11/2015 10:56:12
Finish: 23/11/2015 11:08:38

Sub-total	£55.19
VAT	£11.04
Total	£66.23

I hereby certify receipt of goods and have read and understood the Conditions referred to

AUTHORISED SIGNATURE 	PLEASE PRINT NAME SHAUN
---	----------------------------



Unit 5, Stockwell Trading Estate
 Stephenson Way, Crawley RH10 1TN
 Tel: (01293) 571707. Fax: (01293) 571711
 Email: accounts@pirtek-crawley.co.uk

WORK ORDER NUMBER
12984686

WORK ORDER
 0800 38 24 38 www.pirtek.eu

Customer Name: P J Brown Construction Ltd
Site Address: BOLNEY, A23 TIP
Description of Work: REMOVE BURST HOSE MAKE NEW AND RE FIT
Location of Hose: 129005075 QUICK HITCH

Date: 12/02/2016
Job Ref. No:
Customer Order No: MARK-PL124
Account Ref: PJBS0100
Technician: Warren Rivers

This work has been completed in accordance with Pirtek quality (ISO 9001), environmental (ISO 14001) and Health & Safety (OHSAS 18001) accreditations and procedures

Part Number	Description	Qty	Unit Price	Amount
PFM35-04	##PFM 350 BAR BRAIDED HOSE	0.9	£25.26	£13.64
UPN-04	##SWAGE FERRULE FOR BRAIDED HYDR	2	£3.83	£4.60
801-06-04	#801 SERIES (BSPP FEMALE)	1	£6.97	£4.18
898-04-04	##898 SERIES (BSP BANJO)	1	£11.10	£6.66
HKS-01	#HOSECLEAN PELLET CHARGE UP TO 1 INCH	1	£0.00	£0.00
Z-04	##SELF CENTRALISING IMPERIAL BON	2	£0.43	£0.52
ZZ-SGX-20	SPIRAL GUARD BLACK 20MM	0.9	£6.89	£3.72
LABOUR	Labour (normal hrs)	0.5	£61.00	£15.00
DEPOTCALL	#DEPOTCALL	1	£40.00	£0.00

OPERATIONAL PROCEDURES

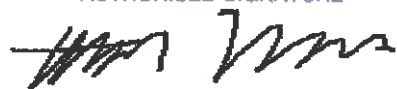
- Hoses cleaned
- Hoses tagged
- Covers & clamps replaced
- Oil level checked
- Machine tested
- Site damage
- Oil disposal
- Return old hose to Centre

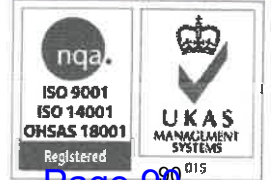
MACHINE DETAILS
 Type: VOLVO 140B
 Serial/Reg.No: 124
 Mileage/Hours: 9788

Start: 12/02/2016 07:44:57
Finish: 12/02/2016 08:06:46

Sub-total	£48.32
VAT	£9.66
Total	£57.98

I hereby certify receipt of goods and have read and understood the Conditions referred to

AUTHORISED SIGNATURE 	PLEASE PRINT NAME KEIRAN
--	-----------------------------



Unit 5, Stockwell Trading Estate
 Stephenson Way, Crawley RH10 1TN
 Tel: (01293) 571 707. Fax: (01293) 571 711
 Email: accounts@pirtek-crawley.co.uk

WORK ORDER NUMBER
12987690

WORK ORDER
 0800 38 24 38 www.pirtek.eu

Customer Name: P J Brown Construction Ltd
Site Address: BOLNEY, A23 SOUTH, BEFORE BOLNEY , RH17 5QD
Description of Work: REMOVE BURST HOSES MAKE NEW AND FIT MACHINE TESTED ALL OK
Location of Hose: QUICK HITCH /PUMP 129006807-808

Date: 03/06/2016
Job Ref. No:
Customer Order No: MARK/ PL 124
Account Ref: PJBS0100
Technician: Spare Eng 2

This work has been completed in accordance with Pirtek quality (ISO 9001), environmental (ISO 14001) and Health & Safety (OHSAS 18001) accreditations and procedures

Part Number	Description	Qty	Unit Price	Amount
PFM35-04	##PFM 350 BAR BRAIDED HOSE	0.95	£25.26	£14.40
UPN-04	##SWAGE FERRULE FOR BRAIDED HYDR	2	£3.83	£4.60
801-04-04	##801 SERIES (BSPP FEMALE)	1	£4.61	£2.77
898-04-04	##898 SERIES (BSP BANJO)	1	£11.10	£6.66
HKS-01	#HOSECLEAN PELLET CHARGE UP TO 1 INCH	1	£0.00	£0.00
Z-04	##SELF CENTRALISING IMPERIAL BON	2	£0.43	£0.52
PFM35-08	##PFM 350 BAR BRAIDED HOSE	3.32	£35.25	£70.22
UPN-08	##SWAGE FERRULE FOR BRAIDED HYDR	2	£6.18	£7.42
808-08-08	JIS-BSPP FEMALE 45 DEG	2	£12.65	£15.18
CVDP-08-08	#BSPP MALE X BSPP FEMALE 90 DEG	1	£20.12	£12.07
HKS-01	#HOSECLEAN PELLET CHARGE UP TO 1 INCH	1	£0.00	£0.00
ENV-08-DISP	#ENVIRONMENTAL OIL SPILL PAD SUPPLY & DISPOSAL	2	£3.00	£0.00
CT-02	#CABLE TIES TIE	3	£0.16	£0.29
LABOUR	Labour (normal hrs)	1	£61.00	£30.00
SERVICE	#SERVICE CALL	1	£40.00	£0.00

OPERATIONAL PROCEDURES

- Hoses cleaned
- Hoses tagged
- Covers & clamps replaced
- Oil level checked
- Machine tested
- Site damage
- Oil disposal
- Return old hose to Centre

MACHINE DETAILS

Type: EC140
 Serial/Reg.No: 124
 Mileage/Hours: 10078

Start: 03/06/2016 07:55:21
 Finish: 03/06/2016 09:03:40

Sub-total	£164.13
VAT	£32.81
Total	£196.94

I hereby certify receipt of goods and have read and understood the Conditions referred to

AUTHORISED SIGNATURE



PLEASE PRINT NAME

K THOMAS



WORK ORDER

0800 38 24 38

www.pirtek.eu

PIRTEK CRAWLEY

Unit 5, Stockwell Trading Estate
Stephenson Way, Crawley RH10 1TN

Tel: (01293) 571707. Fax: (01293) 571711

Email: accounts@pirtekcrawlley.co.uk

Page: 1

WORK ORDER NUMBER
12995620

Customer Name: P J Brown Construction Ltd
Site Address: BOLNEY, TIP OFF A23 BOLNEY
Description of Work: MADE UP HOSE TO PATTERN
Location of Hose: 129010982 PATTERN

Date:
27/03/2017

Job Ref. No:

Customer Order No:
MARK PL217

Account Ref:
PJBS0100

Technician:
Hernano Alves

This work has been completed in accordance with Pirtek quality (ISO 9001), environmental (ISO 14001) and Health & Safety (OHSAS 18001) accreditations and procedures

Part Number	Description	Qty	Unit Price	Amount
PFM25-12	##PFM 250 BAR BRAIDED HOSE	1.27	£47.44	£36.15
UPN-12	##SWAGE FERRULE FOR BRAIDED HYDR	2	£14.58	£17.50
805-17-12	##805 SERIES (JIC FEMALE)	2	£17.15	£20.58
HKS-01	#HOSECLEAN PELLET CHARGE UP TO 1 INCH	1	£0.00	£0.00
HAC-01	#ASSEMBLY CHARGE	1	£22.00	£13.20
SERVICE	#SERVICE CALL	1	£42.00	£21.00

OPERATIONAL PROCEDURES

- Hoses cleaned
- Hoses tagged
- Covers & clamps replaced
- Oil level checked
- Machine tested
- Site damage
- Oil disposal
- Return old hose to Centre

MACHINE DETAILS

Type:
Serial/Reg.No:
Mileage/Hours: N/a

Start:
27/03/2017 16:23:00
Finish:
27/03/2017 16:38:49

Sub-total	£108.43
VAT	£21.69
Total	£130.12

I hereby certify receipt of goods and have read and understood the Conditions referred to

AUTHORISED SIGNATURE



PLEASE PRINT NAME

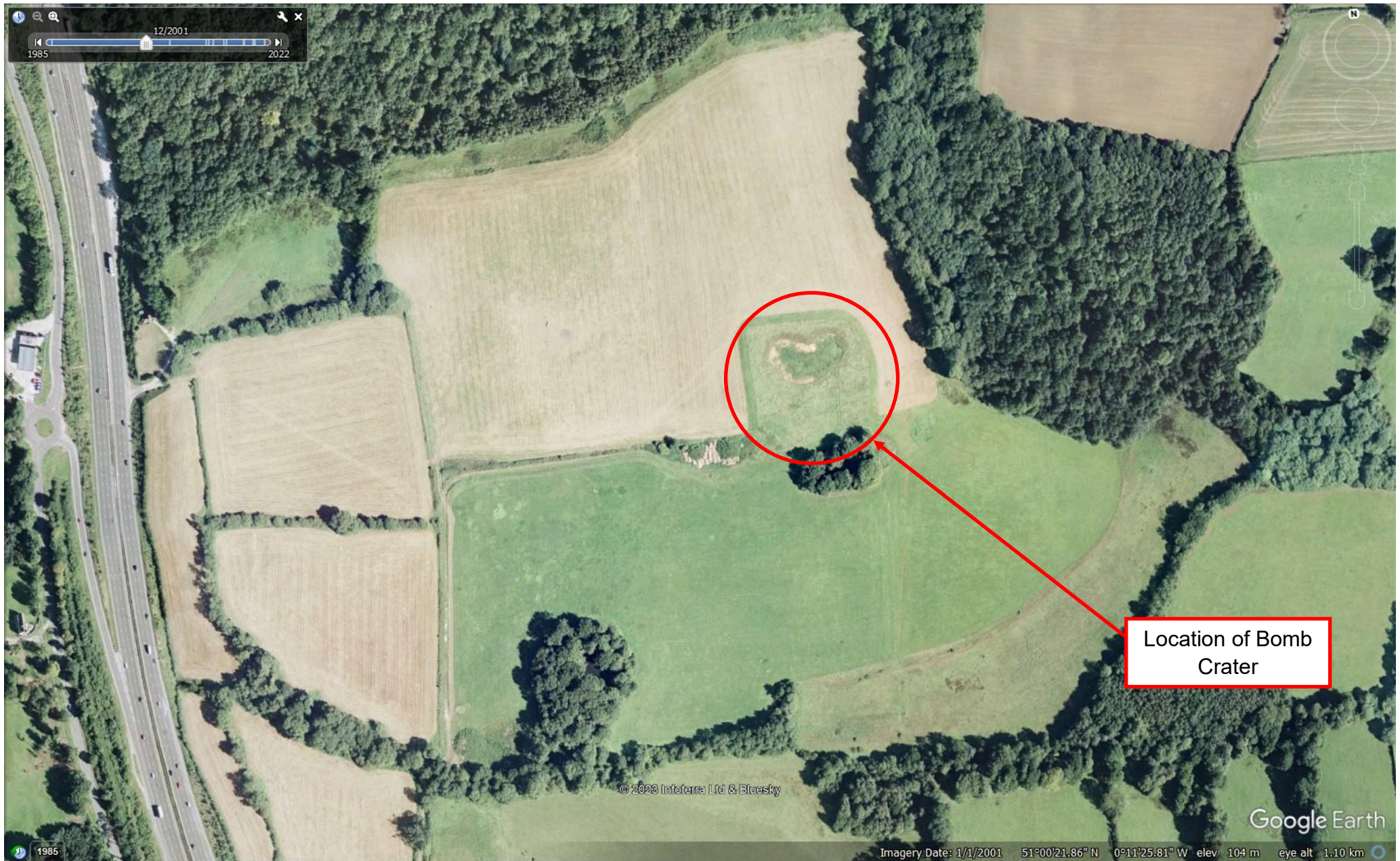
BILLIE

Criteria:

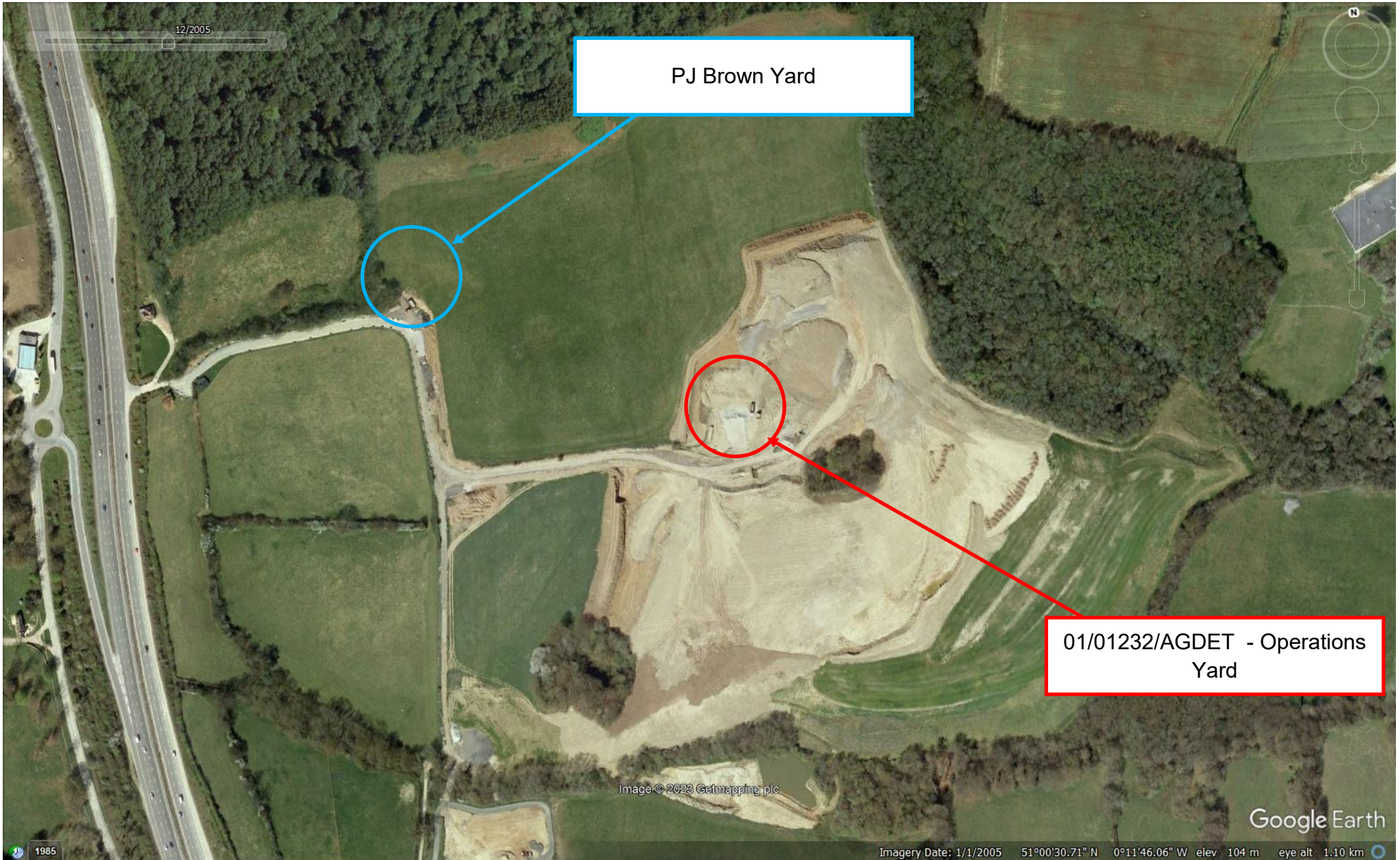
Invoice Number	Workorderno	OrderDate	CompanyName	TotalExcVAT	TotalIncVAT	CustomerPO	Status
134072	12968607	28/05/14	P J Brown Construction Ltd	41.31	49.57	Mark/Y359KAN	Completed
134729	12969428	24/06/14	P J Brown Construction Ltd	67.70	81.24	Mark/PL147	Completed
135946	12970859	09/08/14	P J Brown Construction Ltd	254.44	305.33	2139SC	Completed
136913	12972165	26/09/14	P J Brown Construction Ltd	150.21	180.25	mark-warrier 1800	Completed
137169	12972324	02/10/14	P J Brown Construction Ltd	54.35	65.22	Mark/Warrior 1800 screener	Completed
137487	12972898	23/10/14	P J Brown Construction Ltd	112.40	134.88	Mark/RX08 FZL	Completed
144581	12981509	30/09/15	P J Brown Construction Ltd	246.95	296.34	H0265	Completed
144579	12981522	30/09/15	P J Brown Construction Ltd	132.01	158.41	Mark/C12 Crusher	Completed
145730	12982859	23/11/15	P J Brown Construction Ltd	55.19	66.23	Mark-PL124	Completed
147152	12984686	12/02/16	P J Brown Construction Ltd	48.32	57.98	Mark-PL124	Completed
149670	12987690	03/06/16	P J Brown Construction Ltd	164.13	196.94	Mark/ PL 124	Completed
155815	12995620	27/03/17	P J Brown Construction Ltd	108.43	130.12	Mark PL217	Completed
156486	12996428	25/04/17	P J Brown Construction Ltd	114.91	137.89	Mark /PL Warrior Screener	Completed
158242	12998774	18/07/17	P J Brown Construction Ltd	65.11	78.13	PL217	Completed
159649	129100746	29/09/17	P J Brown Construction Ltd	296.51	355.81	Mark/ L150E	Completed
160214	129101427	24/10/17	P J Brown Construction Ltd	76.85	92.23	Mark PL152	Completed
160352	129101611	31/10/17	P J Brown Construction Ltd	631.70	758.04	H1489	Completed
166136	129103135	08/01/18	P J Brown Construction Ltd	60.30	72.36	H1711	Completed
166823	129103931	07/02/18	P J Brown Construction Ltd	396.03	475.21	H1795	Completed
170154	129108371	13/07/18	P J Brown Construction Ltd	412.99	495.58	Mark/Crusher	Completed
171722	129110443	28/09/18	P J Brown Construction Ltd	136.17	163.40	Mark/ Warrior 1800	Completed
171836	129110548	02/10/18	P J Brown Construction Ltd	154.02	184.82	AP219	Completed
172805	129111914	26/11/18	P J Brown Construction Ltd	169.96	203.96	AP463	Completed

APPENDIX 6

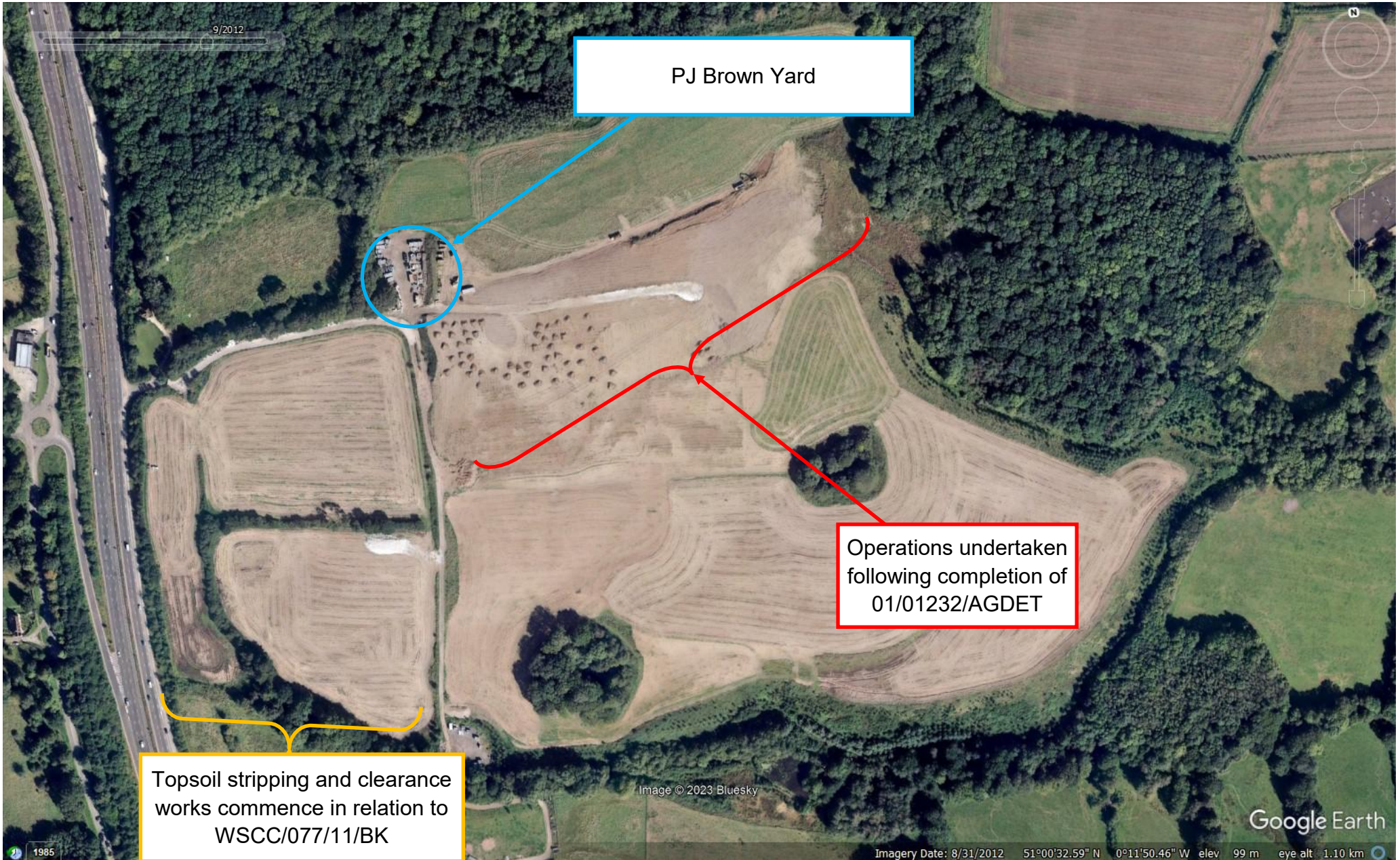
Google Earth © Aerial Image dated 01/01/2001—Annotated



Location of Bomb Crater



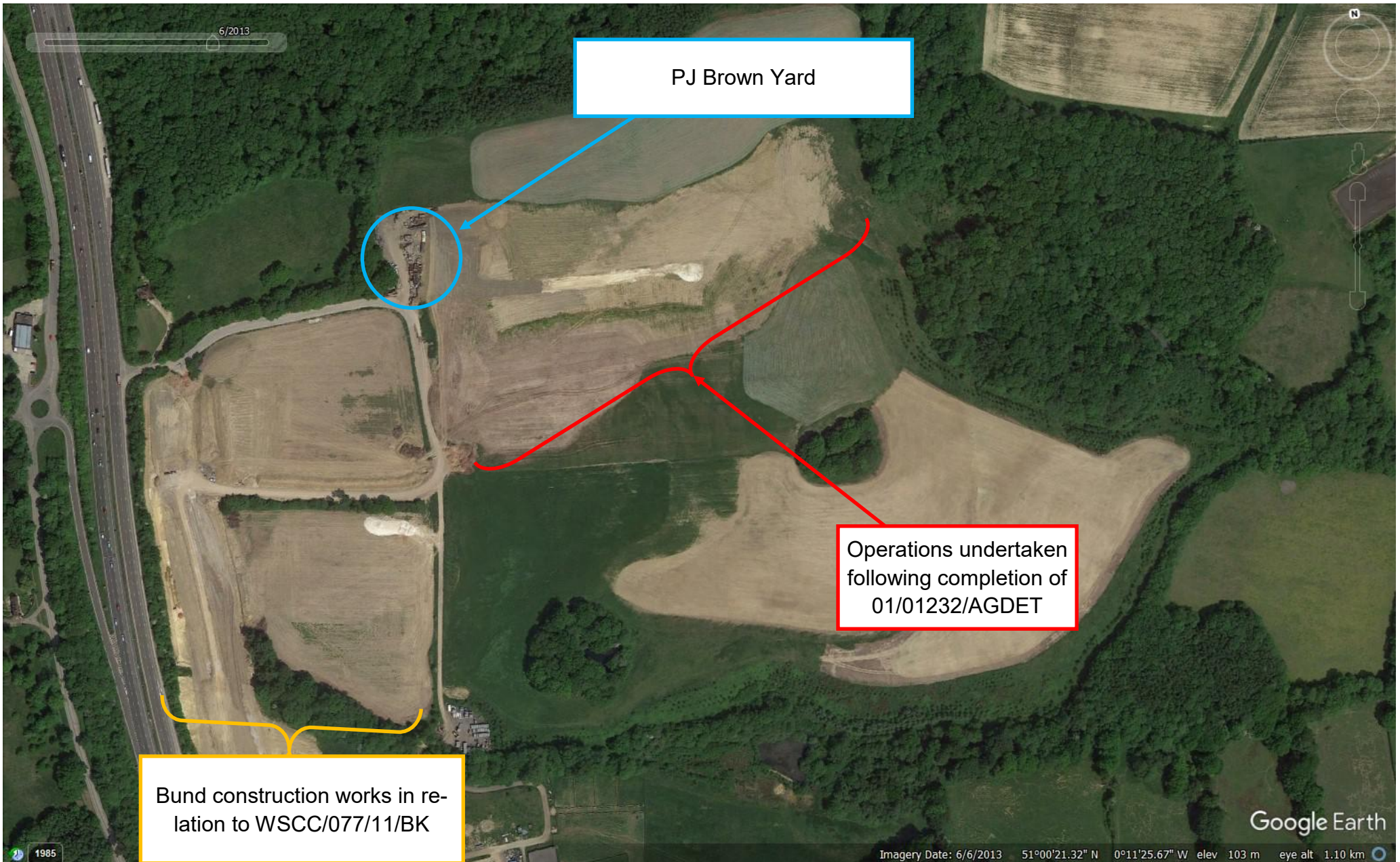




PJ Brown Yard

Operations undertaken following completion of 01/01232/AGDET

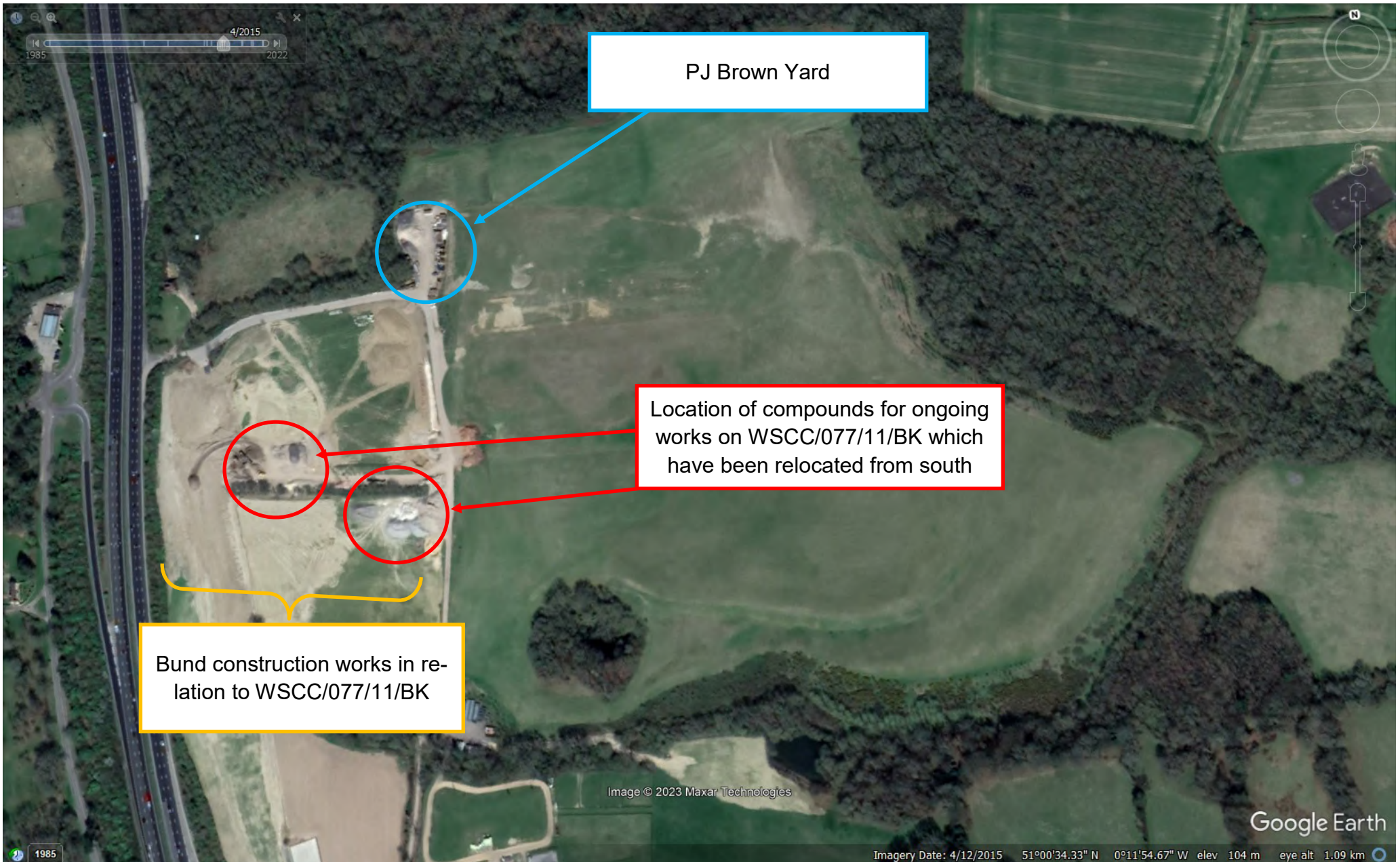
Topsoil stripping and clearance works commence in relation to WSCC/077/11/BK



PJ Brown Yard

Operations undertaken following completion of 01/01232/AGDET

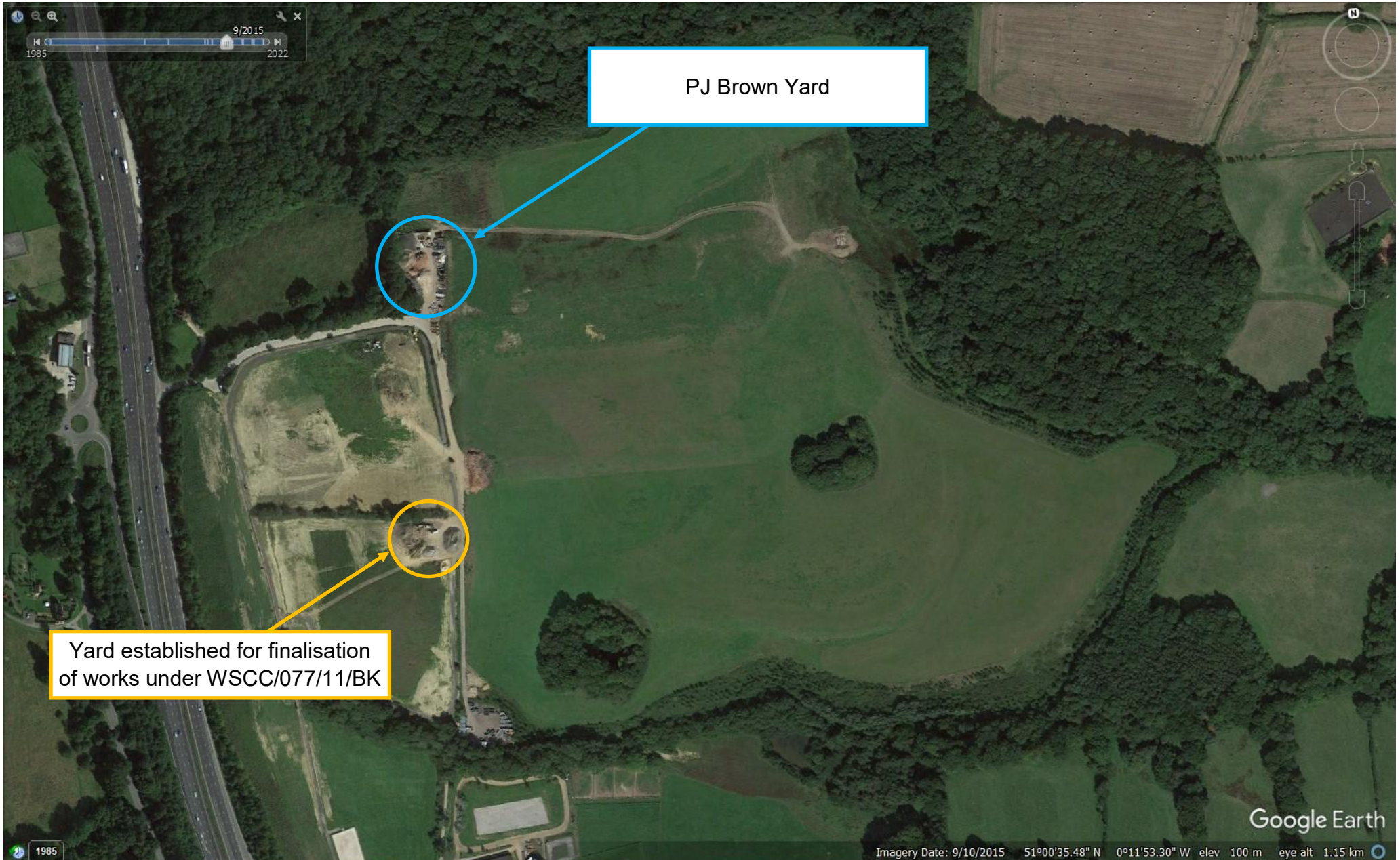
Bund construction works in relation to WSCC/077/11/BK



PJ Brown Yard

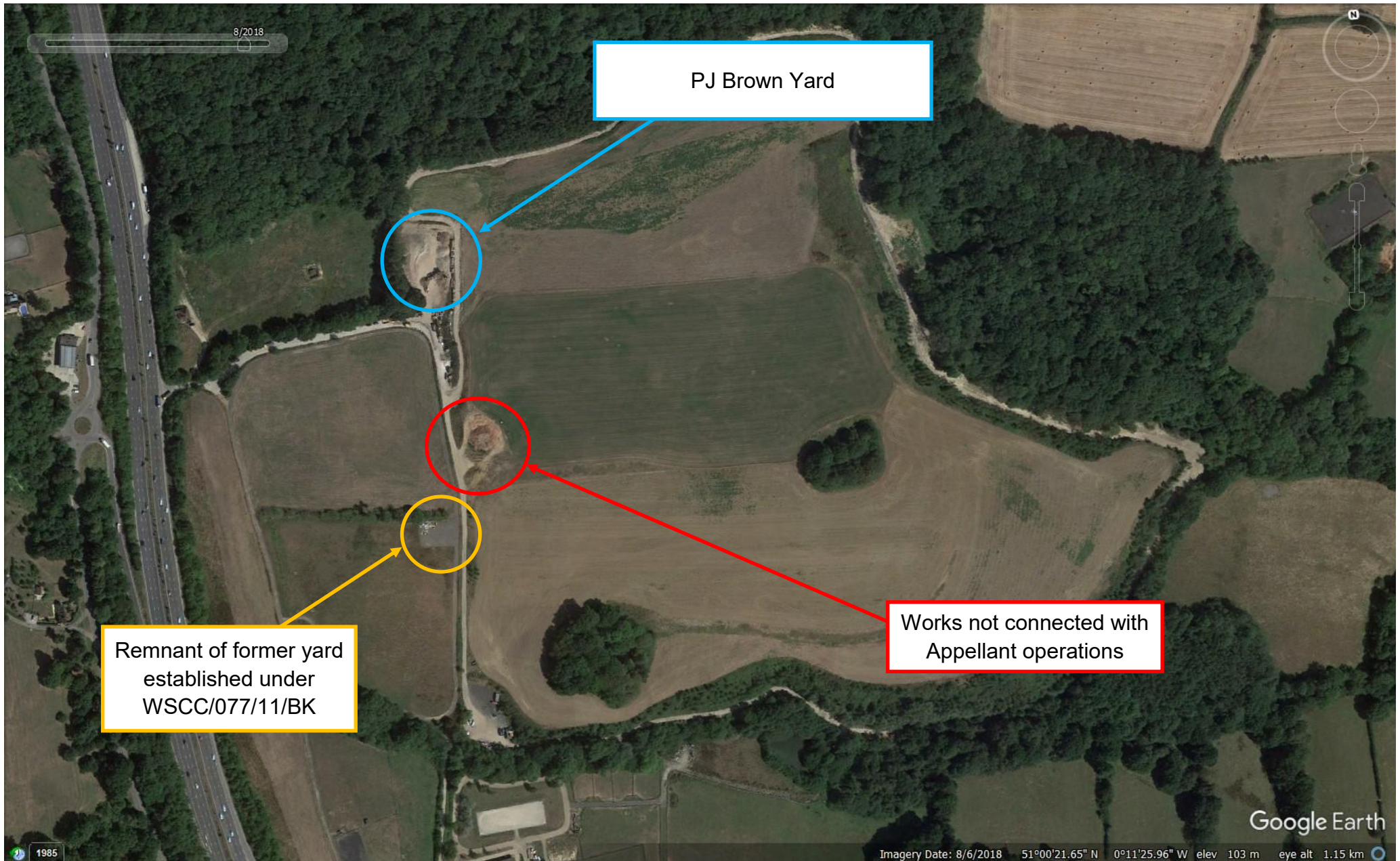
Location of compounds for ongoing works on WSCC/077/11/BK which have been relocated from south

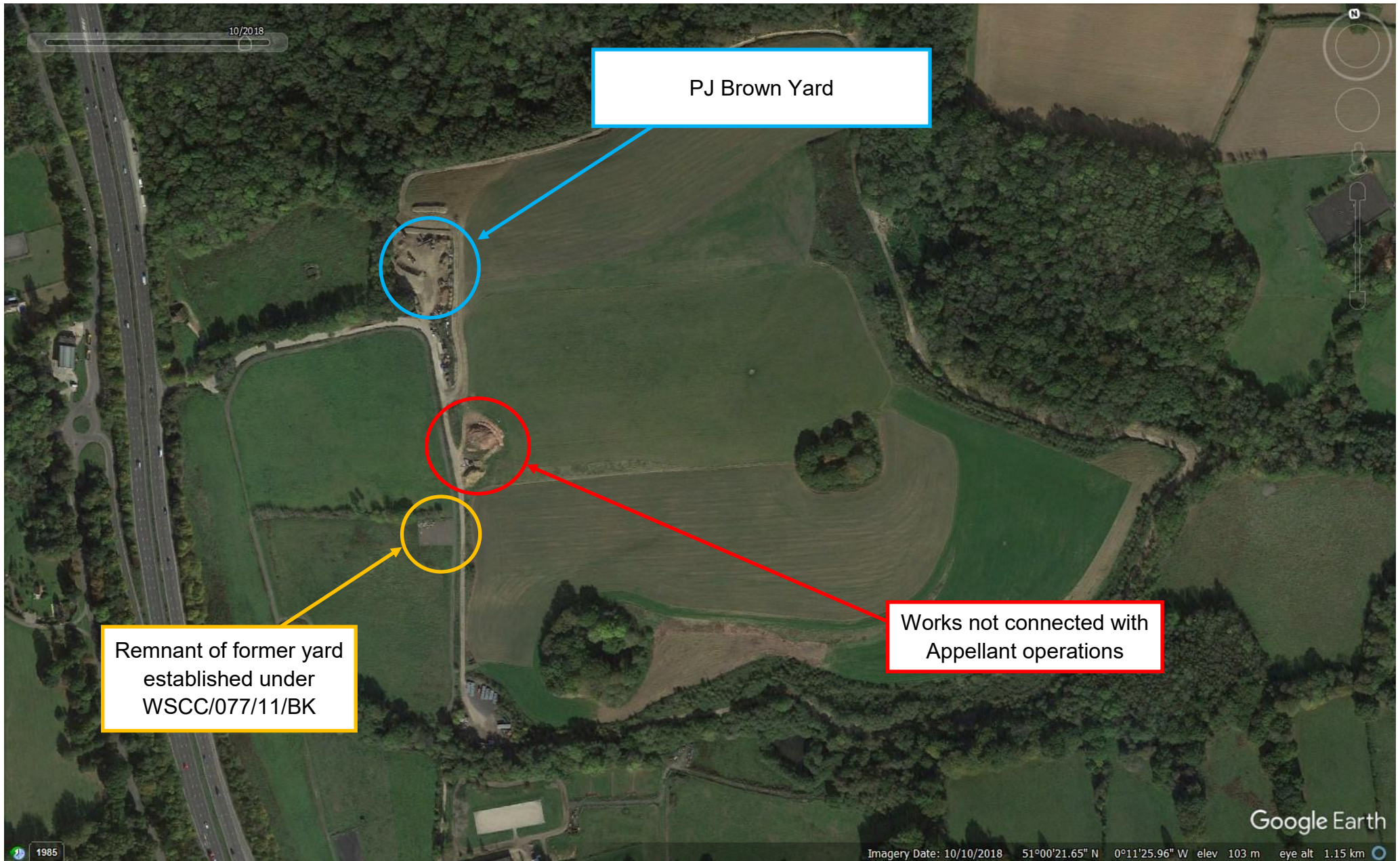
Bund construction works in relation to WSCC/077/11/BK



PJ Brown Yard

Yard established for finalisation of works under WSCC/077/11/BK



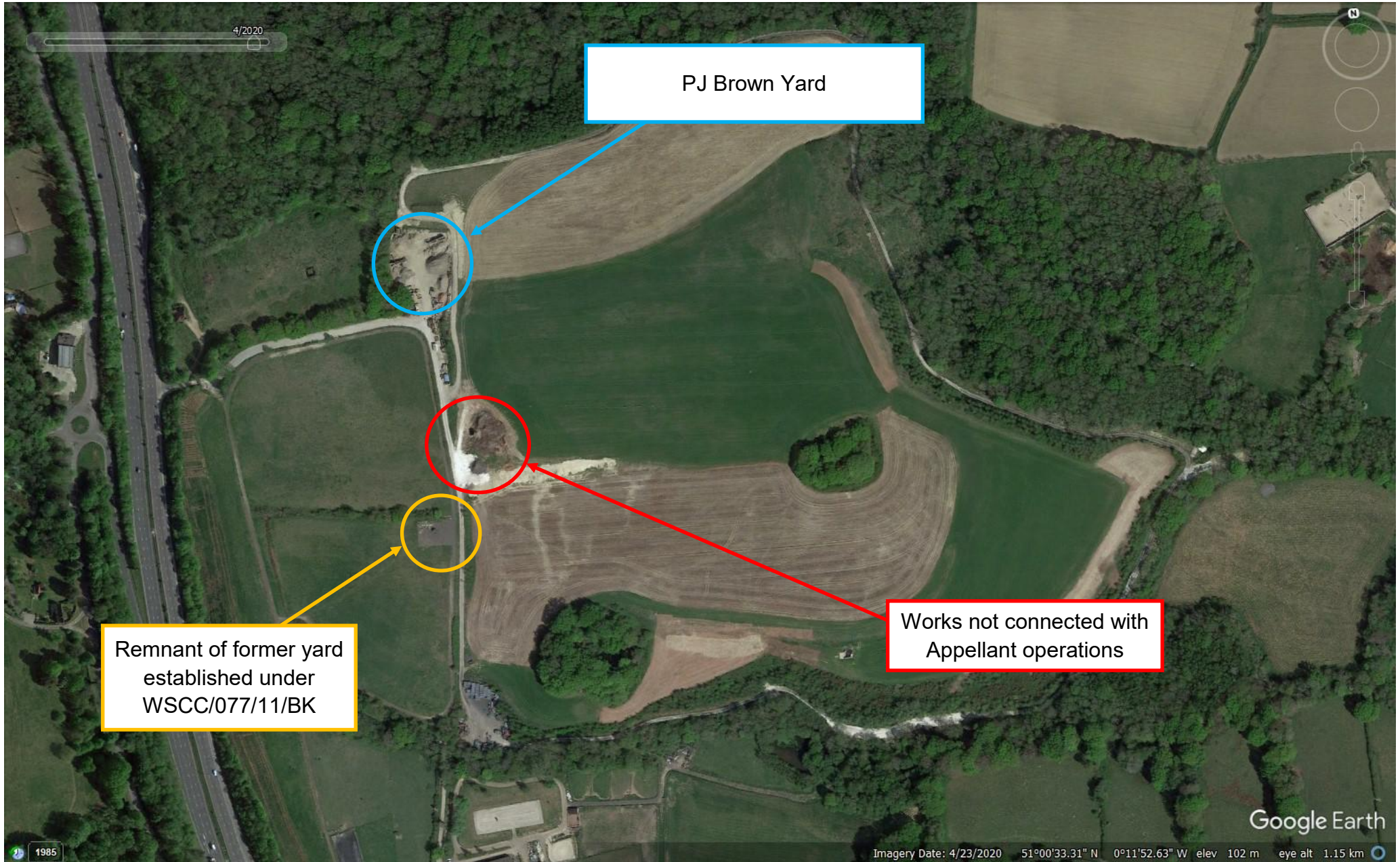


PJ Brown Yard

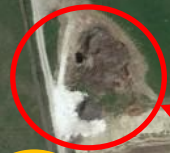
Works not connected with Appellant operations

Remnant of former yard established under WSCC/077/11/BK

Works not connected with Appellant operations



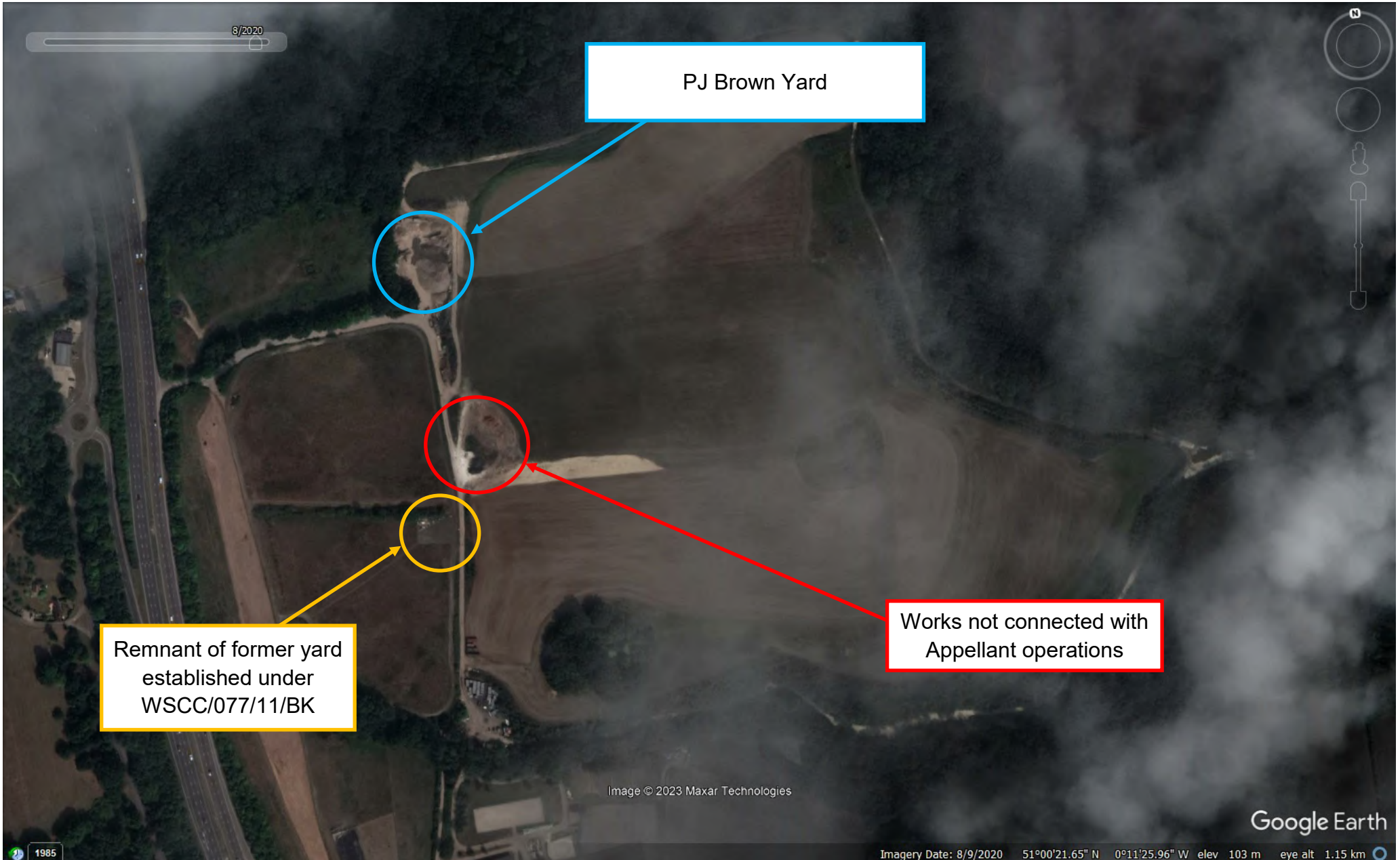
PJ Brown Yard



Works not connected with Appellant operations



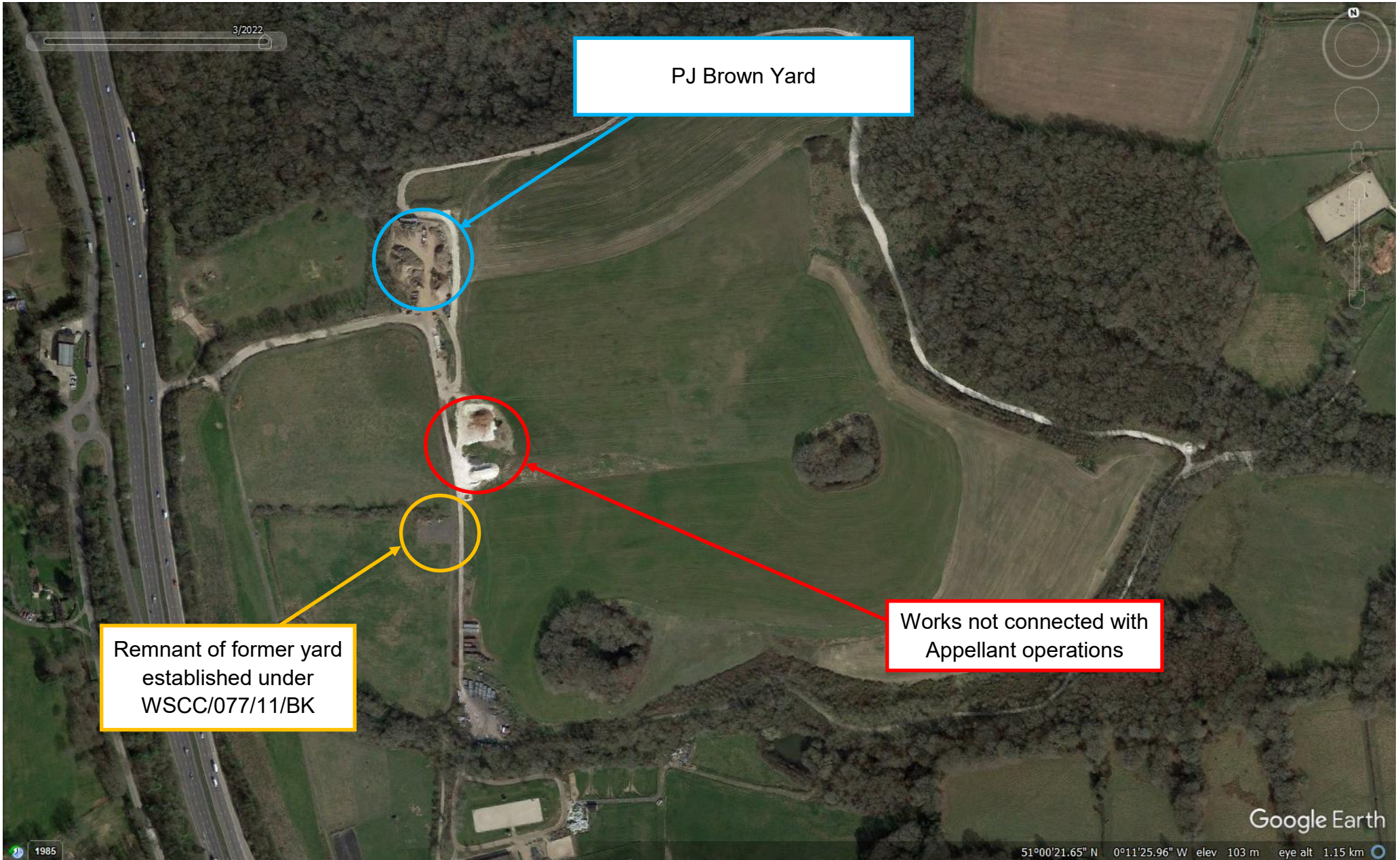
Remnant of former yard established under WSCC/077/11/BK



PJ Brown Yard

Remnant of former yard established under WSCC/077/11/BK

Works not connected with Appellant operations



PJ Brown Yard

Remnant of former yard
established under
WSCC/077/11/BK

Works not connected with
Appellant operations

APPENDIX 7

Bolney



A23

England



Google Street View

Jun 2011

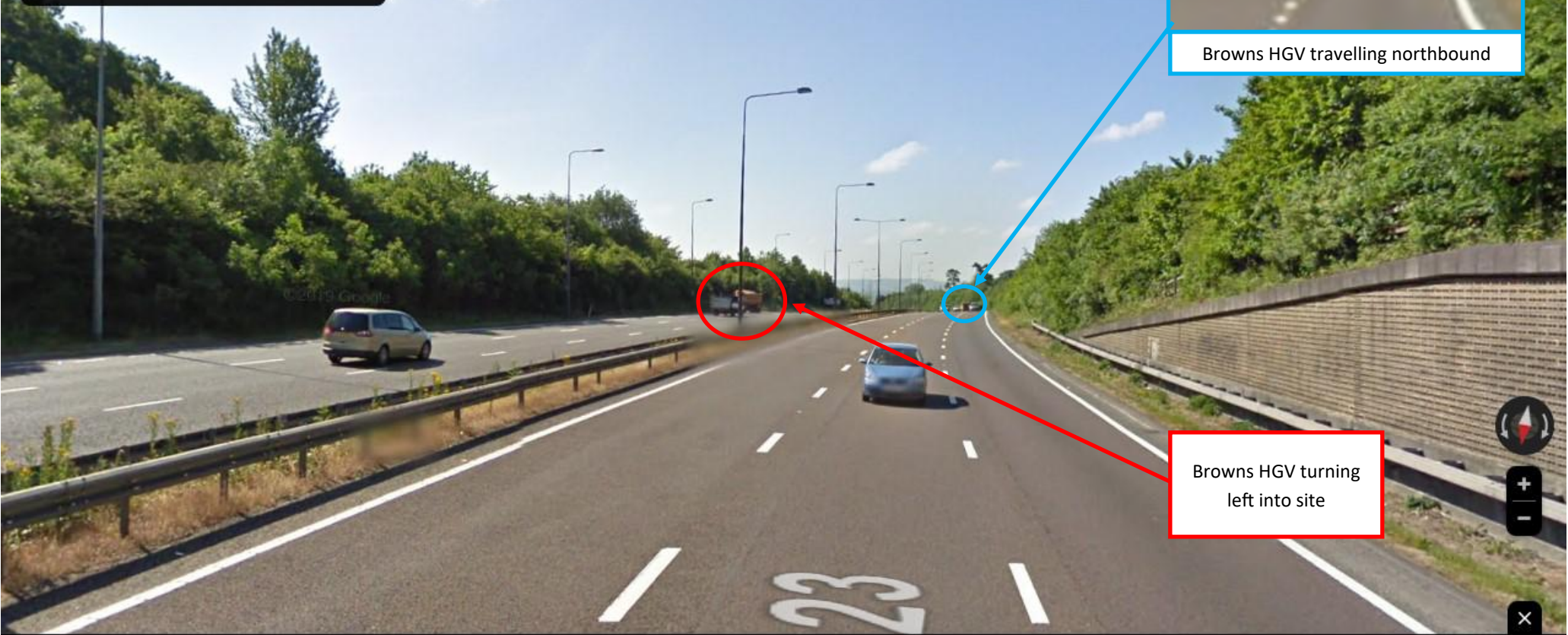
See latest date



Browns HGV travelling northbound



Browns HGV turning left into site



Oct 2014



Jun 2014



Sept 2012



Jun 2011



Apr 2009



Oct 2008



Browns HGV travelling into site

Browns HGV slowing to turn left into site

Bolney



A23

England



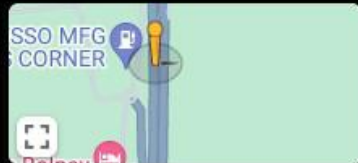
Google Street View

Jun 2011

See latest date



Browns HGV not "empty"



Jun 2015



Jul 2014



Sept 2012



Jun 2011



Apr 2009



Oct 2008

Image capture: Jun 2011 © 2024 Google United Kingdom Terms Privacy Report a problem

APPENDIX 8

Dated

2001

DANE RAWLINGS (1)

and

**P J BROWN trading as P J BROWN CIVIL ENGINEERING AND HAULAGE
CONTRACTORS (2)**

**LICENCE
for tipping soil at Bolney Park Farm**

asb law
8 Ifield Road
Crawley
West Sussex RH11 7YY
Tel: 01293 603 603
Fax: 01293 603 666
E-mail: corporate.commercial@asb-law.com

THIS LICENCE is made the _____ day of _____ 2001

BETWEEN:

- (1) **DANE RAWLINGS** of _____ (the “Licensor”)
- (2) **PETER JOHN BROWN trading as P J BROWN CIVIL ENGINEERING AND HAULAGE CONTRACTORS** of Burlands Charlwood Road Ifield Wood Crawley West Sussex RH11 0JZ (the “Licensee”).

1 DEFINITIONS

1.1 In this Licence the following expressions shall have the meanings respectively assigned to them:

- “Agent” James Phillips trading as South East Tipping of _____
- “Commencement Date” _____
- “Payment Date” the due date for monthly payment of the Royalty as set out in clause 3.2.
- “Royalty” the amount payable by the Licensee in accordance with clauses 3.2 and 3.3.
- “Site” Bolney Park Farm _____
- “Soil” inert soil.
- “VAT” value added tax or any other tax of a similar nature which may be substituted therefor or levied in addition thereto.

2 GRANT OF LICENCE

2.1 In consideration of the payments below and of the covenants on the part of the Licensee contained in this Licence the Licensor grants to the Licensee from the Commencement Date and during the period of this Licence the following exclusive rights and liberties:

- 2.1.1 the exclusive Licence and authority for the Licensee to deposit Soil at the Site; and
- 2.1.2 the right to gain access to and from the Site with or without motor vehicles and plant for the purpose of exercising the right granted above

by the use of all access roads or ways now constructed or which may during the period of this Licence be constructed by or on behalf of the Licensor within the Site.

3 PAYMENTS

- 3.1 On Completion of this Licence, the Licensee shall pay to the Licensor the sum of £40,000 (FORTY THOUSAND POUNDS) on account of the Royalties to be paid under clause 3.2 (the "Advance Payment").
- 3.2 The Licensee shall during the period of this Licence pay to the Licensor a Royalty of £35 per eight wheel lorry load of Soil deposited at the Site, such Royalty to be paid in arrears on the _____ day of each month and which shall be deducted from the Advance Payment.
- 3.3 Any Royalty to be paid in relation to other sizes of vehicles shall be agreed in writing between the parties prior to and subject to such vehicles being granted access under clause 2 of this Licence.
- 3.4 The Licensor shall be responsible for counting the number of loads of Soil deposited by the Licensee at the Site and shall within 2 working days from the end of each Payment Date provide the Licensee with a statement setting out the number of loads of Soil deposited by the Licensee for the relevant month.
- 3.5 An assessment of the volume deposited at the Site by the Licensee shall be jointly undertaken by the Licensor and Licensee 8 weeks from the Commencement Date with such volume being agreed in writing and further assessments shall take place as agreed between the parties.
- 3.6 In the event of a dispute relating to any Royalty payment, any assessment under clause 3.5 or Refund (as defined in clause 3.9) the parties shall settle such dispute in writing and shall attempt to reach such settlement:
- 3.6.1 in relation to any Royalty payment within 14 days of the relevant statement being issued (pursuant to clause 3.4);
 - 3.6.2 in the case of any assessment pursuant to clause 3.5 within 14 days of the assessment; and
 - 3.6.3 in the case of a Refund within 14 days of the written notice being given by the Licensee (pursuant to clause 3.9);

failing which an independent member of the Royal Institute of Chartered Surveyors (the "Institute") will be appointed on application by either party by the President of the Institute for the purposes of determining the quantity of Soil deposited acting as expert and not arbitrator and whose decision shall (save in the case of manifest error) be final and binding on the parties and the cost of appointing such expert shall be borne by the parties equally.

- 3.7 The Royalty payable for any given month shall be adjusted (if applicable) to take into account any overpayment or underpayment by the Licensee for the previous month.
- 3.8 The Royalty shall be deemed to be exclusive of VAT.
- 3.9 In the event that the Licensee decides to cease depositing Soil at the Site for any reason whatsoever (including any event under clause 7), the Licensee shall give to the Licensor written notice of the same and the Licensor shall upon receipt of such notice immediately pay to the Licensee the balance of the Advance Payment (the "Refund")(if any).
- 3.10 If the Licensor fails to immediately pay the Refund to the Licensee then the amount of the Refund due shall bear interest from the date on which the Licensor receives the written notice of the Licensor (given pursuant to clause 3.9) until payment is made in full, both before and after any judgement, at _____ per cent per annum over _____ Bank Plc base rate from time to time.

4 LICENSOR'S AGENT

- 4.1 The Licensor hereby confirms and warrants that:
- 4.1.1 he has appointed the Agent as his authorised agent for the performance of his obligations under this Agreement;
- 4.1.2 the Agent is fully authorised on behalf of the Licensor to accept and acknowledge receipt of all monies due to the Licensor under this Agreement and such acknowledgement of any sum shall be deemed sufficient to discharge the Licensee's obligation to pay the same;
- 4.1.3 the Agent is fully authorised on behalf of the Licensor to accept and acknowledge receipt of all notices given to the Licensor by the Licensee under this Agreement; and
- 4.1.4 he agrees to ratify the acts of the Agent.
- 4.2 In the event that the Agent does not perform the obligations of the Licensor as set out in this Agreement the Licensor hereby undertakes to perform the same.

5 LICENSEE'S COVENANTS

- 5.1 The Licensee agrees to provide to the Licensor (at no expense to the Licensor) the following:
- 5.1.1 A wheelspinner with a portable water dip and concrete base;
- 5.1.2 A road sweeper as and when required;
- 5.1.3 A D6H machine or similar machine; and
- 5.1.4 Road making materials as agreed between the parties.
- 5.2 The Licensee further agrees to perform (at no expense to the Licensor) the following:

- 5.2.1 Push over and spread out evenly loads of Soil deposited by South East Tipping; and
- 5.2.2 Maintain the internal road at the Site.

6 LICENSOR'S COVENANTS

- 6.1 The Licensor hereby covenants with the Licensee that it will in connection with its use of the Site for whatever purpose cause as little interference or interruption possible to the operations of the Licensee in or upon the Site.
- 6.2 For the avoidance of doubt the Licensor hereby covenants that the use of the Site for the depositing of Soil or otherwise shall only be granted to the Licensor and the Agent and the Licensor further covenants that he will not during the period of this Agreement enter into any other agreements with third parties relating to the same.

7 FORCE MAJEURE

- 7.1 Notwithstanding any other provisions of this Licence neither party shall be under any liability to the other to the extent that it may be hindered or prevented from performing any of its obligations by reason of any circumstances whatever beyond the control of the party affected including but not limited to the following circumstances namely acts of God war labour disputes fire riot explosion act of national or local authority (other than where the imposition thereof is due to the act neglect or default of the party affected).

8 NOTICES

- 8.1 Any notice or other information required to be given by any of the parties under this Licence may be given by hand or sent by first class post, facsimile transmission or comparable means of communications, to the address of the addressee as set out in this Licence (and in the case of notices addressed to the Licensor, this includes the address of the Agent) or to such other address as the addressee may from time to time have notified for the purpose of this Clause. Communications sent by post shall be deemed to have been received forty-eight hours after posting. Communications sent by facsimile may be made between 9.00 am and 4.00 pm on any business day and shall be deemed to be received 1 hour after despatch provided that any notice received outside such hours shall be deemed to be served on the next succeeding business day. In proving service by post it shall only be necessary to prove that a communication sent was contained in an envelope which was duly and correctly addressed, stamped and posted in accordance with this Clause.

IN WITNESS whereof this Deed has been executed by the Licensor and the Licensee the day and year first above written.

SIGNED AS A DEED by the said)
DANE RAWLINGS)
in the presence of:)

.....

.....
Signature of Witness

Name:

Address:

Occupation:

SIGNED AS A DEED by the said)
PETER JOHN BROWN)
in the presence of:)

.....

.....
Signature of Witness

Name:

Address:

Occupation:

APPENDIX 9

14th December 2001

J Phillips
South Eastern Tipping Ltd
Pedham Place Farm
Old London Road
Farningham
Kent
DA4 0WA

Dear Mr Philips

Re: Tipping Bolney Court Farm

We write to confirm that any material tipped at Bolney Court Farm will be inert only originating from various sites in our area.

Any contaminated material will be notified by the developer and taken to an appropriate site.

Yours sincerely,

P J Brown.

APPENDIX 10

Tel: 01444 882150
Fax: 01444 882151

Bolney Park Farm
Broxmead Lane
Bolney
West Sussex
RH17 5RJ



BOLNEY PARK FARM

Broxmead Lane Bolney, West Sussex RH17 5RJ
Tel 01444 882150 Fax 01444 882151
E mail dane @hickstead.flyer.co.uk

INVOICE

Attn PJ Brown (ref B Pentecost)
Burfands
Charwood Road
Ifield Wood
Crawley
West Sussex RH11 0JZ

2nd May 2007

Description

Value

Storage Advance payment	11,000.00
Planings Agregate and machinery	

Sub Total

11,000.00

VAT @ 17.5%

1,925.00

TOTAL

12,925.00

Please note new VAT No and Bank Details

Vat No 787-8894-30

Bank details: Lloyds TSB High Street Burgess Hill West Sussex RH15 9AH
sort code 30-91-44 Account No. 1187467

APPENDIX 11

Accts Dept
Carillion Civil Engineering
Invoice Processing
PO Box 6855
Wolverhampton

WV1 9XD

Invoice No.
3899

Site Address
A23, Handcross to Warringlid

Site Code CAR008

Order No. 4060-P-50089

Acct No. C525

Date 19/07/2012

DATE	TICKET No.s	TYPE	QUANTITY	RATE	VALUE
13/07/2012	32588-93	Hardcore Delivered by Load	6.00	125.00	750.00
16/07/2012	32594-9,8850-4	Hardcore Delivered by Load	11.00	125.00	1375.00
17/07/2012	32924,5	Hardcore Delivered by Load	2.00	125.00	250.00

Please make cheques payable to P J Brown (Construction) Ltd
For BACS payments please use your customer account number
as the reference. Sort Code : 20-24-00 Account Number : 53985105

Net £	2375.00
Vat 20% £	475.00
Total £	2850.00

E. & O. E.
Terms:30 Days
Prompt Payment Ensures Good Service

Accts Dept
 Carillion Civil Engineering
 Invoice Processing
 PO Box 6855
 Wolverhampton
 WV1 9XD

Invoice No.
 4271
Site Address
 A23, Handcross to Warminglid

Site Code CAR008
Acct No. C525

Order No. 4060MO002012
Date 21/08/2012

DATE	TICKET No.s	TYPE	QUANTITY	RATE	VALUE
03/08/2012	41306-8	Hardcore Delivered by Load	3.00	125.00	375.00
03/08/2012	32474	Hardcore Delivered by Load	1.00	125.00	125.00
03/08/2012	38856-8	Hardcore Delivered by Load	3.00	125.00	375.00
03/08/2012	41718-21	Hardcore Delivered by Load	4.00	125.00	500.00
10/08/2012	41309	Hardcore Delivered by Load	1.00	125.00	125.00
10/08/2012	32475	Hardcore Delivered by Load	1.00	125.00	125.00
10/08/2012	41724	Hardcore Delivered by Load	1.00	125.00	125.00
10/08/2012	19185	Hardcore Delivered by Load	1.00	125.00	125.00

Please make cheques payable to P J Brown (Construction) Ltd
 For BACS payments please use your customer account number
 as the reference. Sort Code : 20-24-00 Account Number : 53985105

Net £	1875.00
Vat 20% £	375.00
Total £	2250.00

E. & O. E.
 Terms:30 Days
 Prompt Payment Ensures Good Service

Accts Dept
Carillion Civil Engineering
Invoice Processing
PO Box 6855
Wolverhampton

WV1 9XD

Invoice No.
4579

Site Address
A23, Handcross to Warringlyd

Site Code CAR008

Order No. 4060MO002012

Acct No. C525

Date 17/09/2012

DATE	TICKET No.s	TYPE	QUANTITY	RATE	VALUE
12/09/2012	33977-9	Hardcore Delivered by Load	3.00	125.00	375.00
12/09/2012	38673-5	Hardcore Delivered by Load	3.00	125.00	375.00
13/09/2012	32945-7,9	Hardcore Delivered by Load	4.00	125.00	500.00

Please make cheques payable to P J Brown (Construction) Ltd
For BACS payments please use your customer account number
as the reference. Sort Code : 20-24-00 Account Number : 53985105

Net £	1250.00
Vat 20% £	250.00
Total £	1500.00

E. & O. E.
Terms:30 Days
Prompt Payment Ensures Good Service

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Invoice Processing
PO Box 6855
Wolverhampton

WV1 9XD

Invoice No.
4713

Site Address
A23, Handcross to Warringlid

Site Code CAR008

Order No. 4060MO002012

Acct No. C525

Date 24/09/2012

DATE	TICKET No.s	TYPE	QUANTITY	RATE	VALUE
17/09/2012	19194-8	Hardcore Delivered by Load	5.00	125.00	625.00
17/09/2012	41938-41	Hardcore Delivered by Load	4.00	125.00	500.00
18/09/2012	22053	Hardcore Delivered by Load	1.00	125.00	125.00
18/09/2012	38885	Hardcore Delivered by Load	1.00	125.00	125.00
20/09/2012	41317	Hardcore Delivered by Load	1.00	125.00	125.00
21/09/2012	20414,5,7-9	Hardcore Delivered by Load	5.00	125.00	625.00

Please make cheques payable to P J Brown (Construction) Ltd
For BACS payments please use your customer account number
as the reference. Sort Code : 20-24-00 Account Number : 53985105

Net £	2125.00
Vat 20% £	425.00
Total £	2550.00

E. & O. E.
Terms:30 Days
Prompt Payment Ensures Good Service

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Carillion Civil Engineering
Invoice Processing
PO Box 6855
Wolverhampton

WV1 9XD

Invoice No.
4807

Site Address
A23, Handcross to Warringlid

Site Code CAR008

Order No. 4060A2002012

Acct No. C525

Date 30/09/2012

DATE	TICKET No.s	TYPE	QUANTITY	RATE	VALUE
24/09/2012	41318	Hardcore Delivered by Load	1.00	125.00	125.00
25/09/2012	22056-60	Hardcore Delivered by Load	5.00	125.00	625.00
26/09/2012	32486-90	Hardcore Delivered by Load	5.00	125.00	625.00
27/09/2012	32491-7	Hardcore Delivered by Load	7.00	125.00	875.00
28/09/2012	32498,9,5850-2	Hardcore Delivered by Load	5.00	125.00	625.00

Please make cheques payable to P J Brown (Construction) Ltd
For BACS payments please use your customer account number
as the reference. Sort Code : 20-24-00 Account Number : 53985105

Net £	2875.00
Vat 20% £	575.00
Total £	3450.00

E. & O. E.
Terms:30 Days
Prompt Payment Ensures Good Service

Accts Dept
Carillion Civil Engineering
Invoice Processing
PO Box 6855
Wolverhampton

WV1 9XD

Invoice No.
4897

Site Address
A23, Handcross to Warminglid

Site Code CAR008

Order No. 4080A2002012

Acct No. C525

Date 08/10/2012

DATE	TICKET No.s	TYPE	QUANTITY	RATE	VALUE
01/10/2012	35861-9	Hardcore Delivered by Load	9.00	125.00	1125.00
02/10/2012	35870-5	Hardcore Delivered by Load	6.00	125.00	750.00
03/10/2012	38892-6	Hardcore Delivered by Load	5.00	125.00	625.00
03/10/2012	40398,9	Hardcore Delivered by Load	2.00	125.00	250.00
04/10/2012	22250-7	Hardcore Delivered by Load	8.00	125.00	1000.00
04/10/2012	38897	Hardcore Delivered by Load	1.00	125.00	125.00
05/10/2012	22258-63	Hardcore Delivered by Load	6.00	125.00	750.00

Please make cheques payable to P J Brown (Construction) Ltd
For BACS payments please use your customer account number
as the reference. Sort Code : 20-24-00 Account Number : 53985105

Net £	4625.00
Vat 20% £	925.00
Total £	5550.00

E. & O. E.
Terms:30 Days
Prompt Payment Ensures Good Service

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Carillion Civil Engineering
Invoice Processing
PO Box 6855
Wolverhampton

WV1 9XD

Invoice No.
4943

Site Address
A23, Handcross to Warminglid

Site Code CAR008

Order No. 4060A2002012

Acct No. C525

Date 16/10/2012

DATE	TICKET No.s	TYPE	QUANTITY	RATE	VALUE
08/10/2012	22264-70	Hardcore Delivered by Load	7.00	125.00	875.00
11/10/2012	22275-83	Hardcore Delivered by Load	9.00	125.00	1125.00
11/10/2012	32742	Hardcore Delivered by Load	1.00	125.00	125.00
11/10/2012	23506-14	Hardcore Delivered by Load	9.00	125.00	1125.00
12/10/2012	23515-22	Hardcore Delivered by Load	8.00	125.00	1000.00
12/10/2012	22264-92	Hardcore Delivered by Load	9.00	125.00	1125.00

Please make cheques payable to P J Brown (Construction) Ltd
For BACS payments please use your customer account number
as the reference. Sort Code : 20-24-00 Account Number : 53985105

Net £	5375.00
Vat 20% £	1075.00
Total £	6450.00

E. & O. E.
Terms:30 Days
Prompt Payment Ensures Good Service

Accts Dept
Carillion Civil Engineering
Invoice Processing
PO Box 6855
Wolverhampton

WV1 9XD

Invoice No.
5093

Site Address
A23, Handcross to Warringlid

Site Code CAR008

Order No. 4060A2002012

Acct No. C525

Date 22/10/2012

DATE	TICKET No.s	TYPE	QUANTITY	RATE	VALUE
15/10/2012	23524-30	Hardcore Delivered by Load	7.00	125.00	875.00
15/10/2012	23428-31	Hardcore Delivered by Load	4.00	125.00	500.00
16/10/2012	23532-5	Hardcore Delivered by Load	4.00	125.00	500.00
17/10/2012	22301	Hardcore Delivered by Load	1.00	125.00	125.00

Please make cheques payable to P J Brown (Construction) Ltd
For BACS payments please use your customer account number
as the reference. Sort Code : 20-24-00 Account Number : 53985105

Net £	2000.00
Vat 20% £	400.00
Total £	2400.00

E. & O. E.
Terms:30 Days
Prompt Payment Ensures Good Service

Accts Dept
Carillion Civil Engineering
Invoice Processing
PO Box 6855
Wolverhampton

WV1 9XD

Invoice No.
7021

Site Address
A23, Handcross to Warminglid

Site Code CAR008

Order No. 4060A5002012

Acct No. C525

Date 25/03/2013

DATE	TICKET No.s	TYPE	QUANTITY	RATE	VALUE
20/03/2013	63694	Concrete Away By Load	1.00	50.00	50.00
21/03/2013	59189-93	Concrete Away By Load	5.00	50.00	250.00
21/03/2013	63695	Concrete Away By Load	1.00	50.00	50.00
22/03/2013	36845,6	Concrete Away By Load	2.00	50.00	100.00
22/03/2013	61120,1	Concrete Away By Load	2.00	50.00	100.00
22/03/2013	59194-6,9	Concrete Away By Load	4.00	50.00	200.00
22/03/2013	63266,7	Concrete Away By Load	2.00	50.00	100.00

Please make cheques payable to P J Brown (Construction) Ltd
For BACS payments please use your customer account number
as the reference. Sort Code : 20-24-00 Account Number : 53985105

Net £	850.00
Vat 20% £	170.00
Total £	1020.00

E. & O. E.
Terms:30 Days
Prompt Payment Ensures Good Service

Accts Dept
Carillion Civil Engineering
Invoice Processing
PO Box 6855
Wolverhampton

WV1 9XD

Invoice No.
7026

Site Address
A23, Handcross to Warringlyd

Site Code CAR008

Order No. 4060A5002012

Acct No. C525

Date 25/03/2013

DATE	TICKET No.s	TYPE	QUANTITY	RATE	VALUE
22/03/2013	36847-50	Tarmac Load Away	4.00	90.00	360.00
22/03/2013	61122-5	Tarmac Load Away	4.00	90.00	360.00
22/03/2013	59197,8,200	Tarmac Load Away	3.00	90.00	270.00
22/03/2013	63265	Tarmac Load Away	1.00	90.00	90.00
23/03/2013	63268-70	Tarmac Load Away	3.00	90.00	270.00

Please make cheques payable to P J Brown (Construction) Ltd
For BACS payments please use your customer account number
as the reference. Sort Code : 20-24-00 Account Number : 53985105

Net £	1350.00
Vat 20% £	270.00
Total £	1620.00

E. & O. E.
Terms:30 Days
Prompt Payment Ensures Good Service

APPENDIX 12



Appeal Decision

Site visit made on 6 April 2023

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2023

Appeal Ref: APP/P3800/W/21/3266534

Kilmarnock Farm, Charlwood Road, Ifield RH11 0JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by PJ Brown Construction Ltd against the decision of West Sussex County Council.
 - The application Ref WSCC/081/19, dated 20 December 2019, was refused by notice dated 9 July 2020.
 - The development proposed is Temporary Concrete Crushing and Soil Recycling Facility.
-

Decision

1. The appeal is dismissed.

Procedural Matters and Planning Policy

2. The revised National Planning Policy Framework (2021) (the Framework) was published on 20 July 2021. This includes changes to policies in respect of flood risk and subsequent associated guidance in the Planning Practice Guidance (the PPG). The Council and the appellant have been given the opportunity to comment upon the implications of these matters, which is reflected in my setting out of the main issues and reasoning below.
3. The appeal site is within the Sussex North Water Supply Zone (the SNWSZ) in which Natural England (NE) has updated its advice in relation to the effects of development activities including water abstraction upon the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar Site (the Arun Valley) as Habitats sites. I have given the Council and the Appellant the opportunity to comment upon this matter, which is reflected in my setting out of the main issues and my reasoning below.
4. The Council's first reason for refusal in its decision notice alleges the proposal would not be on 'suitable' previously developed land or well-located in accordance with the development plan. As the appeal site is not an allocated site in Policy W10 of the West Sussex Waste Local Plan (2014) (the WLP), Policy W4 of the WLP states that if not proposed on an active landfill site or mineral working, proposals will be permitted, provided they are located in accordance with Policy W3 of the WLP.
5. The Council accepted the Appellant had demonstrated the proposal cannot be delivered on permitted or allocated sites as required by W3(a)(i), and it falls within an 'Area of Search' under W3(a)(ii). Having been deemed to have met Policy W3(a), proposals must meet W3(b). This includes requirements that it

must be (i) on suitable previously developed land outside built-up areas, or, (iv) well-related to the Lorry Route Network (LRN). The Council accepts that on-balance the proposal constitutes previously developed land for the purposes of W3(b)(i), and I see no reason to disagree.

6. However, the Council's objection in respect of Policy W3(b) is that it does not consider the site 'suitable' given its objections in the decision notice in respect of the countryside, noise and disturbance, the location on the highway network and highway safety. My findings in respect of these main issues will determine whether the appeal site can be considered 'suitable'.

Main Issues

7. The main issues are:

- the effect of the proposed development upon Habitats sites;
- whether or not the proposed development is compliant with policies in respect of flood risk;
- the effect of the proposed development upon the character and appearance of the countryside;
- whether or not the proposed development would ensure satisfactory conditions for neighbouring and local receptors with particular reference to noise and dust;
- the effect of the proposed development upon any future expansion of Gatwick Airport; and,
- whether or not the proposed development is in a suitable location on the highway network and can be accessed safely.

Reasons

Habitats sites

8. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) require that where a plan or project is likely to result in a significant effect on a European site (Habitats site) in this case the Arun Valley, a competent authority is required to make an Appropriate Assessment of the implications of that plan or project upon the integrity of the European site in view of its conservation objectives.
9. The Arun Valley includes washlands, floodplains, neutral wet grasslands and wet meadows dissected by a network of ditches, marshes and seasonal pools. These habitats support internationally and nationally important populations of seven wetland invertebrate species including the Little Whirlpool Ramshorn snail, rare plant species including various types of Milfoils and Dropworts, the Bewick's Swan, and important waterfowl assemblages.
10. The conservation objectives of the Arun Valley are to maintain or restore the integrity of the sites by maintaining or restoring the extent, distribution, structure, function and supporting processes of the habitats of the qualifying features and species, the population of the qualifying features and species, and the distribution of the qualifying features and species within the Arun Valley.

11. NE advice is that within the SNWSZ it cannot be concluded that existing groundwater abstraction is not having an adverse impact on the integrity of the Arun Valley through reduced water levels¹. Based upon monitoring, it is understood the existing condition of the sites is 'Unfavourable'. Therefore, Likely Significant Effects (LSEs) from many types of new development cannot be ruled out. NE considers that further development with a requirement for additional abstraction in the SNWSZ is likely to have an adverse impact upon the Arun Valley.
12. The proposal would be likely to use a public water supply for purposes including operating a wheel wash, suppressing any dust emissions and the provision staff facilities. The plans show swales, an interceptor, and detention ponds with reed beds, as part of water treatment. Therefore, alone and in combination with other development, the proposal would be likely to have a water demand within the SNWSZ, resulting in LSEs on the Arun Valley.
13. NE is of the view the appeal proposal would have an impact on the Arun Valley sites. It is working with partner organisations to develop and implement Water Neutrality (WN), to ensure future developments can proceed without further adversely affecting Habitats sites. WN requires that for every new development requiring a public water supply from the SNWSZ, total water use in the SNWSZ after the development must be equal to or less than the total water-use before the new development. The amount of water used needs to be calculated and it needs to be demonstrated how the appeal proposal can achieve no net increase in water consumption.
14. Presently no strategic mitigation scheme is in place and an applicant is required to demonstrate how they intend to secure WN with their own mitigation strategy. There are existing uses on the appeal site to be removed, with some reliance upon mains water. However, their planning status and their water consumption is not agreed between the Council and the appellant. The appellant also acknowledges there might be a need to submit applications to the relevant planning authority, to reach agreement upon the water consumption baseline. Therefore, the appellant has advised they are not presently able to agree a baseline or demonstrate WN.
15. In consequence, the appeal proposal does not have robust calculations and a deliverable mitigation scheme in place to ensure it is water neutral. Therefore, I can only conclude that it is not demonstrated the proposal makes sufficient provision to mitigate LSEs and thus maintain or restore the integrity of the Arun Valley Habitats sites.
16. Applying the precautionary principle, in the absence of appropriate mitigation being secured, the appeal scheme would have LSEs upon the integrity of the Arun Valley Habitats sites, and it would fail to adhere to their conservation objectives. Imperative reasons of overriding public interest do not exist, it has not been put to me there are no alternative solutions, and no compensatory measures will be provided. Therefore, Regulation 63(5) of the Regulations precludes the proposal from proceeding.
17. In-light of the foregoing, the proposed development conflicts with Policy W14 of the WLP and Policy 31 of the Horsham District Policy Framework (2015) (the

¹ Natural England's Advice Note regarding Water Neutrality within the Sussex North Water Supply Zone: February 2022 V2.

HDPF). Amongst other things, these require where development is anticipated to have direct or indirect adverse impacts on sites or features of biodiversity importance, a favourable conservation status is maintained, and appropriate mitigation measures provided. It also conflicts with paragraph 180a) of the Framework which states that if significant harm to biodiversity cannot be avoided or adequately mitigated, then planning permission should be refused.

Flood Risk

18. Paragraphs 159 and 161 – 163 of the Framework seek to direct development away from areas at risk of flooding from all sources, and where development is necessary in such areas it should be made safe for its lifetime without increasing the risk of flooding elsewhere. The Framework applies the sequential approach to avoid where possible risk of flooding to people and property now and in the future, and development should not be permitted if there are reasonably available sites appropriate for the development in areas with a lower risk of flooding.
19. A small part of the north of the appeal site that is currently occupied by some informal grassland surrounding a mobile home is shown on the surface water maps as being at a high risk of surface water flooding. From what I saw, land drains from the north along a thin corridor before running through this part of the appeal site and then outside the boundary of the existing hardstanding.
20. The submitted drainage layout shows that surface water from the site would discharge into new detention ponds via new swales or French drains, a channel and interceptor. The layout indicates the area at a high-risk of flooding would be occupied by part of a landscaped strip integrating an acoustic barrier and an approximately 3m wide swale inside that barrier, along a broadly similar alignment to the existing surface water run-off pathway.
21. Despite part of the site being within an area at high risk of flooding I have not been provided with a sequential test, nor has it been argued a sequential test would not be required. The proposed layout would appear to suggest it has a potential to increase the risk of flooding to property. For an acoustic fence to be effective it should have few if any gaps, and for reasons I go on to discuss it is an important and significant element of the appeal scheme. The layout suggests it would result in the risk of flooding around the barrier and could result in increased flooding of a modest part of the adjacent field. While this might only be for a temporary period of five years, the objective of avoiding risk of flooding to people and property at present, is not demonstrated.
22. Both main parties also suggest the current drainage design might not take into account the most up to date flood risk guidance, or changes to climate change allowances required to be considered as part of assessment and design of a scheme. The appellant's view is that there might be significant updates and amendments necessary for the scheme to comply with the policies of the Framework and the guidance in the PPG. Having regard to the Wheatcroft principles², I cannot be certain whether or not any necessary changes would result in significant and material amendments to such a degree, that the appeal scheme might be significantly changed.

² Bernard Wheatcroft Ltd v SSE [JPL 1982 P37].

23. Therefore, based upon the evidence the before me, I cannot conclude the appeal scheme is compliant with policies in respect of flood risk, in conflict with the aims of paragraphs 159 and 161 – 163 the Framework, the relevant objectives of which I have set out above.

Character and appearance

24. The appeal site comprises approximately 0.66 hectares of land on the eastern side of the Kilmarnock Farm business complex. Although designated as countryside much of the site comprises previously developed land that was occupied by made ground in use for parking, commercial and equine buildings and mobile homes. To the east the appeal site includes part of a grass paddock, some stables, a field gate, and mature hedgerow on Charlwood Road.
25. The appeal site is viewed in the context of the variety of neighbouring buildings and premises on the farm to its west and experienced in the backdrop of aircraft from Gatwick airport. However, the site and farm surrounds are set within the gently undulating countryside of the Northern Vales and Upper Mole Farmlands landscape character areas. It is typified by fields punctuated by clusters of buildings in varying uses, with a sense of wider containment due to the sizeable mature forested areas, so the surrounds have predominantly rural character. As a whole, the appeal site is in keeping with and makes a neutral contribution to the character and appearance of the area.
26. The proposal would enclose and develop a significant area of paddock, extending built development and enclosing it with an approximately 4.5m acoustic barrier. The hardstanding and structures would necessitate vegetation removal including a number of trees of a range of maturity to facilitate the approximately 37m wide bell-mouth access. The new development, plant and vehicles, processing of materials, and stockpiles, would result in a significant incursion of new operational development in the countryside, with a marked increase in the amount and intensity of development at the site.
27. Notwithstanding the acoustic barrier, landscaping and layout, some parts of the plant, machinery and activity, would be visible or perceptible from surrounding land. The significantly widened access would be clearly visible from Charlwood Road. While the proposal might have a limited effect upon key landscape features and maintain a sizeable gap to the wood, there would be harmful effects to the character and appearance of the countryside for a temporary period. In consequence, it cannot be considered sympathetic to its location.
28. The appellant's Landscape & Visual Impact Assessment (LVIA) concludes that during construction effects would likely to be high adverse and once operational low adverse from Charlwood Road and low adverse descending to neutral from the footpath as landscaping matures. However, due to its inherent rural and verdant character I do not agree the landscape value or sensitivity is 'low', or that it would only be motorists viewing the site from the highway. Based upon what I saw, I consider it of moderate value and given the variety of road users and proximity to the public rights of way network, I do not consider it would only be motorists observing the site from Charlwood Road. Based upon the indicative landscaping, it is not demonstrated there would be sufficient time or scope for planting proposals to reduce the landscape effects to neutral.
29. A sympathetic external treatment of the acoustic barrier and a detailed landscaping scheme with mature landscape elements could limit the effects of

- the proposal. The access area could be enhanced by landscaping but having regard to the temporary duration of the operation of five years as proposed and the Council's planning condition in this regard, due to the need to maintain sufficient visibility, this would be of limited effect.
30. A condition securing the reinstatement of the site to require it be restored to a suitable form, as set out in the Council's suggested planning conditions, would mean the harm is temporary, and it is possible there might be some minor longer-term benefits secured. However, even allowing for what could be achieved with suitably worded planning conditions, these could not fully overcome the harmful effects during construction and operation. The harm would be visible from surrounding fields, limited points on Charlwood Road around the access, and for a significant length of the footpath east of the site.
31. It is not demonstrated the proposal is essential to its countryside location or falls within one of the categories of development considered to be acceptable in the countryside under Policy 26 of the HDPF such as directly for the disposal of waste. In-light of my findings in respect of Habitats sites, flood risk, and this main issue, I cannot regard it to be enabling the sustainable development of rural areas. Therefore, based upon the evidence before me, it would be considered inappropriate to a countryside location under Policy 26.
32. For the reasons set out above, the proposed development would be harmful to the character and appearance of the countryside. These effects would be temporary, but nevertheless it would conflict with the aims of Policies W11 and W12 of the WLP and Policies 25 and 26 of the HDPF. In combination and amongst other things, these require that development is of a high-quality design of an appropriate scale and form, considering the need to integrate with adjoining land uses, maintaining and reinforcing local character, not resulting in a significant increase in the overall level of activity and not having an unacceptable impact upon the character and distinctiveness of the area.
33. It would also conflict with paragraphs 130b) and c) and 174b) of the Framework which expect development to recognise the intrinsic character and beauty of the countryside, integrate effective landscaping, and be sympathetic to the surrounding landscape setting.
34. While not cited in the decision notice under reason for refusal no. 2, the appellant has referenced Policy 33 of the HDPF and Policy W19 of the WLP. In respect of this main issue, I do not agree with the appellant's view the proposal is compliant with Policy 33 given its requirement that development is sympathetic to the distinctive characteristics of its surrounds. Policy W19 of the WLP is primarily in relation to the effects of emissions, which I have considered under the main issue below.

Dust and noise

35. The proposal would typically necessitate the use of plant and machinery such as a mobile screener, a crusher, an excavator and a loading shovel, as well as wheel washing, reversing alarms, the delivery of waste and export of processed materials between 08:00 to 17:00hrs Monday to Friday and 08:00 to 13:00 Saturdays. Existing mobile properties would be removed from the appeal site. Receptors listed in the appellant's Noise Assessment (NA) include businesses on the farm, Kilmarnock farmhouse approximately 15m from the site, Ifield Court Lodge approximately 130m away, Little Foxes Hotel approximately 160m

- away, an outreach centre approximately 200m away, and footpath 1511 approximately 75m to the east.
36. From what I saw and the evidence before me, the noise environment was influenced by businesses at farm and Charlwood Road, with frequent elevated peaks when aircraft were passing from the airport a short distance away. The NA concludes that subject to the imposition of suitably worded planning conditions to secure mitigation measures such as an up to 4.5m acoustic barrier, the proposed development would be in the order of the prevailing background noise levels at the closest properties.
37. However, the evidence does not address whether the NA included or should have included a correction penalty for impulsive or tonal noise, given there is no reference to this having been applied in the NA. The evidence also suggests that the NA has not considered the effects upon a previously approved dwelling (the Plumber's Block) constructed under a prior approval. The plans before me suggest this is located very close to the site boundary. However, the details of its boundaries, construction and layout are not confirmed.
38. Based upon the NA, with mitigation, the noise levels would be between approximately 2 dB(A) to 16 dB(A) below the background levels at the assessed receptors. However, it is not clear whether any penalty factor might change noise levels experienced. The appellant has argued that the Plumber's Block dwelling and the farmhouse would revert from residential to commercial uses. However, it is not explained if they are now permanently vacated, whether the changes require express consents or how any consents or changes of use would be secured. For these reasons, even having regard to measures that could be imposed by suitably worded planning conditions, I have significant doubts as to whether the proposal could secure satisfactory living conditions at the farmhouse and the Plumber's Block.
39. The Council refers to other businesses and uses in and around Kilmarnock Farm. These include businesses such as automotive garages, scaffolders, and Class E uses, which are likely to be less sensitive to noise than, for example, residential uses and overnight accommodation. Having regard to the existing noise environment at the farm complex, the nature of those businesses, and the substantive assessment in the NA, this is suggestive that even allowing for any penalty factor, the resultant noise would still allow those businesses to operate satisfactorily.
40. The equine uses such as stables and paddocks in the vicinity of the site are under the control of the landowner of the appeal site and farm. Those uses on the site are proposed to cease if the appeal were to be allowed. However, there is no substantive evidence provided by the Council that would lead me to believe equine uses have the sensitivity to noise as residential uses, or even if it were necessary, the landowner could not and would move the animals to a more suitable location during the hours of use if the appeal facility were deemed to be of detriment to welfare. Moreover, the evidence suggests some of the stables have been permitted for use for self-storage, so it is not intended for the animals to be housed in them. Therefore, the evidence before me suggests the proposal would not harmfully affect the equine uses.
41. The NA does specifically refer to a finding upon any effects to the enjoyment of footpath 1511 east of the site. Having regard to the noise levels anticipated at P1 and P5 in particular, and the levels set out on the noise contour plans, if a

- penalty factor for impulsive or tonal noise were integrated into the calculation, it appears likely that with mitigation, noise at the footpath would be above the background noise levels. Given the uncertainty surrounding the effect of any correction factor for impulsive or tonal noise, I cannot be certain the noise would not significantly affect the enjoyment of the footpath.
42. The Ifield Village Conservation Area Advisory Committee has referred to harmful effects upon a day centre for people with learning difficulties. This facility (receptor P5 in the NA) is approximately 200m from the site. The NA suggests it would experience noise levels of 3 dB(A) below background without any penalty factor. Under section 149 of the Equality Act 2010 (the Act), the decision maker must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to foster good relations between those who share protected characteristics and those who do not.
 43. I am mindful to have regard to the need to minimise the disadvantages suffered by persons who share a relevant protected. Based upon the limited evidence before me, the users of the centre appear to have disabilities, so have a protected characteristic. Neither the Council nor the appellant advance substantive evidence explaining how this is assessed. Were I minded to allow this appeal, I would have needed sufficient certainty as to any effects upon the users of the centre. However, as I am dismissing this appeal for other reasons, and my decision upon it will not result in any effects upon the outreach centre users, I have not considered this matter in detail.
 44. Interested party representations have been received in relation other wider properties and uses. The NA suggests noise levels from the proposal in their general vicinity would be 12 dB(A) to 16 dB(A) below background levels. This suggests that even allowing for any correction factor, the proposal would not result in harmful conditions at those properties or prevent them operating, and there is no substantive evidence advanced to the contrary.
 45. While the Council refers to the effects of dust upon nearby receptors, it has provided little further substantive justification to demonstrate the proposal would result in harmful effects. The Air Quality Assessment (AQA) considers the effects from the operation of the site and HGV movements. While there would be a risk of dust impacts within 20m of the appeal site which may affect the Plumber's Block and the farmhouse, the wind rose shows that there is proportionally little wind blowing in these directions and the prevailing wind is from the west and south westerly directions.
 46. The appellant has detailed various dust suppression measures and working practice options, a Construction Management Plan, and monitoring. While I note the concerns, there is no substantive evidence advanced that would lead me to doubt the findings of the AQA and that the proposed development could be satisfactorily operated without harmful effects upon neighbouring occupiers. Moreover, in accordance with paragraph 188 of the Framework, I have no reason to conclude the proposal would and could not be operated in accordance with the Environmental Permitting regime nor that it would not be regulated and enforced if necessary.
 47. Nevertheless, for the reasons set out above, I cannot be certain the proposed development would provide satisfactory living conditions at two nearby residential properties and that it would not adversely affect the enjoyment of a public right of way. Therefore, it would conflict with Policy W19 of the WLP and

Policy 33 of the HDPF. Amongst other things these require that development is suitably controlled and avoids unacceptable harm to the amenity or health of nearby occupiers of nearby property and land. It would also conflict with paragraphs 130f) and 185a) of the Framework, which have similar objectives.

Gatwick Airport

48. The appeal site is on land safeguarded for a possible additional runway and associated works at Gatwick airport under the Gatwick Airport Master Plan (2019) (GAMP). Paragraph 5.9 of the Aviation Policy Framework (2013) (the APF) sets out an objective to safeguard land outside existing airports that may be required for future airport development. Paragraph 106e) and f) of the Framework recognise the importance of making provision for large scale transport facilities and maintaining a national network of general aviation airfields, and their need to adapt and change over time taking into account their economic value, leisure, training and emergency service needs, and the Government's General Aviation Strategy.
49. While the land is recognised in the policy map for the HDPF, there is no specific policy to protect it. As guidance, the Council refers me to Policy GAT2 in the Crawley Local Plan (2015), in which part of the wider safeguarded area is located. Its supporting text defines incompatible development as that which would add constraints or increase the costs or complexity to the development or operation of an additional runway. There is nothing before me to suggest this is not an appropriate definition for the purposes of my assessment.
50. Gatwick Airport Limited (GAL) stated in June 2019 they were not actively pursuing an additional runway to the south of Gatwick at that time but maintained an objection to the current proposal in February 2020. Safeguarding of land would preserve the option of building an additional runway to meet the future airport capacity gap that the Government's forecasts indicate will occur beyond 2030. The appellant informs me the airport lost out to a bid by Heathrow Airport to obtain government approval for an additional runway and the Airports National Policy Statement (2018) (the ANPS) strongly supports a third runway at Heathrow.
51. The appellant cites the effects of the pandemic referred to by an airport spokesperson³, suggesting it might take 4 – 5 years to return to pre-pandemic levels of travel. They also inform me it is CBC's position in their draft local plan that there is not robust evidence to continue the safeguarding of land for a further runway, and the GAMP suggests one scenario is continuing to safeguard land for an additional runway to increase capacity, but the latter of these scenarios is not being pursued by GAL at this time.
52. It is not clear whether the 4 – 5 year projection for passenger numbers to recover is being borne out. There is little evidence to substantiate, with certainty a new runway is unlikely in the next 15 – 20 years. These matters would also be the subject of a variety of economic and social variables. Neither party has provided up-to-date substantive evidence to demonstrate what I could consider to be a certain and current position with respect to a runway.
53. The Council's suggested planning conditions would limit the development to 5 years from the date of any decision, and the appellant has not expressed an

³ BBC News – Coronavirus: Gatwick Airport' will take five years to recover' (<https://www.bbc.co.uk/news/uk-england-sussex-53943633> 28 August 2020).

objection to this. Even if such a limitation were imposed, the appeal site and immediate surroundings might well be required for preliminary, investigative works or environmental monitoring works well in advance of any application for consent for a new runway. The appeal proposal could alter or complicate such work. Given the uncertainties around the timing of any application and advance works if needed, it has not been demonstrated the proposed development would not add constraints or increase the costs or complexity of providing a new runway. Therefore, notwithstanding the intended temporary duration of the operation, it is considered incompatible with the future expansion of Gatwick Airport as currently set out in policy.

54. For the reasons set out above, it is not demonstrated the proposal would not adversely affect any future expansion of Gatwick Airport. It would conflict with paragraphs 5.8 – 5.9 of the APF insofar as these seek to ensure safeguarded land is protected from incompatible development. While the Council has concluded the proposal conflicts with the Aviation White Paper (2003), it is my understanding this reference is to The Future of Air Transport (2003) White Paper which is withdrawn. Therefore, I have not concluded against it.

Highways

55. Policy W3(b)(iv) of the WLP requires that sites are well-related to the LRN and Policy W18(c)(i) that materials are capable of being transported using the LRN with minimal use of local roads, unless special justification can be shown. They do not define what is 'minimal' or 'well-related', so it is a matter for the decision maker to determine based upon the circumstances. The Council does not express a specific objection to the distance to the LRN, suggesting the objection is primarily in relation to highway suitability and safety.
56. The number and nature of total vehicle movements currently generated by the appeal site are not clear. It is put to me the proposal would be likely to reduce the number of overall vehicle movements, but it is not detailed how this conclusion is reached. From what I saw and the evidence before me, it would appear highly likely the proposal would result in a marked increase in HGV movements.
57. I have not been provided with a planning obligation to secure the routing of approximately 30-inbound and 30-outbound daily vehicle movements to and from the east as sought by the Council and the appellant has not stated they would be willing to accept one. Were this to be agreed, it may complicate or result in an elongated route given the stated intention of vehicles to return to the Burlands Farm premises to the west at the end of each day⁴.
58. The nearest part of the LRN is the A23 approximately 2km south-east of the site. To access it HGVs would need to use Charlwood Road which is a 'C' Class local distributor road before reaching Ifield Avenue. The Highway Authority (HA) does not appear to raise any significant concerns over the use of Ifield Avenue given its general alignment, width, capacity and infrastructure for non-motorised users. Notwithstanding the Council's concerns, I see no substantive reason it could not be used safely by new site traffic.
59. However, the HA expresses significant concerns about the suitability of Charlwood Road in the vicinity of the appeal site. It has a relatively rural

⁴ Paragraph 4.2 of the Planning Statement by WS Planning & Architecture (Ref. J002999).

- character, no footways, a limited carriageway and verge widths with clear evidence of overrunning, and little vulnerable user infrastructure. ATC data suggests regular cycle use and the Council informs me it is used by equestrians and walkers to access the wider rights of way network.
60. In the vicinity of the appeal site, the Charlwood Road was the subject of seven accidents between 2013 – 2018⁵ and the Highway Authority (HA) has explained there have been three others in the area since the data was interrogated for the Road Safety Audit (RSA). An Inspector for a previous 2014 appeal proposal at Burlands⁶ Farm that included further HGV movements (10-in, 10-out) was of the view the route to the A23 was poor, had an absence of facilities for vulnerable road users, a poor accident record, and was not well-related to the LRN at that time.
61. While this proposal is closer to the A23 than the 2014 proposal, HGVs would utilise the same stretch of road. Both that Inspector and the HA share the view the number of accidents is disproportionately high regardless of no design deficiencies having been identified. For these reasons, the HA is of the view the effect of the proposed development upon the road network would be severe. I see no substantive reason why the concerns of the HA should not be given significant weight. While the appellant's evidence explains the accidents, there is little further analysis of the carriageway undertaken to overcome the concerns raised.
62. The appellant suggests the proposed number of movements is similar to that previously accessing Kilmarnock Farm between 1999 – 2012 for various infilling and land drainage works. I am informed they utilised the appeal access, and there were no associated accidents. The HA confirms there was a single incident in 2003 involving one of the appellant's HGVs, though that HGV driver was not at fault. However, based upon the evidence before me, suggests those proposals generated fewer overall movements over less sustained periods and given they were some time ago, I cannot be certain the amount and nature of traffic using Charlwood Road is similar to the present day.
63. The HA judged, for a proposal at Red Gables⁷, that just over a quarter of the number of vehicle movements proposed in this appeal scheme, would not lead to a severe impact. So the circumstances and effects are not the same and do not justify allowing this appeal. An Inspector's finding in respect⁸ of the site having easy access to the strategic road network around Crawley, when considering the use of land for car valeting is also noted. However, this was in the context of a scheme that would primarily generate car movements.
64. I am informed that a similar number of HGVs presently utilise this stretch of road to access Burlands Farm. However, even were that to be the case, there is no explanation that would lead me to conclude other than that the proposal is likely to significantly increase HGV movements on a section of road with a number of recorded accidents. Such is the width, alignment and lack of vulnerable user infrastructure, based upon the evidence before me, the use by a significant number of additional HGVs would be detrimental to highway safety. Therefore, the nature of the highway to access the LRN, means I

⁵ Appendix C (Collision report 01/09/2013 – 31/08/2018) of Transport Statement dated 22/11/2019.

⁶ Appeal Ref. APP/P3800/A/14/2227993.

⁷ Highway Authority response dated 08/08/2018 to application Ref. DC/18/1455.

⁸ Appeal Ref. APP/Z3825/W/15/3004320.

- cannot regard the site as being well-related to the LRN. The number and route of vehicle movements proposed, suggests the use of local roads cannot be considered minimal and I do not consider special justification has been shown.
65. The appellant's RSA recommends a telegraph pole be relocated from the west of the access as it is an obstruction to visibility. While the RSA is of the view the impact is limited, it would be close to where drivers would be emerging, causing obstruction to their line-of-sight. Given its proximity to emerging vehicles, the effect upon visibility and upon the path of HGVs entering from the west, I am of the view it would be prejudicial to highway safety.
66. It is not disputed that the visibility splays should be 2.4m x 126m to the southeast and 2.4m x 97m to the northwest. The plans show the visibility splay cannot be achieved in a south easterly direction within land within the landowner's control or the public highway. However, the appellant is of the view they could obtain the necessary landowner's agreement to achieve the visibility splay. In respect of the telegraph pole and splays, the Council's condition to require clear specified splays are provided, would remedy these matters. However, this does not mitigate or overcome my other concerns.
67. For the reasons set out above it is not demonstrated the proposal would be in a suitable location on the highway network, or that it could be accessed safely. Therefore, it would conflict with the aims of Policies W3, W4 and W18 of the WLP and Policy 40 of the HDPF. Amongst other things these require that proposals are well-related to the LRN, use of local roads is minimised, and that vehicle movements associated with the development will not have an adverse impact on the safety of all road users. It would also conflict with the aims of paragraphs 110 and 111 of the Framework, which have similar objectives.

Other Matters

68. Policy W1 of the WLP supports facilities on un-allocated sites where it is demonstrated there is a market need. I have not been provided with the figures of the latest Annual Monitoring Report (AMR), but I am informed the 2017/18 AMR identifies a continuing and increasing demand for such facilities as that proposed. I am advised the WLP contains a capacity requirement for 0.68m tonnes per year to 2031 for the transfer, recycling, and treatment of commercial and industrial waste and construction, demolition, and excavation waste.
69. It is understood the appellant's company are currently depositing waste at other operator's facilities although the tonnages, nature of facilities and locations of them is not clear. This proposal would create 75,000 tonnes of capacity per year of inert waste recycling for aggregates and soils for use in the local market close to the urban areas of Horsham and Crawley which is the appellant's primary market. It would reduce the appellant's carbon footprint and vehicle miles from the current arrangements.
70. The proposal would be consistent with the principle of net self-sufficiency for West Sussex, supported by Policy W1 and would drive waste up the hierarchy as sought by the WLP and National Planning Policy for Waste (2014) (the NPPW). There is no dispute the proposal gains support from Policy W1.
71. Some interested parties have concerns of the effect of the proposal upon the Ifield Conservation Area (the ICA) due to noise and HGV movements. I have

considered this having regard to my duties under section 72 of the of the Planning Listed Buildings and Conservation Areas Act 1990 (the LBCAA), and any potential effects upon the setting of the ICA. The ICA is centred around the historic village as a scattered rural settlement, taking in its hinterland and some later development along Langley Lane and Ifield Green.

72. The ICA derives its character, appearance and significance from its historic settlement form with its high-quality historic buildings such as the church, a public house and cottages, as well as and the more recent generously sized high-quality residential and other buildings set within maturely vegetated green spaces, mature trees and wider rural grassland areas. Its setting to the north and east includes and is characterised by residential development and fields off Ifield Green, Ifield Avenue and Charlwood Road. From what I saw, it is primarily the surrounding fields, mature hedgerows and tree belts within its setting that contribute most to its significance. I could not see any intervisibility between the ICA and appeal site. Like aircraft from the airport, traffic on some highways is audible from the eastern side of the ICA and so has some influence upon both its character and setting.
73. It is not suggested there would be further vehicle movements through the ICA from the proposal. The technical analysis in the NA, suggests the appeal site would not be likely to be audible, above the existing noise environment during the times of its operation, within the ICA or within much of its immediate setting. There would be further HGVs travelling along Ifield Avenue and Charlwood Road, in proximity to parts of the eastern extent of the ICA. However, having regard to the number and duration of these, there would not be a significant overall increase in noise from them.
74. Based upon the evidence before me, I consider that the proposed development would not result in overall harmful effects upon the character, appearance and significance of the ICA and its setting. Therefore, it would preserve the character of the ICA and the contribution of its setting to its significance. In consequence, this would be a neutral matter.

Planning Balance

75. The Council does not appear to dispute that the proposed development would result in efficiencies in the management of waste and reducing carbon, in compliance with WLP objectives and targets. The WLP highlights that private new facilities are essential for a more sustainable approach to dealing with waste in the County. I give the sustainable waste management benefits of providing further waste recycling capacity of this magnitude in close proximity to two large urban areas, significant weight.
76. The proposed development would result in significant temporary economic benefits from construction and restoration, and once completed there would be medium-term economic and social benefits through direct employment, the processing of waste arisings and the supply of recycled materials to the construction industry and the associated benefits that brings.
77. The appeal site appears to have a very limited ecological value at the present time. Notwithstanding the temporary life of the facility, subject to the imposition of suitably worded planning conditions, it is possible the proposed development could secure an overall biodiversity benefit. Having regard to the indicative planting proposals before me and the extent of the appeal site, this

would be likely to be a modest benefit. It is not demonstrated the proposed development could and would achieve a net landscape benefit, so I consider this would be more of a neutral matter.

78. It is not disputed several sites in the area are unsuitable. However, the extent of any wider search exercise is not fully clear, and I cannot conclude all potential other sites are exhausted. Based upon the evidence before me, this is a matter that attracts limited weight in favour of the proposal. The appellant's appeal statement refers to the implications of an on-going enforcement appeal⁹ for their pre-existing operations in 2021. However, the status of this is not clear. Nonetheless, overall, the benefits of the development attract significant weight in favour of the scheme.
79. Were I to agree the proposed development would be, or with the imposition of suitably worded planning conditions, could be made compliant with policies in respect of matters such as lighting, construction management, access and parking standards, arboricultural matters, drainage, design of buildings and structures, dust suppression, wheel cleansing, noise mitigation, and heritage assets, these would be neutral matters in the planning balance.
80. I have found the proposal would be harmful to the character and appearance of the countryside, it has not been demonstrated the proposal would be compliant with policies for flood risk or the future expansion of Gatwick Airport. It is not demonstrated it would secure satisfactory living conditions to nearby occupiers, would not harmfully affect the enjoyment of a public right of way, or can be considered in a suitable location on the highway network and accessed safely. Therefore, I cannot regard it as being a suitable previously developed site, as required by Policy W3 of the WLP. In combination, these are matters that attract significant weight against the scheme. These are such that in combination they outweigh the benefits of the proposal.
81. Moreover, Regulation 63(5) of the 2017 Habitats Regulations states that the competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site. Therefore, the appeal cannot be allowed.

Conclusion

82. The proposed development would be contrary to the development plan and the National Planning Policy Framework read as a whole, and there are no considerations advanced, including the policies of the Framework and the NPPW, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR

⁹ APP/P3800/C/20/3247574.

APPENDIX 13

	Operational sites run by compec
	Non operational, previously looked at, temp permission has lapsed, far too restrictive on movements
	PJB site
	Non operational/now houses

MSDC	Permit Num	Waste N	Pre-EA Permit Licence	Trading Name	Site Name	Site Type	Site Address	Site Postcode	Site Grid Reference	Easting	Northing	Local Authority	Status	Issued Date	Variation Date	Transfer Date	Date Effective	PLANNING	Revoked Date	Suspended Date	
	NP3795HH	10112	DP3337YG	OLUS ENVIRONMENTAL	Winterpick Composting - EPR/NP379	A22	Composting Facil Winterpick Business Park, Hurstpierpoi	BN5 9BJ	TQ2399018380	523990	118380	Mid Sussex	Issued	19/12/2017	19/12/2017		19/12/2017				
	NP3294HJ	19699	19699	GEO E RICHARDSON & S	GEO E Richardson & Sons Ltd	A20	Metal Recycling 't Hurst Works, Cuckfield Road, Goddard	BNE 9LQ	TQ2854320220	528543	120220	Mid Sussex	Issued	18/04/1994			18/04/1994				
	KB3205CL	407585	407585	T J D GRAB SERVICES LIM T J D Grab Services Limited	A16: Physical Treatme	Rowfast Sawmills, Wallage Lane, Rowf	RH10 4NQC	TQ3295936871	532959	136871	Mid Sussex	Issued	10/08/2022			10/08/2022	WSCC 37/50/08 NOT ACTUALLY FOR ITS CURRENT USE				
	B83511AW	103246	103246	ROYAL BOTANICAL GAR	Wakehurst Place	A8	Lagoon Royal Botanical Gardens, Wakehurst Pl	RH17 6TN	TQ3270031200	532700	131200	Mid Sussex	Issued	16/11/2011			16/11/2011				
	WP3695HW	10152	10152	SOUTHERN WATER SER	Goddards Green W W T W	A23	Biological Treatr Goddards Green W W T W, Cuckfield R	RH17 5AL	TQ2882120596	528821	120596	Mid Sussex	Issued	17/08/2007	17/08/2007		17/08/2007				
	PP3196EQ	102086	102086	TJS SERVICES LIMITED	Cophorne Yard	A16: Physical Treatme A M V Haulage, Cophorne Road, Copt	RH10 3PD	TQ3033938342	530339	138342	Mid Sussex	Issued	06/12/2010	06/12/2010		06/12/2010	MSDC 02/02583/CMA NO DOCUMENTS OR DETAILS				
	KB3605UU	19727	19727	SYRACUSE WASTE LIMIT	Burgess Hill Household Waste Recycl	A11	Household, Com Burgess Hill H W R C & W T S, Fairbridg	RH15 BAR	TQ3116320391	531163	120391	Mid Sussex	Issued	20/02/1996	20/02/1996		20/02/1996				
	JB3032RH	104417	104417	ROYAL BOTANICAL GAR	Royal Botanical Gardens Kew	A22	Composting Facil Royal Botanical Gardens Kew, Wakehu	RH17 6TN	TQ3404531133	534045	131133	Mid Sussex	Issued	20/09/2012			20/09/2012				
	CB3807XK	19584	19584	COX SKIPS LIMITED	Burleigh Oaks Farm	A11	Household, Com Burleigh Oaks Farm, East Street, Turner	RH10 4PZ	TQ3465936486	534659	136486	Mid Sussex	Issued	25/06/1997	25/06/1997		25/06/1997				
	MB3431RR	104903	104903	WEALDEN HAULAGE AN	Field Place Farm	A25	Deposit of waste Field Place Farm, Stairbridge Lane, Bolr	RH17 5PA	TQ2739321290	527393	121290	Mid Sussex	Issued	19/12/2012			19/12/2012				
	KB3609KQ	400553	VP3038QZ	ANGUS ENERGY WEALD	Lower Stumble Hydrocarbon Explora	A13	Mining Waste Of Lower Stumble H E S, Off London Road, and	RH17 6JH	TQ3102029240	531020	129240	Mid Sussex	Issued	29/08/2018	29/08/2018		29/08/2018				
	KB3605XK	19583	19583	SYRACUSE WASTE LIMIT	East Grinstead Household Waste Rec	A13	Household Wast High Grove, Imberhome Road, East Gr	RH19 1TZ	TQ3789937215	537899	137215	Mid Sussex	Issued	22/03/1996	22/03/1996		22/03/1996				
	EP3894HB	19709	19709	CT Jenkins	East Mascalls Farm	A20	Metal Recycling 't East Mascalls Farm, East Mascalls Lane	RH16 2QN	TQ3659825568	536598	125568	Mid Sussex	Issued	31/03/1994			31/03/1994				
	AB3303HD	400518	400518	Michael Robins	Newtimber Chalk Pit	A16: Physical Treatme	Newtimber Chalk Pit, Newtimber, Hass	BN6 9BS	TQ2774713685	527747	13685	Mid Sussex	Issued	21/10/2014	21/10/2014		21/10/2014	MSDC 02/01328/CMA GAINED THROUGH ENFORCEMENT			
	CP3891SM	100690	100690	M N H SUSTAINABLE CA	M N H Sustainable Cabin Services Ltd	S0803	No 3: 75kte HCl Units 34-37 Rowfant Business Centre, \	RH10 4NQC	TQ3296736546	532967	136546	Mid Sussex	Issued	06/03/2009	06/03/2009		06/03/2009				
	PP3697FE	102117	102117	EDBURTON CONTRACT	Former Sewage Treatment Works	SR2010	No12: Treatme Former Sewage Treatment Works, Cuck	BN6 9LL	TQ2781318200	527813	118200	Mid Sussex	Issued	10/11/2010	10/11/2010		10/11/2010	MSDC 08/01096/CMA			
	JB3502UD	407086	407086	P.J.BROWN (CIVIL ENGI	Bolney Park Farm Recycling Facility	S0811	No 11: Inert & e Bolney Park Farm, Broxmoad Lane, Bol	RH17 5RL	TQ2682224666	526822	124666	Mid Sussex	Issued	20/10/2020			20/10/2020				
	DP3693EE	83155	83155	G W & G BRIDGES LIMIT	Bridges Scrap Yard, Brighton Rd, Rh1	A19	Metal Recycling 't The Orchard, Brighton Road, Pease Pot	RH11 9AB	TQ2618932462	526189	132462	Mid Sussex	Issued	16/03/1994			16/03/1994				

HDC	Permit Num	Waste N	Pre-EA Permit Licence	Trading Name	Site Name	Site Type	Site Address	Site Postcode	Site Grid Reference	Easting	Northing	Local Authority	Status	Issued Date	Variation Date	Transfer Date	Date Effective	Surrendered Date	Revoked Date	Suspended Date
	AB3700LS	400796	400796	BIFFA WASTE SERVICES	Brookhurst Wood Aggregate Treatm	A16: Physical Treatme	Brookhurst Wood Landfill Site, Langhur	RH12 4QD	TQ1709934700	517099	134700	Horsham	Issued	06/03/2014	06/03/2014		06/03/2014			
	KB3308TD	401997	HP3700SD	BRITANICKREST RECYCL	Walden Works 3Rs Facility - EPR/CE	A11	Household, Com Former Walden Brickworks WTS, Lang	RH12 4QD	TQ1714034310	517140	134310	Horsham	Issued	16/11/2022			16/11/2022			
	KB3007HK	404166	404166	A HYATT CONTRACTORS	Barnfield House	A25	Deposit of waste Barnfield House, Picts Lane, Cowfold, H	RH13 8AT	TQ2334522769	523345	122769	Horsham	Issued	23/02/2018	23/02/2018		23/02/2018			
	CP3694HR	19679	19679	BIFFA WASTE MANAGER	Windmill Quarry Landfill Site	A20	Household, Comm Windmill Quarry Landfill Site, The Hollc	RH20 3DA	TQ1300013600	513000	136600	Horsham	Closure	01/12/1986			01/12/1986			
	HP3294HV	19658	GP3383YC	CHARLES MUDDLE LIMF	Adversane Lane, Billingshurst - EPR/	A20	Metal Recycling 't Charles Muddle Ltd, Adversane Lane, A	RH14 9EG	TQ0811023220	508110	123220	Horsham	Issued	26/10/2017			26/10/2017			
	DB3000FT	402430	402430	D B AGRILIMITED	Wappingthorn Farm Anaerobic Diger	S1210	No 10: On-farm Wappingthorn Farm, Horsham Road, S	BN44 3AA	TQ1722813565	517228	113565	Horsham	Issued	16/09/2015			16/09/2015			
	AB3303ZN	400523	400523	DUDMAN WASTE AND I	Shoreham Recycling Centre	A16: Physical Treatme	Beeding Cement Works, A283 Beeding	BN44 3TX	TQ2025408603	520254	108603	Horsham	Issued	23/09/2013			23/09/2013			
	NB3333AW	400131	400131	SWEETECH ENVIRONN	Sweetech Recycling Park	A16: Physical Treatme	Unit 1 The Old Brickworks, Shoreham R	BN5 9SE	TQ2188014199	521880	114199	Horsham	Issued	01/04/2014	01/04/2014		01/04/2014	DC/13/1791 Change of use from storage and distribution (former		
	CB3505LH	402113	402113	RESTORATION TO AGRIC	Restoration To Agriculture Limited	L05	Inert LF Rudgwick Brickworks, Lynwick Street, F	RH12 3DH	TQ0833934341	508339	134341	Horsham	Issued	03/06/2015	03/06/2015		03/06/2015			
	CP3494HE	19677	19677	UK WASTE MANAGEMEN	The Rough Landfill	A1	Co-Disposal Landf The Rough Landfill, The Hollow, Washi	RH20 3DA	TQ1360013780	513600	137800	Horsham	Closure	22/06/1998	22/06/1998		22/06/1998			
	KB3606GW	10142	10142	SYRACUSE WASTE LIMIT	Billingshurst Household Waste Recy	A13	Household Wast Newbridge Road, Billingshurst, West S	RH14 9HZ	TQ0802226113	508022	126113	Horsham	Issued	23/08/2005	23/08/2005		23/08/2005			
	JB3906TF	104374	104374	OLUS BIOMASS LIMITED	Olus Biomass	A16: Physical Treatme	Firsland Park Estate, Albourne Road, A	BN6 9JJ	TQ2475018000	524750	118000	Horsham	Issued	03/08/2012	03/08/2012		03/08/2012			
	GB3809KL	405836	405836	D J UTILITIES LIMITED	Unit 6b	SR2010	No12: Treatme Firsland Park Estate, Henfield Road, Fir	BN6 9JJ	TQ2464619559	524646	117959	Horsham	Issued	21/02/2019			21/02/2019			
	FB3003FW	19668	19668	MRS ANNETTE LANGRIC	Parsonage Farm Scrapyard	A20	Metal Recycling 't Units 2 & 3, Parsonage Way, Horsham,	RH12 4AL	TQ1840931960	518409	131960	Horsham	Issued	31/03/1994			31/03/1994			
	LB3303CS	401783	401783	STORRINGTON SAND QI	Washington Sandpit	A25	Deposit of waste Washington Sandpit, Harpers Lane, Sto	RH20 3EX	TQ1070013850	510700	113850	Horsham	Issued	08/12/2021			08/12/2021			
	FB3106XR	19701	19701	CEMEX UK MATERIALS L	Small Dole Landfill	L05	Landfill taking Nor Small Dole Landfill, Henfield Road, S	BN5 9XJ	TQ2040012700	520400	112700	Horsham	Closure	13/06/1977			13/06/1977			
	EP3798LF	101194	101194	BETALAND LIMITED	Golding Barn Quarry	A5	Inert LF Golding Barn Quarry, Henfield Road, SR	BN5 9XH	TQ2097110534	520971	110534	Horsham	Issued	25/08/2010	25/08/2010		25/08/2010			
	JB3102MM	406742	406742	INERT RECYCLING (UK)	Sandgate Park Quarry	A25	Deposit of waste Sandgate Park Quarry, Water Lane, Sul	RH20 4AS	TQ1020114110	510201	114110	Horsham	Issued	16/08/2021			16/08/2021			
	EB3105FJ	403273	403273	PENFOLD VERRALL LIM	The Haulage Yard	A16: Physical Treatme	The Haulage Yard, Dial Post, Horsham,	RH13 8NY	TQ1541018615	515410	118615	Horsham	Issued	22/08/2016			22/08/2016			
	KB3102MU	407487	407487	MOTOR R G S LIMITED	Unit 21, Firsland Industrial Estate	S1517	No 17: Vehicle E Henfield Road, Albourne, Hassocks, W	BN6 9JJ	TQ2458417990	524584	117990	Horsham	Issued	26/03/2021			26/03/2021			
	AB3806CG	400883	400883	KIMMERIDGE OIL & GAS	Broodford Bridge 1	A30	Mining Waste Of Woodbarn Farm, Adversane Lane, Bro	RH14 9ED	TQ0905721771	509057	121771	Horsham	Issued	23/06/2014	23/06/2014		23/06/2014			
	XP3031CF	404203	SP3609MW	ISLAND GAS LIMITED	Storrington Well Site EPR/XP3031CF	A30	Mining Waste Of Storrington Well Site, Pulborough Road	RH20 4HP	TQ0685014950	506850	114950	Horsham	Issued	26/10/2021	26/10/2021	06/08/2012	26/10/2021			
	GB3000MR	404639	404639	BELL & SONS CONSTRU	Bell And Sons Construction Yard	SR2010	No12: Treatme North Grange Farm, Wimlands Lane, F	RH12 4SP	TQ2131635212	521316	135212	Horsham	Issued	12/04/2018			12/04/2018			
	WE7671AA	120228		A HYATT CONTRACTORS	Hyatt's Yard	S0811	No 11: Inert & e SUSSEX SHOW GROUND, WORTHING R	RH13 8NR	TQ1531418987	515314	118987	Horsham	Issued	08/02/2021			08/02/2021			
	KB3606LJ	19682	19682	SYRACUSE WASTE LIMIT	Horsham Civic Amenity Site	A13	Household Wast Horsham H W R C, Worthing Road, Hor	RH13 7AR	TQ1607228686	516072	128686	Horsham	Issued	01/09/1995	01/09/1995		01/09/1995			

CBC	Permit Num	Waste N	Pre-EA Permit Licence	Trading Name	Site Name	Site Type	Site Address	Site Postcode	Site Grid Reference	Easting	Northing	Local Authority	Status	Issued Date	Variation Date	Transfer Date	Date Effective	Surrendered Date	Revoked Date	Suspended Date
	HP3632TS	400022	JP3503BG	THAMES WATER UTILIT	Crawley CHP Plant and Standby Dies	A29	Landfill Gas Engir Crawley Sewage Treatment Works, Rac	RH10 3NW	TQ2894040250	528940	140250	Crawley	Issued	27/04/2020	03/04/2013		27/04/2020			
	XP3594VM	83315	83315	UK POWER NETWORKS	Stephenson Way	A9	Special Waste Trai E D F Energy Contracting Ltd, Steph	RH10 1TN	TQ2850036700	528500	136700	Crawley	Issued	31/03/2000		31/03/2000				
	EB3702FM	403702	403702	PLATINUM INTERNATIO	Platinum International Limited	S1516	No 16: Metal Re Unit 2 Gatwick Distribution Point, Chur	RH11 0PQ	TQ2743640007	527436	140007	Crawley	Issued	25/01/2017			25/01/2017			
	EB3135RZ	103736	103736	COOK & SON LIMITED	Rowley Farm	SR2010	No12: Treatme Rowley Farm, Lowfield Heath, Crawley,	RH10 9SL	TQ2824239613	528242	139613	Crawley	Issued	03/01/2012			03/01/2012	CR/2011/0193/191		
	DP3795EH	83157	83157	MR DONALD SIMMOND	Elliott Metals	SR2011	No2: Metal Re Rowcroft Farm, Fernhill Road, Horley,	RH6 95Y	TQ2971941198	529719	141198	Crawley	Issued	19/01/1994	19/01/1994		19/01/1994			
	EB3001HN	101261	101261	DHL SUPPLY CHAIN LIM	Gatwick Waste Care Centre	A9	Special Waste Trai Larkins Road, Gatwick, West Sussex, R	RH6 0ND	TQ2665040860	526650	140860	Crawley	Issued	10/09/2010	10/09/2010		10/09/2010			
	KB3606KY	83609	83609																	

UP3198VB	102478	102478	VEOLIA ES SOUTH DOW	Newhaven E R F Tipping Hall Transfe	S1504 No 4: 75kte HCl	North Quay Road, North Quay Road, Nl BN9 OAB	TQ4450102234	544501	102234	Lewes	Issued	28/02/2011	28/02/2011				28/02/2011
CB3107LX	401856	401856	NORTH STREET QUARTZ	Lead East Of Malling Brooks Industri	A25 : Deposit of waste Land East Of Malling Brooks Industrial E BN7 2HB		TQ4215010822	542150	110822	Lewes	Issued	21/04/2015					21/04/2015
KP3894HG	19635	GP3732WX	M.D.J. LIGHT BROTHERS	Greystone Quarry Waste Facility - EP	A11 : Household, Com Greystone Quarry, Southerham, East S1 BN8 6IN		TQ4311009080	543110	109080	Lewes	Issued	14/02/2019					14/02/2019
EP3490LD	101117	101117	AMSTECH CONTRACTS	L Amstech Contracts Ltd	S0809 No 9: Asbestos 1 Unit F Rich Industrial Estate, Avis Way, BN9 0DU		TQ4518502093	545185	102093	Lewes	Issued	15/10/2009	15/10/2009				15/10/2009
NP3690VC	102033	102033	VEOLIA ENVIRONMENT	Newhaven Household Waste Site	S0813 No 13: 75kte No Former Foundry Site, New Road, Newh BN9 0EH		TQ4496201743	544962	101743	Lewes	Issued	02/02/2011					02/02/2011
HB3504FG	19621	19621	VRIDOR WASTE MANA	Bedingham Landfill	A1 : Co-Disposal Landfil Beddingham Landfill, Old Rodmell Ceme BN8 6RJ		TQ4370006040	543700	106400	Lewes	Issued	21/05/1981	21/05/1981				21/05/1981
VP3295HK	101339	101339	George Worms	Brighting Motorama	A19 : Metal Recycling 1 North Industrial Estate, New Road, Nev BN9 0EH		TQ4461902417	544619	102417	Lewes	Issued	03/08/2004					03/08/2004
AB3433RF	103021	103021	KINGSTON TRANSPORT	Sussex Skips M R F, Newhaven	S0807 No 7: 75kte HCl	Former Vapogro Building, North Quay V BN9 OAB	TQ4483401671	544834	101671	Lewes	Issued	26/08/2011	26/08/2011				26/08/2011
EP3994HE	19704	19704	JAMES LEPPARD & SON	Street Landfill	A16 : Physical Treatme Street Sandpit, Street Lane, Seafoat, Has: BN6 8RS		TQ3500014800	535000	114800	Lewes	Issued	05/08/1996					05/08/1996
JB3703HZ	100904	100904	EXPERT SERVICES	GROU Unit 3, Cradle Hill Ind Est	S0801 No 1: 75kte HCl	Unit 3, Cradle Hill Ind Est, Seafoat, East BN25 3JE	TQ4966000320	549660	100320	Lewes	Issued	20/04/2009		20/04/2009			20/04/2009
XP3194HX	19619	19619	VEOLIA ES SOUTH DOW	Seaford Household Waste Site	A13 : Household Wast Seaford Household Waste Site, Cradle I BN25 3JE		TQ4976200489	549762	100489	Lewes	Issued	05/12/1995	05/12/1995				05/12/1995
KB3435RB	104619	104619	SOUTHERN WATER SER	Peacehaven W T W Combined Heat /	A18 : Incinerator	Peacehaven W T W, Hoyle Road, Peace BN10 8LW	TQ42150001540	542150	101540	Lewes	Issued	10/12/2012					10/12/2012
WE3653AB/	120566		LS VEHICLE RECYCLING	L S Vehicle Recycling	S1517 No 17: Vehicle C	L S Vehicle Recycling, Chalkham Farm, L BN8 5RJ	TQ4222421578	542224	112578	Lewes	Issued	02/08/2022					
VP3294HX	19721	19721	D Alexander	Goldbridge Farm	A5 : Landfill taking Nor	Goldbridge Farm, Goldbridge Road, Ne: BN8 4QP	TQ4210021500	542100	121500	Lewes	Closure	29/06/1990					29/06/1990
VP3494HH	19720	19720	SOUTHERN HAULAGE	L Goldbridge Farm	A5 : Landfill taking Nor	Goldbridge Farm, Goldbridge Road, Ne: BN8 4QP	TQ4220021400	542200	121400	Lewes	Closure	09/12/1996					09/12/1996
GB3900TD	100516	100516	RIPLEY PROPERTY HOLD	East Quay, Newhaven Port	S1516 No 16: Metal Re	East Quay, Newhaven Port, Newhaven, BN9 0BN	TQ4508600540	545086	100540	Lewes	Issued	28/10/2008	28/10/2008				28/10/2008

WORTHING

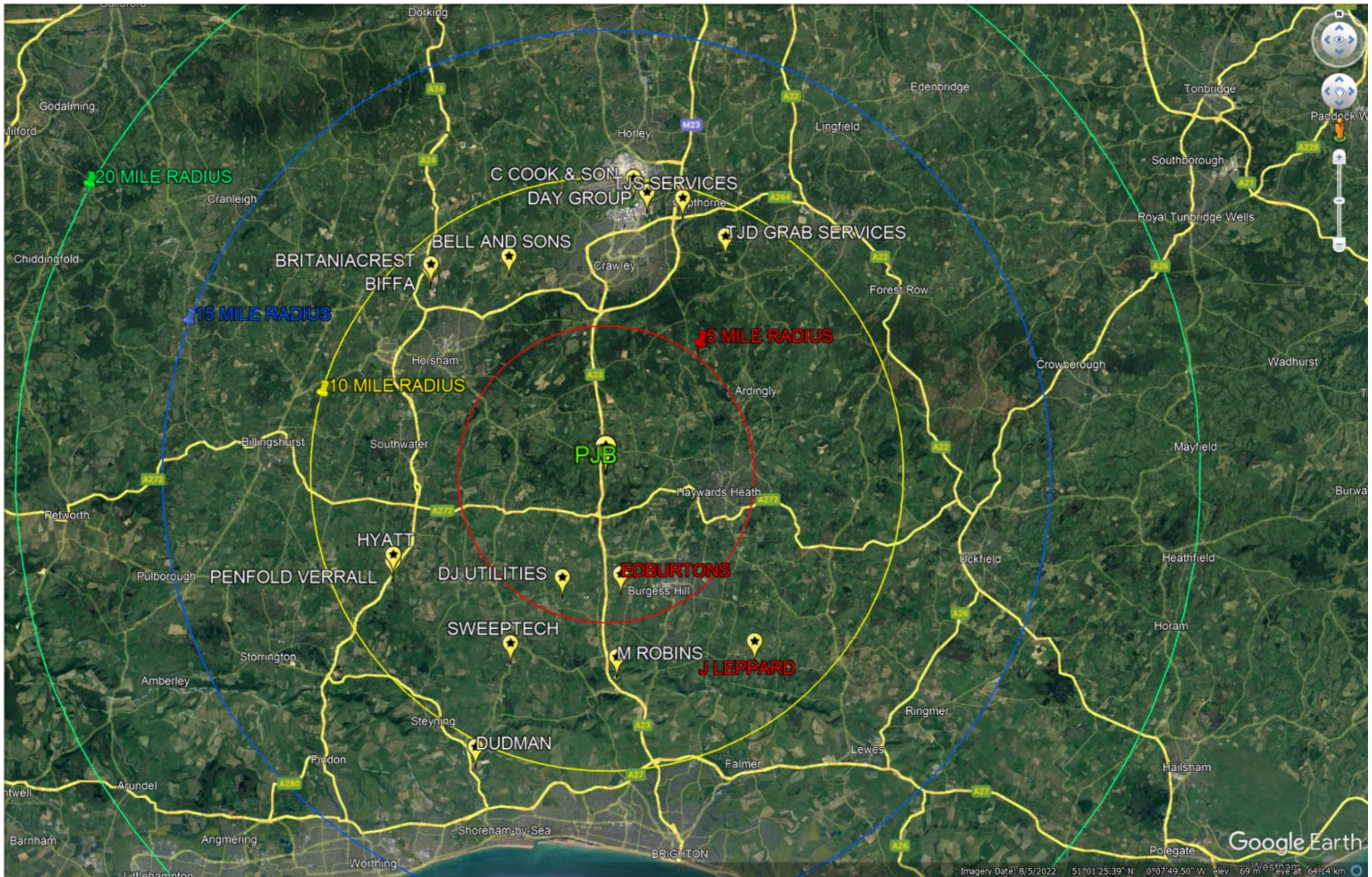
Permit Num	Waste N	Pre-EA Permit	Licence	Trading Name	Site Name	Site Type	Site Address	Site Postcode	Site Grid Reference	Easting	Northing	Local Authority	Status	Issued Date	Variation Date	Transfer Date	Date Effective	Surrendered Date	Revoked Date	Suspended Date	
KB3606UG	100484	100484	SYRACUSE WASTE	LIMIT	Pourthing Household Waste Recyclin	S0813 No 13: 75kte No Land/premises At, Willowbrook Road, 1 BN14 8NA	TQ1620003950	516200	103950	Worthing	Issued	11/09/2009	11/09/2009				11/09/2009				
EP3295HE	10125	10125	POUNTNEY TYRES	LIMIT	Pountney Tyres Ltd	A16 : Physical Treatme	Meadow Road Ind. Est., Dale Road, Wo BN11 2RU	TQ2808205764	516604	103560	Worthing	Issued	23/12/2004					23/12/2004			
CB3707UL	103884	103884	EUROGREEN	ENVIRONN	North Barn Farm	A22 : Composting Facil	North Barn Farm, Titnor Lane, Worthin, BN12 6NZ	TQ1011204210	510112	104210	Worthing	Issued	29/03/2012	29/03/2012				29/03/2012			
CP3794HY	19681	19681	WORTHING BOROUG	H Meadow Road Depot	A9 : Special Waste Trai	Meadow Road Depot, Meadow Road, BN11 2SA	TQ1680003400	516800	103400	Worthing	Issued	08/11/1994	08/11/1994				08/11/1994				
HP3994HX	19654	19654	MR S J & S G SHANNON	S J & S G Shannon	A19 : Metal Recycling 1	10a, Cross Street, Worthing, West Suss BN11 1UP	TQ1437203338	514372	103338	Worthing	Issued	31/03/1994						31/03/1994			

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Permit Num	Waste N	Pre-EA Permit	Licence	Trading Name	Site Name	Site Type	Site Address	Site Postcode	Site Grid Reference	Easting	Northing	Local Authority	Status	Issued Date	Variation Date	Transfer Date	Date Effective	Surrendered Date	Revoked Date	Suspended Date	
ZP3794HD	19692	19692	VEOLIA ES SOUTH DOW	Brighton Household Waste Site	A13 : Household Wast	Sheepcote Valley, Wilson Avenue, Brigl BN2 5PA	TQ3388104892	533881	104892	Brighton and Hove	Issued	19/03/1991	19/03/1991				19/03/1991				
DP3694SG	100765	100765	BRIGHTON AND HOVE	C Stanner Waste Transfer Station	A11 : Household, Com	Stanner Park, Lewes Road, Stanner Pa BN1 2SE	TQ3350009700	533500	109700	Brighton and Hove	Issued	15/05/2009					15/05/2009				
NP3995SN	10102	10102	VEOLIA ES SOUTH DOW	Hove H W S & Transfer Station	A13 : Household Wast	Leighton Road Depot, Old Shoreham Rr BN3 7E5	TQ2808205764	528082	105764	Brighton and Hove	Issued	30/09/1999	30/09/1999				30/09/1999				
NP3894HH	19697	19697	BRIGHTON AND HOVE	C Hollingdean Depot	A9 : Special Waste Trai	Hollingdean Depot, Upper Hollingdean BN1 7GA	TQ3168206095	531682	106095	Brighton and Hove	Issued	31/08/1993					31/08/1993				
ZP3594HV	19686	19686	ARGYLE METALS	LIMIT	Argyle Hall	A20 : Metal Recycling 1	Argyle Hall, Campbell Road, Brighton, E BN1 4QD	TQ3091105598	530911	105598	Brighton and Hove	Issued	09/09/1993					09/09/1993			
WP3394HT	19725	19725	BRIGHTON & HOVE	CITY	Sheepcote Valley	A5 : Landfill taking Nor	Sheepcote Valley, Off Wilson Avenue, E BN2 5PA	TQ3400004500	534000	104500	Brighton and Hove	Closure	30/03/1994					30/03/1994			
WE3283AB/	120532		THE GREEN BLOCK	COC TGB Service Compound Brighton Sta	S1506 No 6: 75kte HCl	BRIGHTON RAILWAY STATION, QUEEN: BN1 3XP	TQ3101505084	531015	105084	Brighton and Hove	Issued	14/06/2022									
NP3499VS	100185	100185	VEOLIA ES SOUTH DOW	Hollingdean M R F & W T S Facility	A11 : Household, Com	Land / Premises At, Hollingdean L, 1 BN1 7BB	TQ3160005900	531600	105900	Brighton and Hove	Issued	31/03/2008	31/03/2008				31/03/2008				
NP3394HP	19693	19693	BRIGHTON AND HOVE	C Waterhall Valley Burn Site	A18 : Incinerator	Waterhall Valley Burn Site, Waterhall R BN1 8YR	TQ2859509057	528595	109057	Brighton and Hove	Issued	30/07/1993					30/07/1993				
VP3395SH	10132	10132	HOVE CAR SPARES	G Wellington Road	A19 : Metal Recycling 1	137, Wellington Road, Portsldae, East S BN41 1DN	TQ2578404986	525784	104986	Brighton and Hove	Issued	27/08/2004					27/08/2004				
EP3794HQ	19714	19714	GEORGE RICHARDSON & S	Geo Richardson & Sons Ltd	A20 : Metal Recycling 1	New England Street, New England Stre: BN1 4GQ	TQ3103205386	531032	105386	Brighton and Hove	Issued	30/06/1977					30/06/1977				

WEALDEN

Permit Num	Waste N	Pre-EA Permit	Licence	Trading Name	Site Name	Site Type	Site Address	Site Postcode	Site Grid Reference	Easting	Northing	Local Authority	Status	Issued Date	Variation Date	Transfer Date	Date Effective	Surrendered Date	Revoked Date	Suspended Date	
ZP3992EW	102940	QP3904PN	HAILSHAM ROADWAY	C Woodside Depot - EPR/ZP3992EW	S0803 No 3: 75kte HCl	Woodside Depot, Polegate Road, Hails BN27 3PG	TQ5793007190	557930	107190	Wealden	Issued	08/11/2021					08/11/2021				
XP3694HV	19618	19618	VEOLIA ES SOUTH DOW	Hailsham H W R S	A13 : Household Wast	Hailsham H W R S, Station Road, Hailsh BN27 2BY	TQ5964908514	559649	108514	Wealden	Issued	05/12/1995	05/12/1995				05/12/1995				
BB3604JA	401449	401449	HALLLAWAY LIMITED	Polegate Distribution Facility	S0803 No 3: 75kte HCl	Polegate Distribution Facility, Summerf BN26 6QY	TQ5823506937	558235	106937	Wealden	Issued	21/10/2014	21/10/2014				21/10/2014				
HB3607FE	19647	19647	P J PRODUCTS LIMITED	P J Products Ltd	A11 : Household, Com	A22, Hailsham Road, Polegate, East Sus BN26 6RE	TQ5764106740	557641	106740	Wealden	Issued	20/02/1991	20/02/1991				20/02/1991				
SP3898HQ	10306	10306	VEOLIA ES SOUTH DOW	Crowborough Household Waste Site	A11 : Household Wast	Crowborough Household Waste Site, F TNE 2JP	TQ5307129455	553071	129455	Wealden	Issued	08/10/2004	08/10/2004				08/10/2004				
EP3595HY	10119	RP3036MM	KPS COMPOSTING	SERV	Isfield Composting Site EPR/EP3595H	A22 : Composting Facil	Composting Site, K P S Composting Ser: TN22 5JJ	TQ4493016260	544930	116260	Wealden	Issued	26/04/2022	05/12/2001				26/04/2022			
TP3894HV	19645	19645	Thomas Kilick	Littlewood	A19 : Metal Recycling 1	Littlewood, Hempstead Lane, Hailsham BN27 3PR	TQ5727509768	557275	109768	Wealden	Issued	27/01/1978					27/01/1978				
AP3792EC	100850	QP3434WN	VEOLIA ES SOUTH DOW	Woodlands In-Vessel Composting Fa	A22 : Composting Facil	Woodlands In- Vessel Composting Faci BN8 6JB	TQ5305013500	553050	113500	Wealden	Issued	09/10/2015					09/10/2015				
BB3307HU	401239	401239	P.J. BROWN (CONSTRUC	Norhall Clay Pigeon Club	A25 : Deposit of waste	Norhall Farm, Fletching, East Sussex, T NN22 3SA	TQ4189125539	541891	125539	Wealden	Issued	11/07/2014					11/07/2014				
DB3003FE	402449	402449	UK POWER NETWORKS	U K Power Networks	S1215 No 15: Storage c	Polegate Grid, Dittons Road, Red Dyke, BN24 5ET	TQ6065004470	560650	104470	Wealden	Issued	01/07/2015					01/07/2015				
WE7573AA/	120237		PYRITE INDUSTRIES	LTD The Coal Yard	S1506 No 6: 75kte HCl	The Coal Yard, Swan Barn Road, Hailsh: BN27 2BY	TQ5962408580	559624	108580	Wealden	Issued	18/12/2020									
MP3494HB	19594	19594	M.D.J. LIGHT BROTHERS	Hazelmere	A20 : Metal Recycling 1	Hazelmere, Three Cups, Heathfield, Ea: TN21 9LR	TQ6396020029	563960	120029	Wealden	Issued	24/08/1977					24/08/1977				
EB3709CE	19630	19630	SUEZ UK ENVIRONMENT	Potts Marsh	A11 : Household, Com	Potts Marsh, Eastbourne Road, Westh: BN24 5NH	TQ6367004035	563670	104035	Wealden	Issued	18/08/1982	18/08/1982				18/08/1982				
AB3303GR	400517	400517	Michael Robins	Robins Of Herstmonceux	A16 : Physical Treatme	Chilsham Lane, Chilsham Lane, Herstm BN27 4QG	TQ6290013000	562900	113000	Wealden	Issued	16/01/2015					16/01/2015				
LP3194HA	19587	19587	JOHN BOURNE & CO.	LT Comtec (U K) Limited	A6 : Landfill taking oth	Land/ Premises At, Bells Yew Green Ro TN3 9BQ	TQ5990035800	559900	135800	Wealden	Closure	22/11/1993					22/11/1993				
MP3694HU	19596	19596	AMBROSE PORTER	The Platt	A19 : Metal Recycling 1	The Platt, Three Cups, Heathfield, East TN21 9LR	TQ6364720147	563647	120147	Wealden	Issued	08/11/1977					08/11/1977				
BB3808UX	401630	401630	ALLIED WASTE MANAGI	Unit 8 Knights Business Centre	S0807 No 7: 75kte HCl	Unit 8 Knights Business Centre, Squires TN22 5RB	TQ5084418469	550844	118469	Wealden	Issued	01/10/2014					01/10/2014				
WP3433BY	402249	DP3005LU	RENEWI UK SERVICES	L Jenkins Lane Waste Management Fa	A16 : Physical Treatme	Jenkins Lane Waste Management Facili IG11 0AD	TQ4414025900	541440	125900	Wealden	Issued	07/03/2022	11/05/2015	28/04/2004			07/03/2022				
HB3505FT	10156	10156	BIFFA MUNICIPAL	LIMIT Unit 19 Brambleside	S0803 No 3: 75kte HCl	Unit 19, Bellbrook Ind Est, Uckfield, Ea TN22 1QL	TQ4640120590	546401	120590	Wealden	Issued	20/04/2007	20/04/2007				20/04/2007				
LB3302TW	19707	19707	AM SKIP & PLANT HIRE	Hazelbank	A11 : Household, Com	Hazelbank, London Road, Maresfield, E TN22 3EP	TQ4590225518	545902	125518	Wealden	Issued	08/12/2022					08/12/2022				
ZP3694HA	19690	19690	HALLLAWAY LIMITED	Hallalway Limited	A11 : Household, Com	Premier House, Apex Way, Diplocks Inc BN27 3IF	TQ5811509115	558115	109115	Wealden	Issued	10/09/1998					10/09/1998				
MP3294HY	19595	19595	AMBROSE PORTER	Little Rigsford Farm	A19 : Metal Recycling 1	The Platt, Three Cups, Heathfield, East TN21 9LR	TQ6399719971	563997	119971	Wealden	Issued	23/02/1993					23/02/1993				
GB3901HH	19649	MP3637QN	RIPLEY PROPERTY HOLD	H Ripley & Co - Apex Way - EPR/MP3	A11 : Metal Recycling 1	H Ripley & Co, Apex Way, Diplocks Way, BN27 3WA	TQ5802009100	558200	109100	Wealden	Issued	19/12/2018	19/12/2018				19/12/2018				
MP3794HG	19598	19598	VEOLIA ES SOUTH DOW	Heathfield Ca Site	A11 : Household, Com	Land/ Premises At, Burwash Road, Hea TN21 8RA	TQ5935422113	559354	122113	Wealden	Issued	03/08/1998					03/08/1998				
DB3709JQ	400207	400207	GO - GREEN WASTE	REC Wealden Worms	A16 : Physical Treatme	Land Off Hourne Lane, Land Off Hourne TNE 2DZ	TQ5276032299	552760	132299												



APPENDIX 14

**Application No: WSCC/084/13/HF
COUNTY MATTER**

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2010**

To Sweeptech Environmental Services Limited
c/o DMH Stallard
Gainsborough House
Peglar Way
Crawley
West Sussex
RH11 7FZ

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

Change of use from storage and distribution (former builders merchant depot) to waste recycling facility (Sui Generis) including the erection of a storage building and modular building, and installation of solar panels on Land at former Wolseley UK site, Shoreham Road, Henfield, West Sussex

to be carried out in accordance with your application and plans (as modified by the under-mentioned conditions if any) submitted to this Council on 27 August 2013 (and in accordance with the relevant correspondence a copy of which is attached *) and subject to the conditions specified hereunder:-

GENERAL

Commencement

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

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

Date 26/03/14 Signed 
Strategic Planning Manager

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

Continuation Sheet

Approved Plans and Documents

2. The development hereby permitted shall not take place other than in accordance with the particulars of the application, the approved plans and documents:
- Drawing No. 12 'Site Ownership Plan' (dated May 2013);
 - Drawing No. 13 'Site Layout Plan' REV A (dated May 2013);
 - Drawing No. 14 'Site Access Plan' REV A (dated May 2013);
 - Drawing No. 15 'Site Drainage Plan' REV A (dated May 2013);
 - Drawing No. 16 'Modular Office Plan and Elevations' (dated July 2013);
 - Drawing No. 17 'Solar (PV) Panels to Existing Warehouse Roof' (dated July 2013);
 - Drawing No. 18 'Proposed New Waste Input Storage Barn' (dated July 2013);
- and supporting information, save as varied by the conditions hereafter.

Reason: To secure a satisfactory development.

Availability of Approved Documents

3. A copy of the decision notice, approved plans and documents and any subsequently approved documents shall be kept on site 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 accord with paragraph 206 of the NPPF (2012) to ensure that the site operatives are conversant with the terms of the planning permission and the requirements of the development hereby permitted.

PRE-DEVELOPMENT CONDITIONS

Surface Water Drainage Scheme

4. No development shall be carried out until a scheme of surface water drainage has been submitted to and approved in advance and in writing by the County Planning Authority. The scheme shall include:
- Design for 1:100 year return period;
 - Inclusion of 30% peak run-off and 20% additional volume for climate change;
 - Consideration of overland flows;
 - Inclusion of pollution/siltation control measures; and
 - Re-positioning of fuel tanks.

Thereafter, the surface water drainage details shall be implemented in full as approved throughout the development hereby permitted.

Reason: To accord with paragraphs 103 and 120 of the NPPF (2012) to ensure that impacts through flood risk are not caused through surface water effluent.

Date ...26/03/14...

Signed
Strategic Planning Manager

Continuation Sheet

Foul Water Drainage Scheme

5. No development shall be carried out until a scheme of foul water drainage has been submitted to and approved in advance and in writing by the County Planning Authority. Thereafter, the foul water drainage details shall be implemented in full as approved throughout the development hereby permitted.

Reason: To accord with paragraph 103 and 120 of the NPPF (2012) to ensure that impacts through flood risk and pollution are not caused through foul water effluent.

Construction Management Scheme

6. No development shall be carried out (including any demolition and site clearance) until a Construction Management Scheme has been submitted to and approved in advance and in writing by the County Planning Authority. Thereafter, the scheme shall be implemented and adhered to as approved throughout the entire construction period of the development hereby permitted. The scheme shall provide details on the following matters:

- Public safety, amenity and site security;
- Hours of construction noise and vibration;
- Air and dust management;
- Stormwater and sediment control;
- Waste and materials re-use; and
- Traffic management, including the anticipated number, frequency and types of vehicles used during construction.

Reason: To safeguard both local road safety and local amenity and to ensure that the development does not put at risk the safety of local highway users.

Visibility Splays

7. No development (including any demolition and site clearance) shall be carried out until visibility splays, including vegetation control, have been provided at the proposed site's vehicular access onto Shoreham Road, in accordance with plans and details submitted to and approved in advance and in writing by the County Planning Authority. Once provided, the approved splays shall thereafter be maintained throughout the development hereby permitted.

Reason: In the interests of road safety.

Road Warning Signage and Road Markings

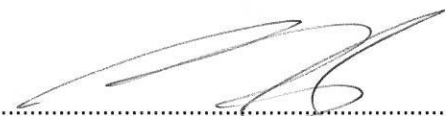
8. No development (including any demolition and site clearance) shall be carried out until details of road warning signage to be provided to the south of the site access on the A2037 and road markings within the site access to indicate that vehicles exiting the site must give way to traffic on the A2037 have been submitted to and approved in advance and in writing by the County Planning Authority. Once provided, the approved signage and markings shall be installed within agreed timeframes and thereafter be maintained throughout the development hereby permitted.

Reason: In the interests of road safety.

Date26/03/14.....

Signed

Strategic Planning Manager



Continuation Sheet

Asbestos Handling Method Statement

9. No development (including any demolition and site clearance) shall be carried out until a method statement detailing how any works on site involving asbestos containing materials has been submitted to and approved in advance and in writing by the County Planning Authority. Thereafter, the approved method statement shall be implemented in full as approved throughout all stages of the development hereby permitted.

Reason: To accord with paragraphs 120, 121, 122 and 123 of the NPPF (2012) to protect public safety.

Scheme to Assess and Control Land Contamination and Landfill Gas Risk

10. No development (including any demolition and site clearance) shall be carried out until the recommendations contained in section 17.3.1 of the submitted LK Consult Ltd geo-environmental investigation and risk assessment report (dated December 2011; ref CL1251) and section 6 of the leap Environmental report (dated 31/10/13; ref LP00631) have been implemented as required and in accordance with a timetable to be submitted to and approved in advance and in writing by the County Planning Authority. Thereafter, the approved timetable of works shall be adhered to at all times throughout all stages of the development hereby permitted.

Reason: To accord with paragraphs 120, 121, 122 and 123 of the NPPF (2012) to protect public safety.

Tree Protection and Management Plan

11. Prior to the commencement of the development (including any demolition and site clearance) hereby permitted a Tree Protection Plan and method statement detailing how existing boundary planting will be protected and retained during both site set up works and in the long-term throughout development (in accordance with BS 5837:2012: Trees in Relation to Design, Demolition and Construction), shall be submitted to and approved in advance and in writing by the County Planning Authority. Thereafter, the plan shall be implemented in full as approved throughout all stages of the development.

Reason: To accord with paragraphs 109 of the NPPF (2012) to protect existing trees in the interests of local amenity and the environment.

PRIOR TO USE

Protection of Highway Safety Standards

12. Prior to the development hereby permitted being brought into use a scheme detailing the means for cleaning the wheels of all heavy goods vehicles leaving the site shall be submitted to and approved in advance and in writing by the County Planning Authority. The scheme shall include best practicable means to be taken at all times to ensure that all vehicles leaving the site are in a condition such as not to emit dust, deposit mud or other debris on the highway. The wheel cleaning scheme shall be extended to include measures for sweeping/cleaning the site's access onto the A2037 and the A2037 adjacent to it should these become hazardous. Once approved, the scheme shall be used and retained throughout the development.

Reason: In the interests of road safety.

Date26/03/14.....

Signed
Strategic Planning Manager

Continuation Sheet

Approved Site Layout

13. The development hereby permitted shall not be brought into use until a scheme detailing the site's external layout has been submitted to and approved in advance and in writing by the County Planning Authority. The scheme shall include details of staff and visitor parking, the loading and unloading of goods vehicles and turning areas for goods vehicles so that they can enter and exit the site in forward gear. Once approved, the parking and turning areas shall be used and retained throughout the development.

Reason: In the interests of road safety and public safety.

Noise Mitigation Measures

14. Prior to the development hereby permitted being brought into use a scheme addressing the first recommendation as contained in Section 7 of the applicant's submitted Noise Assessment (dated 01/11/13; ref JI325) for replacement or modified walling along the south façade of the existing warehouse to achieve sound insulation along the entire south façade of approximately $R_w=45dB(A)$ shall be submitted to and approved in advance and in writing by the County Planning Authority. Thereafter, the approved scheme shall be implemented in full and retained throughout the development.

Reason: To accord with paragraphs 109, 122 and 123 of the NPPF (2012) in the interests of the amenity of the locality and of local residents.

Dust Control Scheme

15. Prior to the development hereby permitted being brought into use a scheme detailing methods of controlling and suppressing dust during waste processing operations, including on-site vehicular activity, shall be submitted to and approved in advance and in writing by the County Planning Authority. Thereafter, the approved scheme shall be implemented in full and retained throughout the development.

Reason: To accord with paragraphs 109, 120 and 123 of the NPPF (2012) to avoid dust from giving rise to significant adverse impacts on the health and quality of life of local residents and visitors to the locality.

CONTROLLING CONSTRUCTION

Hours of Construction and Deliveries

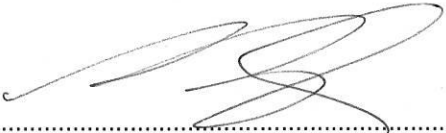
16. Construction (including any demolition and site clearance) of the development hereby permitted, involving the use of plant/machinery/equipment/vehicles and the deliveries of construction materials/plant/machinery/equipment being received by or despatched shall only take place between the hours of:

- 07.30 and 18.00 on Monday to Friday inclusive
- 07.30 and 13.00 on Saturdays; and

not at any time on Sundays, Bank Holidays or Public Holidays.

Reason: To accord with paragraph 123 of the NPPF (2012) in the interests of the amenity of the locality and of local residents.

Date26/03/14.....

Signed
Strategic Planning Manager

Continuation Sheet

OPERATIONAL CONDITIONS

Hours of Use

17. There shall be no vehicular movements to/from the site, outside the hours of:

- 07.00 and 19.00 Monday to Friday; and
- 07.00 to 13.00 Saturdays.

No vehicular movements to/from the site shall take place outside these hours except in the event of an emergency where the applicant is required to attend a road traffic accident or incident of flooding. The applicant shall notify the County Planning Authority within 3 days following the emergency, providing the time/s that the site was accessed, the number of goods vehicles used and the location and nature of the emergency attended.

There shall be no waste processing operations, which shall include the use of vehicles, plant and machinery, outside the hours of:

- 07:30 and 18:30 Monday to Friday; and
- 07:30 and 13:00 on Saturdays

No waste processing operations, which shall include the use of vehicles, plant and machinery, shall take place at all on Sundays, Bank or Public Holidays.

Reason: To accord with paragraphs 109, 122 and 123 of the NPPF (2012) in the interests of the amenity of the locality and of local residents.

Noise Mitigation Measures

18. The recommendation contained in Section 7 of the applicant's submitted Noise Assessment (dated 01/11/13; ref JI325) shall be implemented and adhered to at all times throughout the operation of the development hereby permitted. These recommendations are:

- Noise levels within the existing warehouse should be approximately 80dB(A) or lower;
- The existing noise fence (including absorptive inner lining) will be maintained (and made good if damaged);
- White noise reversing alarms will be used;
- An internal site traffic plan will be followed to reduce vehicle reversing events; and
- Site staff will be required to adhere to speed limits within the site.

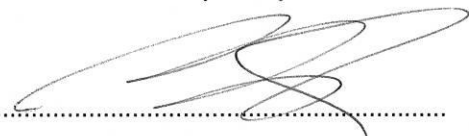
Reason: To accord with paragraphs 109, 122 and 123 of the NPPF (2012) in the interests of the amenity of the locality and of local residents.

Operational Noise Control

19. No plant, equipment, machinery or vehicle shall be used on the site unless fitted and operated at all times with silencing measures to a standard not less than the up to date manufacturer's UK standard specification.

Reason: To accord with paragraphs 109, 122 and 123 of the NPPF (2012) in the interests of the amenities of the locality.

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Signed
Strategic Planning Manager 

Continuation Sheet

Unsuspected/Unidentified Contamination

20. In the event that any unsuspected/unidentified contamination is discovered during the provision or renewal of services and any works of demolition, alteration and construction within the development hereby permitted, works should cease within that area and a method statement detailing the measures to deal with this contamination shall be submitted to and approved in advance and in writing by the County Planning Authority. Thereafter, the approved method statement shall be implemented in full as approved throughout all stages of the development hereby permitted.

Reason: To accord with paragraphs 109, 120 and 122 of the NPPF (2012) to prevent pollution and to protect the amenities of local residents.

Storage of waste and processed materials

21. No wastes or processed materials shall be stored outside of either the existing warehouse building or the designated storage barn and holding bays at any time.

Reason: To accord with paragraphs 109, 122 and 123 of the NPPF (2012) in the interests of the amenity of the locality and of local residents.

Permanent External Lighting

22. No permanent external lighting shall be installed for use within the development hereby permitted unless a scheme has been submitted to and written approval has been given in advance and in writing from the County Planning Authority. Once approved, the scheme shall be implemented in full throughout the development.

Reason: To accord with paragraph 125 of the NPPF (2012) to prevent light pollution in the interests of local amenity.

Enclosed Loads

23. All vehicles delivering wastes to the site or removing materials from the site shall have their loads enclosed so as to prevent spillage or loss of materials on the public highway and the release of emissions to air.

Reason: To accord with paragraphs 109, 122 and 123 of the NPPF (2012) in the interests of road safety and of the amenities of the locality.

Vehicular Operations and Controls

24. The site shall not be used as the operating base or storage area for vehicles, plant or equipment not required for the operations approved under this permission.

Reason: To accord with paragraphs 109, 122 and 123 of the NPPF (2012) in the interests of road safety and of the amenities of the locality.

Date26/03/14.....

Signed
Strategic Planning Manager

Continuation Sheet

Quantities of Waste and Record Keeping

25. No more than 75,000 tonnes of waste shall be managed at the site each year. A record of the quantities (in tonnes) of permitted wastes delivered to the site and the consequent numbers of goods vehicle movements generated shall be maintained by the applicant at all times and made available to the County Planning Authority upon request.

Reason: To accord with paragraphs 34, 109 and 123 of the NPPF (2012) to enable the County Planning Authority to monitor the level of traffic generated by the permitted use and ensure adequate control of the development so as to protect both local amenity and the local environment.

INFORMATIVES

- A. The attention of the applicant is drawn to the detailed comments of the letter from Sussex Police (dated 03 October 2013) relating to their recommendations on crime prevention and security.
- B. In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.
- C. The proposed development meets the main material considerations in that it:
- meets an identified need;
 - is suitably located;
 - is of an acceptable scale and appearance;
 - is acceptable with regard to impacts on highway capacity and road safety; and
 - has an acceptable impact upon local amenity and the local environment.

In determining the application the following planning policies and guidance were considered:


Horsham District Core Strategy (2007)

Policy CP1 - Landscape and Townscape Character

Policy CP2 - Environmental Quality

Date 26/03/14

Signed
Strategic Planning Manager



Continuation Sheet

Horsham District General Development Control Policies (2007)

- Policy DC1 - Countryside Protection and Enhancement
- Policy DC2 - Landscape Character
- Policy DC7 - Flooding
- Policy DC9 - Development Principles
- Policy DC25 - Rural and Economic Development
- Policy DC26 - Replacement Buildings within the Countryside
- Policy DC40 - Transport and Access

National Planning Policy Framework (2012)

Paragraphs 14, 17, 19, 34, 61, 103, 109, 111, 120-123, 125, 186-187, 196-197, 203 and 206


Planning Policy Statement 10 (PPS10) - Planning for Sustainable Waste Management (March 2005, as amended 2011)

West Sussex Waste Local Plan: Submission Version (as modified) (November 2013)

- Policy W1 - Need for Waste Management Facilities
- Policy W3 - Location of Waste Management Facilities
- Policy W11 - Character
- Policy W12 - High Quality Development
- Policy W16 - Air, Soil and Water
- Policy W17 - Flooding
- Policy W18 - Transport
- Policy W19 - Public Health and Amenity
- Policy W21 - Cumulative Impact

This information is only intended as a summary of the reasons for the grant of planning permission. For further details on the decision please see the report by contacting County Planning, West Sussex County Council or visiting the website at <http://www.westsussex.gov.uk/ePlanning>

Date26/03/14.....

Signed
Strategic Planning Manager

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES.

THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT.

TOWN AND COUNTRY PLANNING ACT 1990

1 Appeals to the Secretary of State

- (a) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- (b) If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get online at www.planning-inspectorate.gov.uk or by writing to the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.
- (c) The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (d) The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- (e) In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

2

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

3

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

4

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

4 February 2014

Waste Planning Application (County Matter)

Change of use from storage and distribution (former builders merchant depot) to waste recycling facility (Sui Generis) including the erection of a storage building and modular building, and installation of solar panels

Land at former Wolseley UK site, Shoreham Road, Henfield, West Sussex

Application No: WSCC/084/13/HF

Report by Director of Communities Commissioning and Strategic Planning Manager

Local Member: Lionel Barnard

District: Horsham

Executive Summary

This report concerns an application proposing the change of use from storage and distribution use (planning use class B8 - former builders' merchant depot) to a waste recycling facility (sui generis use class), including the erection of a storage building and modular building and the installation of solar panels.

The proposed development would involve the importation by road of 75,000 tonnes per annum of waste material collected from road sweeping and gully clearing which would be deposited in a purpose-built storage building before being processed and treated within the existing warehouse building. The processed materials would be stored in purpose-built holding bays outside the warehouse building until being moved off-site for use within restoration and reclamation land use projects. No wastes or processed materials would be stored uncovered in the open.

Recycling operations, including HGVs entering and exiting the site, are proposed to take place between the hours of 07.00 and 19:00 Monday to Saturdays. The applicant advises that emergency call outs may require the site to be accessed outside of these hours, to attend road traffic accidents or flooding incidents. No waste processing operations would take place during these emergencies, only the required vehicle/s movements.

The proposed development would result in a total of 108 vehicular movements to and from the site each day, comprising waste carrying vehicles and those belonging to employees. The proposal would involve a maximum of 54 HGV movements each day (27 HGVs entering and leaving the site), using twenty-two operational heavy goods vehicles carrying wastes to and processed material from the site. Heavy goods vehicles to be used comprise five articulated vehicles, thirteen road sweeper vehicles and four vacuum tanker vehicles. The five articulated vehicles, used to deliver wastes each day, would depart the site carrying processed wastes. This back-hauling would happen twice each day, involving a maximum of 20 vehicle movements.

The report provides a generalised description of the site and a detailed account of

the proposed development, and appraises it against the relevant policy framework from national to local level along with other material considerations.

Horsham District Council raise no objection to the proposal subject to conditions controlling operational impacts on local amenity being imposed. Henfield Parish Council raise no objection subject to a number of requirements relating to operational impacts on local amenity and road safety being imposed. Upper Beeding Parish Council raise no objection whilst Woodmancote Parish Council cannot support the proposal due to impacts through vehicular movements. The Environment Agency raises no objection subject to a surface water drainage condition being imposed. Sussex Police offer advice and make recommendations on crime prevention measures. The County Council's Drainage Advisor, Highways Team and Landscape Architect all raise no objection to the proposal, subject to conditions.

Eighty third party representations were received, objecting to and raising concerns to the proposal due to impacts through a lack of local need, inappropriate location, adverse impacts on highway capacity and road safety, adverse impacts on local air quality through dust emissions, adverse impacts on local residents through noise and working hours, adverse impacts on adjoining land through surface water run-off and flooding, adverse lighting impacts, adverse impacts on wildlife, risks from landfill gas, landfill leachate and land contamination; and cumulative impacts.

Consideration of Key Issues

The main material planning considerations are whether the proposal:

- meets an identified need;
- is suitably located;
- is of an acceptable scale and appearance;
- is acceptable with regard to impacts on highway capacity and road safety; and
- has an acceptable impact upon local amenity and the local environment.

Need for the Development

There is considered to be an identified need for the development to help to meet the recycling capacity the County needs. National and local waste policy supports the use of waste as a resource, and encourages diverting increasing amounts away from landfill. Policy W1 of the West Sussex Waste Local Plan: Submission Version (as modified) (November 2013) identifies the need for an additional 270,000 tonnes per annum of recycling of non-inert waste on unallocated sites such as this. The applicant notes that their existing site at Firsland Park Industrial Estate is now too small for their needs. It is therefore considered that there is an identified need for the proposed facility to serve both the County's and applicant's needs.

Suitable Location

It is considered that in providing increased capacity for the recycling and treatment of non-inert waste the development accords with Policy W3 of the West Sussex Waste Local Plan: Submission Version (as modified) (November 2013). The applicant has demonstrated that there are no other suitable alternative sites and that the proposed location is appropriate for their operations, particularly as it is a former storage/distribution site on an A-road. Accordingly, the proposal is considered to accord with the relevant waste guidance and development plan

policies, including Policies DC1, DC25 and DC26 of the Horsham District General Development Control Policies (2007).

Acceptable Scale and Appearance

The overall appearance and nature of the proposed development within the context of the former brickworks site and dormant storage and distribution centre would not be out of keeping within the locality and would in places improve the site's current appearance and organisation of on-site operations. Therefore, it is considered that the development is acceptable in terms of scale and appearance appropriate to its location within a dormant industrial and commercial setting in the rural area, according with Policy CP2 of the Horsham District Core Strategy (2007), Policies DC1 and DC9 of the Horsham District General Development Control Policies (2007) and Policy W12 of the West Sussex Waste Local Plan: Submission Version (as modified) (November 2013).

Impact upon Highway Capacity and Road Safety

The proposed development would result in a total of 108 vehicular movements to and from the site each day, comprising waste carrying vehicles and those belonging to employees. The level of vehicular movements to and from the site each day does not represent any significant increase in vehicles on the affected highway network, which would cause unacceptable impacts to highway capacity and road safety. Therefore, subject to the imposition of the conditions required by the Highway Authority, the proposal would be acceptable with regards to highway capacity and road safety and is in accordance with Policy DC40 of the Horsham District General Development Control Policies (2007) and Policy W18 of the West Sussex Waste Local Plan: Submission Version (as modified) (November 2013).

Impact upon Local Amenity and the Local Environment

Noise, Dust, Odour, Flood Risk, Lighting, Landfill Gas Risk and Land Contamination Risk: Taking into account the nature of the development, its proposed operations and the existing status of the site and mitigation proposed, it is considered, on balance, that there would not be any unacceptable impact or significant harm upon local amenity and the local environment resulting from noise, dust, odour, flood risk, lighting, landfill gas risk and land contamination risk. The proposed development is considered to accord with Policy CP2 of the Horsham District Core Strategy (2007), Policy DC7 of the Horsham District General Development Control Policies (2007) and Policies W12, W16, W17, W19 and W21 of the West Sussex Waste Local Plan: Submission Version (as modified) (November 2013).

Conclusion

The proposed development accords with the policies of the development plan in terms of need through providing appropriately located and sized waste management facilities within the County. The proposal is considered acceptable in terms of scale and appearance and highway capacity and road safety. Although there is the potential for some adverse impacts to be caused to local amenity and the local environment associated with these activities, they would not be significant and could be minimised and controlled.

Recommendation

That planning permission be granted subject to;

- a) the conditions and informatives in **Appendix 1**; and
- b) the application not being called in for determination by the Secretary of State.

1. Introduction

- 1.1 This report concerns an application proposing the change of use of a site from a storage and distribution use (former builders' merchant depot) to a waste recycling facility (sui generis), including the erection of a storage building and modular building and the installation of solar panels. The application seeks to use a site north-east of Small Dole for the recycling of road sweeping and gully waste into a compost-like material.

2. Site and Description

- 2.1 The application site, previously used as a builders' merchant depot, is situated approximately 550m north-east of the village of Small Dole and approximately 1.2km to the south-east of Henfield (**see Appendix 2 - Site Location Plan**).
- 2.2 The site and adjacent land occupy an area of approximately 14 hectares. Within this area, the application site itself occupies approximately 1.1 hectares (**see Appendix 3 - Site Ownership Plan**).
- 2.3 The application site contains a former warehouse building in the south-western corner, with the remainder of the site containing large areas of hardstanding, formerly used for parking, loading and unloading and vehicle turning. Topographically, the application site dips gently southward and can be subdivided into three distinct areas, referred to as 'platforms' (**see Appendix 4 - Aerial Photograph**) situated at varying elevations throughout the site.
- 2.4 The site is accessed from the Shoreham Road (A2037) via an existing vehicular access and egress, located in its north-eastern corner. It is enclosed on all sides by established, mature boundary planting.
- 2.5 Beyond the northern boundary of the site is a property known as Senlac Kennels, a residential and commercial property with open fields. Beyond the eastern boundary lies the A2037 (running north-south) with isolated residential dwellings located on the opposite side of this to the site. To the south of the site there is open grassland, planting and trees beyond which are residential properties.
- 2.6 To the west of the boundary is land formerly used for the landfilling of waste materials. This landfill, forming part of the wider land holding, was remediated and capped in the late 1990s and is now characterised by grassland and planting (**see Appendix 4 - Aerial Photograph**).

2.7 The nearest residential properties to the site are situated approximately 50m to the east, 75m to the south-east and south and 85m to the north. Henfield Business Park is situated approximately 60m to the north-east.

2.8 Whilst the site is situated within the rural area, it is not situated within any areas designated for their ecological, landscape, historic or other value.

3. **Relevant Planning History**

3.1 The site has a long planning history, dating back to 1948 when planning permission was granted for the winning and working of minerals involving clay extraction and brickmaking.

3.2 Between 1948 and the 1960s the site was operated as a brickworks. Further industrial and commercial land uses both related and unrelated to the brickwork use were also permitted between the 1960s and 1990s.

3.3 In the early 1970s, consent was granted to infill the clay pits in the southern and western areas of the wider site with waste materials and 'pulverised refuse', with various permissions relating to this activity granted through to the 1990s.

3.4 Outline planning permission for a 'road transport depot and warehousing' was granted in the late 1960s/early 1970s. Subsequently, further development relating to this use was permitted between the 1970s and 2010.

3.5 A small number of proposed developments at the site, relating to industrial, commercial and waste uses were either withdrawn or refused between the 1970s and 2003.

3.6 In 2010, the use of the site as a storage and distribution depot was formalised by a Lawful Development Certificate being granted. The site was used by building merchants for this purpose with ancillary trade sales for ten years until 2009. The site has been dormant since then.

4. **The Proposal**

4.1 Planning permission is sought for the change of use of the site from storage and distribution (planning use class B8 use) to a waste recycling facility (sui generis use), along with the erection of a storage building and modular building and the installation of solar panels. Specifically, the applicant is seeking to use the site for the recycling of up to 75,000 tonnes of material from road sweeping and gully clearing, primarily for use off-site in reclamation/restoration projects.

4.2 It is proposed to install new plant and machinery within the existing warehouse to clean and sort waste materials (**see Appendix 5 – Site Layout Plan**). The existing warehouse occupies an area of 1694m² with a maximum height of 9m. Solar photovoltaic panels would be installed along the entire northern half of this warehouse and would provide electricity for use within waste processing operations. The panels would be dark in colour as per typical solar roof panels and fixed close to the roof line.

4.3 A single storey barn-style building would be constructed directly opposite the existing warehouse to provide additional storage space for imported waste

materials prior to processing (**see Appendix 5 – Site Layout Plan**). The barn would occupy an area of 325m² with a maximum height of 6m. The building would be constructed from precast concrete wall units and clad in profiled sheet steel 'Plastisol type', finished in Goosewing Grey. Structural steelwork would be finished in Britannia Blue. Its roof would dip gently northward and the building would be open along its southern elevation.

- 4.4 A single storey, modular building would be erected within the south-eastern corner of the application site to the east of the existing warehouse to provide site offices and welfare facilities (**see Appendix 5 – Site Layout Plan**). It would occupy an area of 170m² and stand to approximately 2.5m in height. The building would contain white upvc windows and doors and would be finished in a light grey colour with dark blue fascias.
- 4.5 Additional on-site parking would be provided adjacent to all three buildings within the southern area and marked out as required.
- 4.6 The proposed hours of operation are between 07.00 and 19:00 Monday to Saturdays. The applicant advises that emergency call-outs may require the site to be accessed outside of these hours, to attend road traffic accidents or flooding incidents. Required vehicles would enter and leave the site but no waste processing operations would take place during these emergencies.
- 4.7 The waste recycling facility would manage up to 75,000 tonnes per annum of waste material collected from road sweeping and gully clearing. The majority of wastes (90-95%) would be delivered by the applicant's HGVs, having already been de-watered. The remaining wastes (5-10%) would be delivered directly by road sweeping or gully emptying vehicles. Wastes delivered by this route would be wet and sludge-like in form. No wastes would be stored uncovered outdoors.
- 4.8 All wastes would be delivered by road. From the site's vehicular access point vehicles would follow a clockwise route around the periphery of the site (**see Appendix 6 – Site Access Plan**).
- 4.9 Following weighing, vehicles would cross the weighbridge and then wastes would be unloaded. Dry wastes would be tipped directly onto the impermeable floor of the existing warehouse or temporarily into the single storey barn-style building opposite, while wet wastes would be deposited from the vehicles (tankers) into a feed hopper within the building. No waste would be deposited outdoors. Empty vehicles would then exit this area of the site along the western and then northern site boundaries and exit the site through the vehicular access point in its north-eastern corner.
- 4.10 The waste processing building would contain a trommel, an inert waste washing plant, a plastic and metal compactor, and a vehicle workshop, as well as staff facilities.
- 4.11 The processing would first involve the removal of stone and organic fractions with fine inert materials collected for further processing. The organic fraction would then be washed and dewatered, and manually picked to remove litter such as leaves and twigs. The organic fraction would then be moved to the holding bays prior to off-site removal.

- 4.12 The collected fine inerts would then be washed and dewatered. Deflocculants would be added to the remaining water within the inerts to remove any fine silt through thickening and settling. This thickened silt would then be dewatered to produce a silt cake. Remaining recycled water would then be filtered and cleaned to remove solids and odour creating organisms and then re-used during the treatment process.
- 4.13 The processed materials would be used within restoration and reclamation land use projects. Plastics, steel and glass would be collected and dispatched for recycling off-site. Twigs and leaves would be dispatched for composting and soil manufacturing.
- 4.14 The waste processing process itself as detailed in paragraphs 4.11 to 4.13 can be viewed within **Appendix 7 – Road Sweepings Recycling Layout**.
- 4.15 Water, once cleaned, would be re-used during treatment processes as would captured surface water run-off.
- 4.16 Processed materials would be stored in holding bays to be erected within the central area (middle platform) of the site (**see Appendix 5 – Site Layout Plan**). The five holding bays would occupy an area of 400m² and would stand to a height of 2.5m. Processed wastes would be exported by road.
- 4.17 Existing boundary planting and fencing, including acoustic fencing, is to be retained and the site's access gate would be replaced with one that opens electronically (**see Appendix 4 - Aerial Photograph**).

HGV and Other Vehicular Movements

- 4.18 The proposal would involve a maximum of 54 HGV movements each day (27 HGVs entering and leaving the site), minimised through backloading waste delivery vehicles with processed materials. Twenty of these movements would relate to articulated lorries (10 articulated lorries entering and leaving the site), with the remainder of movements relating to road sweepers and vacuum tankers.
- 4.19 In addition to HGV movements, the proposed facility is expected to employ 27 members of staff, the majority of whom would travel to and from the site by car. This would create an additional 54 vehicular movements per day.

5. Environmental Impact Assessment (EIA)

- 5.1 The proposal falls within Part 11(b) '*Installations for the disposal of waste*', (b) *where the area of development exceeds 0.5 hectare and (c) the installation is to be sited within 100m of any controlled waters*', of Schedule 2 of the Environmental Impact Assessment Regulations 2011. The proposed development is a Schedule 2 development and is capable of having a significant environmental effect on the environment.
- 5.2 On 16 October 2013, the County Council issued a Screening Opinion which confirmed that an Environmental Impact Assessment (EIA) would not be required for the proposed development.

- 5.3 On the 18 November 2013, the Secretary of State advised the County Council that a Screening Direction was to be carried out, to assess whether or not the proposed development did require an Environmental Impact Assessment (EIA). This intervention followed a request from the members of the Henfield Action Group, who disagreed with the County Council's Screening Opinion.
- 5.4 On the 17 December 2013, the Secretary of State issued a Screening Direction confirming that the proposed development does not require an Environmental Impact Assessment (EIA).

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 the application, the following approved or adopted planning policy documents form the statutory development plan: the Horsham District Core Strategy (2007), and the Horsham District General Development Control Policies (2007).
- 6.2 The key policies in the development plan, which are material to the determination of the application, are summarised below, and their conformity or otherwise with the National Planning Policy Framework considered. In addition, reference is made to relevant national planning policy guidance and other policies that guide the decision-making process and which are material to the determination of the application.

Horsham District Core Strategy (2007)

- 6.3 The relevant policies are: Landscape and Townscape Character (Policy CP1) and Environmental Quality (Policy CP2).
- 6.4 None of these policies are considered to conflict with the NPPF (2012).

Horsham District General Development Control Policies (2007)

- 6.5 The relevant policies are Countryside Protection and Enhancement (Policy DC1), Landscape Character (Policy DC2), Flooding (DC7), Development Principles (Policy DC9), Rural Economic Development (DC25), Replacement Buildings within the Countryside (DC26) and Transport & Access (Policy DC40).
- 6.6 None of these policies are considered to conflict with the NPPF (2012).

National Planning Policy Framework (2012)

- 6.7 The National Planning Policy Framework (NPPF) sets out Government's planning policies for England and how these are expected to be applied. It helps guide the decision-making process in terms of matters which are material to the determination of the application. The relevant paragraphs in the NPPF are:
- 14 (approving development that accords with the development plan); 17 (core planning principles); 19 (supporting economic growth through planning), 61 (integration of new development), 103 (ensuring flood risk is not increased),

109 (contribute to and enhance the natural and local environment), 111 (encourage re-use of brownfield land), 120 (prevent unacceptable risks from pollution and land instability), 121 (ensuring a site is suitable for its proposed use), 122 (is the proposed development an acceptable use of the land), 123 (planning decisions should avoid impacts on health and quality of life), 125 (limit impacts of light pollution), 186 (delivering sustainable development), 187 (securing developments that improve the local economic, social and environmental conditions), 196 (determining applications in accordance with the development plan), 197 (presumption in favour of sustainable development), 203 (use of planning conditions to make development acceptable) and 206 (imposition of planning conditions).

Planning Policy Statement 10 (PPS10) - Planning for Sustainable Waste Management (March 2005, as amended 2011)

- 6.8 This national policy guidance document was not revoked by the NPPF in 2012. It promotes, wherever possible, the use of waste as a resource and the movement of waste management up the 'waste hierarchy', thereby only supporting the disposal of waste as a last resort. It also sets out the approach waste authorities should take to determining applications. It notes that in determining waste applications waste authorities should:

“(i) assess their suitability for development against each of the following criteria:

the extent to which they support the policies in this PPS;

the physical and environmental constraints on development, including existing and proposed neighbouring land uses;

the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential; the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.

“(ii) give priority to the re-use of previously-developed land, and redundant agricultural and forestry buildings and their curtilages.”

West Sussex Waste Local Plan: Submission Version (as modified) (November 2013)

- 6.9 The draft Waste Local Plan (WLP), although not part of the development plan, was approved by County Council in October 2012 for development management purposes. Accordingly, it is a material consideration which can be afforded weight as it is up-to-date, it has gone through a public consultation process, and it has been shown to accord with the NPPF. The following policies are of relevance:

Need for Waste Management Facilities (Policy W1), Location of Built Waste Management Facilities (Policy W3), Character (Policy W11), High Quality Development (Policy W12), Air, Soil and Water (Policy W16), Flooding (Policy W17), Transport (Policy W18), Public Health and Amenity (Policy W19) and Cumulative Impact (Policy W21).

7. Consultations

- 7.1 **Horsham District Council - Planning:** Although concerns are raised relating to flood risk and surface water drainage, subject to the requirements of Horsham District's Environmental Health Department being conditioned, no objection is raised.
- 7.2 **Horsham District Council - Environmental Health:** No objection, subject to the imposition of appropriate conditions controlling hours of operation, management of asbestos, land contamination, and noise.
- 7.3 **Henfield Parish Council:** No objection but recommends conditions concerning setting back gates, lorry routing, reduced speed limit, restricted lorry movements, visibility splays, highway signage, hours of operation, throughput, lighting, noise, surface water management, and impacts on the environment.
- 7.4 **Upper Beeding Parish Council:** No objection.
- 7.5 **Woodmancote Parish Council:** "Does not support the proposal in its current form" due to impact of proposed lorry movements. Also concerned about source of imported waste and whether this facility would add to or replace existing Firsland Park facility.
- 7.6 **South Downs National Park Authority:** No response received.
- 7.7 **Environment Agency** No objection subject to a condition controlling surface and foul water drainage. Fuel tanks should be repositioned and that the operations would require an Environmental Permit.
- 7.8 **Sussex Police:** Recommendations made regarding relocation of CCTV, installation of intruder alarm, secure installation of solar panels, use of secure locks and secure vehicle storage.
- 7.9 **WSSC Archaeology:** No objection.
- 7.10 **WSSC Drainage Strategy:** No objection, subject to conditions controlling surface and foul water drainage being imposed.
- 7.11 **WSSC Ecology:** No objection.
- 7.12 **WSSC Highways:** No objection subject to the imposition of conditions controlling vegetation at access and visibility, warning signage, construction management plan, parking and loading scheme, and facilities to prevent tracking of mud onto highway.
- 7.13 **WSSC Landscape Architect:** No objection subject to the imposition of conditions to protect existing boundary planting during construction works and ensure existing boundary planting is retained and maintained throughout the operation of the site.

8. Representations

- 8.1 The application was publicised in accordance with The Town and Country Planning (General Development Procedure) Order (England) 2010). In response to the erection of three site notices located around the application site, an advertisement in the local newspaper, and five neighbour notification letters, 80 representations from members of the public/interested third parties were received, all of which opposed the application.
- 8.2 Further information was submitted by the applicant in October and November 2013 and in January 2014. Subsequently, this information and any changes to plans and documents were sent to the relevant consultees as a reconsultation by the County Planning Authority and made available to the public via the County Council's website.
- 8.3 The main issues raised through objections were:
- Lack of local need;
 - Inappropriate location;
 - Adverse impacts on highway capacity and road safety;
 - Adverse impacts on local air quality through dust emissions;
 - Adverse impacts on local residents through noise and working hours;
 - Adverse impacts on adjoining land through surface water run-off and flooding;
 - Adverse impacts through lighting;
 - Adverse impacts on local wildlife;
 - Risks from landfill gas and leachate and land contamination;
 - Waste types being toxic; and
 - Cumulative impacts.

9. **Consideration of Key Issues**

The main material planning considerations are whether the proposal:

- meets an identified need;
- is suitably located;
- is acceptable in terms of scale and appearance;
- is acceptable with regard to impacts on highway capacity and road safety; and
- has an acceptable impact upon local amenity and the local environment

Need for the Development

- 9.1 National waste planning policy in PPS10 promotes the use of waste as a resource and promotes the movement of waste management up the 'waste hierarchy' away from disposal.
- 9.2 Policy W1 (Need for Waste Management Facilities) of the draft Waste Local Plan (WLP) supports net self-sufficiency in waste management with Part (b) noting the need for an additional 270,000 tonnes per annum of recycling capacity on unallocated sites such as this.
- 9.3 The applicant advises that the proposed development would provide a modern facility for the recycling and treatment of up to 75,000 tonnes per annum of

road sweeping and gully clearing wastes. The applicant's current facility is situated approximately 4.5km to the north-east at the Firsland Park Industrial Estate, Albourne. However, it can only process up to 25,000 tonnes per annum due to its size, and the applicant states that that facility is not as modern or clean as is now proposed.

- 9.4 *In conclusion, there is considered to be an identified need for the development to help to meet the recycling capacity the County needs. National and local waste policy supports the use of waste as a resource, and encourages diverting increasing amounts away from landfill. Policy W1 of the West Sussex Waste Local Plan: Submission Version (as modified) (November 2013) identifies the need for an additional 270,000 tonnes per annum of recycling of non-inert waste on unallocated sites such as this. The applicant notes that their existing site at Firsland Park Industrial Estate is now too small for their needs. It is therefore considered that there is an identified need for the proposed facility to serve both the County's and applicant's needs.*

Suitable Location of Development

- 9.5 Policy W3 (Location of Built Waste Management Facilities) of the draft WLP provides guidance on locating built waste management facilities on unallocated sites, to enable the transfer, recycling and recovery of waste. Part (a) of this policy is concerned with proposals on unallocated sites with part (i) requiring the applicant to demonstrate that existing built waste management facilities or allocated sites within the draft WLP are not available. The applicant has provided written evidence that none of the sites within the area of the county, from which their wastes are sourced, along the A23/M23 corridor, were available.
- 9.6 Part (a) (ii) of this policy requires unallocated sites to be located within the identified Area of Search, or serving a local need at small-scale facilities if outside the Area. The supporting text to this policy notes that a 'small-scale' facility is generally defined managing not more than 50,000 tonnes per annum, but that *"the acceptability of any proposal will depend on its specific nature, its impact on the site and the surrounding area rather than capacity"*. This facility would process up to 75,000 tonnes per annum of waste but it is located on the A2037, outside of any designated areas. Further the WLP notes that the definition of 'local' will depend on the waste facility and its catchment area. The applicant has cited a lack of appropriate locations (allocated sites and existing facilities) for waste recycling facilities within the north-east, east and south-east of the County to recycle non-inert waste arisings. The applicant advises that the proposed facility would meet this local need. In this case therefore it is considered that the proposed development is supported in accordance with this policy.
- 9.7 Part (b) (i) of Policy W3 requires proposed facilities to be located on suitable previously-developed land outside built-up areas and (iv) where transportation is by road, be well-related to the Lorry Route Network. The proposed site is situated on a former industrial and commercial site with existing buildings and infrastructure that would be retained and modified as required. The proposed site is accessed by the A2037 (Henfield to Shoreham Road) which provides direct links to the A281 and the Lorry Route Network and Strategic Lorry Route Network.

- 9.8 Horsham District Council's Policy DC1 (Countryside Protection and Enhancement) acknowledges that outside the built-up area, appropriately located development, including waste disposal, will be permitted provided that the location is proven to be essential.
- 9.9 *In conclusion, it is considered that in providing increased capacity for the recycling and treatment of non-inert waste the development accords with Policy W3 of the West Sussex Waste Local Plan: Submission Version (as modified) (November 2013). The applicant has demonstrated that there are no other suitable alternative sites and that the proposed location is appropriate for their operations, particularly as it is a former storage/distribution site on an A-road. Accordingly, the proposal is considered to accord with the relevant waste guidance and development plan policies, including Policies DC1, DC25 and DC26 of the Horsham District General Development Control Policies (2007).*

Scale and Appearance

- 9.10 The proposed development would be situated within 1.1 hectares of the former Henfield Brickworks site that was until 2009 used as a storage and distribution depot. As set out in Section 4 of this report, existing infrastructure, including buildings, hardstanding and boundary treatment are primarily to be retained and re-used albeit with some modifications to them, as well as the erection of additional buildings and the use of plant and machinery. These buildings and structures would not exceed the maximum height or area occupied by the existing warehouse building.
- 9.11 The combination of the retention of existing infrastructure, including buildings, hardstanding and boundary treatment and the physical changes proposed by the development, including the size, scale and finishing of the proposed buildings, would ensure that they are integrated as sympathetically as possible into the existing site. This approach would ensure that the proposed development has a negligible impact on the appearance of the former brickworks site and its immediate surroundings, including on the residential properties to the south, south-east and east of the site. The proposed development would create no adverse visual impacts on the residents living locally.
- 9.12 *In conclusion, the overall appearance and nature of the proposed development within the context of the former brickworks site and dormant storage and distribution centre would not be out of keeping within the locality and would in places improve the site's current appearance and organisation of on-site operations. Therefore, it is considered that the development is acceptable in terms of scale and appearance appropriate to its location within a dormant industrial and commercial setting in the rural area, according with Policy CP2 of the Horsham District Core Strategy (2007), Policies DC1 and DC9 of the Horsham District General Development Control Policies (2007) and Policy W12 of the West Sussex Waste Local Plan: Submission Version (as modified) (November 2013).*

Impact on Highway Capacity and Road Safety

- 9.13 The main developmental traffic impacts are associated with the operation of the proposed waste recycling facility (**see paragraphs 4.18-4.19**) over a twelve hour working day, from 07:00 to 19:00 hours Monday to Saturday.

- 9.14 The proposed development would result in 54 HGV movements each day (27 HGVs entering and leaving the site), of which 20 movements would relate to articulated lorries taking waste to the site and processed material away. In addition, it is expected that 27 staff would drive to/from the site in cars, resulting in a further 54 non-HGV movements.
- 9.15 The site's existing permitted use as a storage and distribution depot has been compared to other similar sized sites (equivalent floor space) in terms of its traffic generation. In terms of traffic flows, it could have involved up to a daily maximum of 369 vehicular movements per day, 261 movements greater than currently is proposed by this proposal. This use can be brought back into active use without the need for any prior approval by the Highway Authority or County Planning Authority at any time.
- 9.16 If the use currently being considered is approved, it is thought that the current permitted use as provided in the LDC (storage and distribution) would not be implemented due to it not being commercially or physically viable to the applicant, who is also the landowner. The applicant proposes to invest significant capital into the proposed development and its infrastructure, should it be approved. The proposed development, if permitted, would therefore be considered to reduce vehicle movements over the already permitted site use.
- 9.17 In terms of developmental impacts on road safety, the Highway Authority acknowledges that the site's existing vehicular access point to and from the A2037 has not been used for some time. In this period, significant vegetation growth around the access is now restricting visibility to the north. It is also observed that from the south, views of drivers approaching the site are restricted due to the road rising out of a hollow. These concerns have been raised by Henfield Parish Council, numerous local residents/interested third parties and the Highway Authority in terms of potential developmental impacts to existing road safety. It must also be remembered that the A2037 is a 60mph road in this location.
- 9.18 To manage road safety during operation of the waste recycling facility, the Highway Authority has requested the imposition of a number of conditions concerning site safety including improvements to visibility splays at the site access, a warning sign south of the access and clear road markings at the site access.
- 9.19 Furthermore, the site's parking spaces and turning areas must be approved and laid out to enable all goods vehicles to exit the site in forward gear.
- 9.20 Accordingly, the Highway Authority accepts the findings within the submitted transport documentation concerning the proposed developmental traffic impacts, in terms of increased vehicular activity and highway capacity. Subject to the imposition of conditions during both the construction period and throughout operation of the waste recycling facility, no overall objection in relation to road safety by the Highway Authority is raised.
- 9.21 *In conclusion, the proposed development would result in 108 vehicular movements to and from the site each working day. This number of vehicular movements to and from the site each day does not represent a significant increase in vehicles on the affected highway network. Therefore, subject to the*

imposition of the conditions required by the Highway Authority, the proposal would be acceptable with regards to highway capacity and road safety and is in accordance with Policy DC40 of the Horsham District General Development Control Polices (2007) and Policy W18 of the West Sussex Waste Local Plan: Submission Version (as modified) (November 2013).

Impact upon Local Amenity and the Local Environment

- 9.22 By its nature, the importation of non-inert waste in HGVs and on-site processing involving plant and machinery will result in noise, dust and odour impacts, which have the potential to adversely affect local amenity and the local environment.
- 9.23 The potential for this development to affect residential amenity and the local environment through noise, dust and odour is increased by the proximity of existing dwellings being situated within 100m of the site's northern, eastern and southern boundaries. Impacts on the amenity of local commercial and industrial land uses must also be considered.
- 9.24 Of the 80 objections received from local residents and interested third parties, all cite concerns over noise, odour and dust.
- 9.25 **Noise and Dust:** Whilst construction works associated with this development would undoubtedly produce temporary disturbance through noise and dust, including vehicles travelling to/from the site. These impacts would be controlled through the submission of a construction management plan to be approved prior to works commencing and the imposition of construction hours both being imposed by condition.
- 9.26 Local residents advise that the site's existing permitted use as a storage and distribution depot and brickworks before that created adverse noise levels as well as dust impacts to air quality.
- 9.27 **Noise:** The proposed development would undoubtedly result in new noise-producing activities relating to site works, construction of buildings and structures, the movement of waste materials around the site, waste processing and vehicles travelling to/from the site.
- 9.28 Although Annex 2 to the National Planning Policy Framework (NPPF) addresses the impacts of noise in respect of mineral operations on noise sensitive locations such as residential properties, it provides some useful guidance for this development. British Standard BS5228:2009 is the most recent code of practice issued in respect of Noise and Vibration control on construction and open sites.
- 9.29 The proposed hours of operation are between 07.00 and 19:00 Monday to Saturdays. The applicant advises that emergency call outs may require the site to be accessed outside of these hours, to attend road traffic accidents or flooding incidents. No waste processing operations would take place during these emergencies, only required vehicle movements.
- 9.30 The District Council's Environmental Health Department accepts the applicant's noise assessments and raises no objection to the proposal. They require that the operation of the waste recycling facility, including the vehicular movement

to and from the site of waste and processed materials as well as the use of plant and machinery, are restricted to between 07:30 and 18:30 hours Monday to Friday and between 07:30 and 13:00 hours on Saturdays only. The site could physically be open between 07:00 to 19:00 hours Monday to Friday and between 07:00 and 13:00 hours on Saturdays. The District Council's Environmental Health Department advises that developmental noise impacts between the hours of 07:00 and 08:00 and 18:00 and 19:00 on weekdays and between 13:00 and 19:00 on Saturdays *would "be more likely to become intrusive due to these periods of the day being having lower ambient noise levels"*.

- 9.31 The site's currently permitted use, as a storage and distribution depot, could be operated twenty four hours a day, seven days a week albeit with controls on floodlighting use. With that in mind and that the site is directly accessed by an A road, when considering the applicant's requested operational hours, it is considered that the proposed development should be open for deliveries and departures of heavy goods vehicles between 07:00 and 19:00 hours Monday to Friday and between 07:00 and 13:00 hours on Saturdays. All waste processing operations would be carried out in within the existing warehouse building and doors would remain closed except for when wastes are delivered and processed materials are removed to on-site storage.
- 9.32 In terms of working outside of the proposed hours, when an emergency arises the applicant advises that this would be rare. In considering this, it is considered that these emergency call outs should be permitted provided that no waste processing operations would take place during these emergencies, only the required vehicle movements. Additionally, the site's existing access gate would be replaced with one that opens electronically. The opening and closing of this gate would be quieter than the present situation.
- 9.33 The submitted Noise Assessment sets out mitigation measures concerning the replacement of a section of the existing warehouse's southern façade wall with an insulated material, recommended noise levels within the warehouse being approximately 80dB(A) or lower, retention and protection of the site's existing noise fence, use of white noise reversing alarms for vehicles on site and an internal site travel plan and speed limits. The District Council's Environmental Health Department accepts the applicant's noise assessment subject to it being conditioned.
- 9.34 **Dust and Odour:** The proposed development will undoubtedly result in new dust-producing activities that may impact on air quality, including through odour. Dust-producing activities will predominantly relate to site works, construction of buildings and structures, the movement of waste materials around the site, waste processing and vehicles travelling to/from the site.
- 9.35 The District Council's Environmental Health Department accepts the applicant's mitigation for the proposed development's odour mitigation plan and raises no objection to the proposal in this regard.
- 9.36 All waste processing operations and waste storage prior to processing would be contained within buildings and purpose built structures. Nevertheless, the proposed development would be introducing a proposal that has the potential to create dust impacts on the nearby dwellings and commercial and industrial land uses. A dust control scheme is required by condition to ensure that impacts not

controlled by the applicant's Environmental Permit are controlled in terms of the proposed land use being sought.

- 9.37 **Flood Risk and Surface Water Drainage:** The application site is situated within flood zone 1 (lowest risk zone), as designated by the Environment Agency. The site covers an area of 1.1 hectare and therefore requires submission of a flood risk assessment to assess impacts on the local surface water regime.
- 9.38 The applicant proposes to utilise the site's existing system of surface water drainage, which has existed since the 1980s. This system will be modified so that 30% of its total catchment area would be used within the proposed recycling processes. Water would be stored within a buried harvesting tank, with a storage capacity of 20m³. Additionally, all areas of the site where waste would be stored and/or processed would be bunded as this area of the site is situated on an impermeable base.
- 9.39 Foul drainage from the site would continue to discharge into an existing cesspit situated close to the eastern side of the existing warehouse. This scheme will be monitored, inspected and maintained throughout development.
- 9.40 The County Council's and Horsham District Council's Drainage Strategy teams both accept the applicant's flood risk assessment and drainage strategy but require that overall drainage measures, surface and foul, and any impacts be controlled by condition.
- 9.41 **Lighting:** Impacts through any proposed permanent external lighting will be controlled by planning condition, to be approved in writing and in advance by the County Planning Authority.
- 9.42 **Landfill Gas Risk and Land Contamination Risk:** To the west and south of the site's boundary is land formerly used for landfilling of waste materials. This landfill, forming part of the wider land holding, was remediated and capped in the late 1990s. This area is now characterised by grassland and planting (**see Appendix 4 - Aerial Photograph**).
- 9.43 As previously stated, the proposed development does not seek to use any land within the wider site although concerns have been raised by Henfield Parish Council, local residents and interested third parties as to how landfill gas and land contamination will be affected and controlled should planning permission be granted. Similar concerns have been raised by Horsham District Council's Environmental Health Officer, including ensuring that landfill gas, if being generated, does not collect within the buildings on site.
- 9.44 The District Council's Environmental Health Department accepts the applicant's gas risk assessment and geo-environmental investigation and risk assessment submitted in October 2013. The mitigation for the proposed development's landfill gas and land contamination risk, its prevention and its control is also accepted.
- 9.45 No objection is raised by The District Council's Environmental Health Department, subject to the imposition of appropriate conditions concerning any works involving asbestos containing materials being carried out in accordance with an approved method statement, that the development must be carried out

in accordance with the recommendations detailed in both section 6 of the leap environmental report (ref:LP00631, dated 31 October 2013) and as detailed in section 17.3.1 of the LK Consult report (ref CL1251, December 2011), relating to land contamination and landfill gas risk and that any unsuspected/unidentified contamination found during works to buried services and demolition, construction and alteration works must be carried out in accordance with an approved scheme.

- 9.46 *In conclusion, taking into account the nature of the development, its proposed operations and the existing status of the site and, cumulative impacts and mitigation proposed, it is considered, on balance, that there would not be any unacceptable impact or significant harm upon local amenity and the local environment resulting from noise, dust, odour, flood risk, lighting, landfill gas risk and land contamination risk. The proposed development is considered to accord with Policy CP2 of the Horsham District Core Strategy (2007), Policy DC7 of the Horsham District General Development Control Policies (2007) and Policies W12, W16, W17, W19 and W21 of the West Sussex Waste Local Plan: Submission Version (as modified) (November 2013).*

10. Overall Conclusion and Recommendation

- 10.1 The proposed development accords with the policies of the development plan in terms of need and in providing appropriately located facilities for the recycling and treatment of non-inert wastes within the County. The proposal is considered acceptable in terms of scale and appearance and highway capacity and road safety. Although there is the potential for some adverse impacts to be caused to local amenity and the local environment associated with these activities, they would not be significant and could be minimised and controlled.
- 10.2 It is **recommended**, therefore, that planning permission be granted, subject to the conditions and informatives set out in **Appendix 1** of this report and that the Secretary of State does not call-in the application following this planning committee.
- 10.3 The Secretary of State advised the County Council in January 2014, that should an officer recommendation for approval be supported at Planning Committee then that right to call-in an application before it can be formally determined may be instigated.
- 10.4 Presently, the County Council is unsure of the Secretary of State's reasoning for reserving this right. An update will be given to the planning committee either before or at the committee meeting.

11. Resource Implications and Value for Money

- 11.1 This is not a material planning consideration and cannot therefore be considered in determining this application. There will be no requirement for additional resources unless the decision is challenged and there is a requirement to defend the County Council's position at any subsequent appeal.

12. Equality Duty

- 12.1 An Equality Impact Report has been undertaken and is attached as Appendix 8.

- 12.2 The EIR required in relation to this proposal concluded that the development would not adversely affect those with 'protected characteristics'.

13. Risk Management Implications

- 13.1 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.

14. Crime and Disorder Act Implications

- 14.1 This decision has no implications in relation to crime and disorder.

15. Human Rights Act Implications

- 15.1 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 15.2 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 15.3 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

Sue Hawker

Director of Communities Commissioning

Michael Elkington

Head of Strategic Planning

Contact: Sam Dumbrell, Senior Planner, 033022 26947.

Background Papers

As set out in Section 6.

List of Appendices

Appendix 1 - Conditions and Informatives

[Appendix 2](#) - Location Plan

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[Appendix 4](#) - Aerial Photograph

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[Appendix 6](#) - Site Access Plan

[Appendix 7](#) - Road Sweepings Recycling Layout

[Appendix 8](#) – Equality Impact Report

Appendix 1: Conditions and Informatives

GENERAL

Commencement

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

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

Approved Plans and Documents

2. The development hereby permitted shall not take place other than in accordance with the particulars of the application, the approved plans and documents:

- Drawing No. 12 'Site Ownership Plan' (dated May 2013);
- Drawing No. 13 'Site Layout Plan' REV A (dated May 2013);
- Drawing No. 14 'Site Access Plan' REV A (dated May 2013);
- Drawing No 15 'Site Drainage Plan' REV A (dated May 2013);
- Drawing No. 16 'Modular Office Pland and Elevations (dated July 2013);
- Drawing No. 17 'Solar (PV) Panels to Existing Warehouse Roof (dated July 2013);
- Drawing No. 18 'Proposed New Waste Input Storage Barn' (dated July 2013);

and supporting information, save as varied by the conditions hereafter.

Reason: To secure a satisfactory development.

Availability of Approved Documents

3. A copy of the decision notice, approved plans and documents and any subsequently approved documents shall be kept on site 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 accord with paragraph 206 of the NPPF (2012) to ensure that the site operatives are conversant with the terms of the planning permission and the requirements of the development hereby permitted.

PRE-DEVELOPMENT CONDITIONS

Surface Water Drainage Scheme

4. No development shall be carried out until a scheme of surface water drainage has been submitted to and approved in advance and in writing by the County Planning Authority. The scheme shall include:
 - Design for 1:100 year return period;
 - Inclusion of 30% peak run-off and 20% additional volume for climate change;

- Consideration of overland flows; and
- Inclusion of pollution/siltation control measures; and
- Re-positioning of fuel tanks.

Thereafter, the surface water drainage details shall be implemented in full as approved throughout development hereby permitted.

Reason: To accord with paragraphs 103 and 120 of the NPPF (2012) to ensure that impacts through flood risk are not caused through surface water effluent.

Foul Water Drainage Scheme

5. No development shall be carried out until a scheme of foul water drainage has been submitted to and approved in advance and in writing by the County Planning Authority. Thereafter, the foul water drainage details shall be implemented in full as approved throughout development hereby permitted.

Reason: To accord with paragraph 103 and 120 of the NPPF (2012) to ensure that impacts through flood risk and pollution are not caused through foul water effluent.

Construction Management Scheme

6. No development shall be carried out (including any demolition and site clearance) until a Construction Management Scheme has been submitted to and approved in advance and in writing by the County Planning Authority. Thereafter, the scheme shall be implemented and adhered to as approved throughout the entire construction period of the development hereby permitted. The scheme shall provide details on the following matters:

- Public safety, amenity and site security;
- Hours of construction noise and vibration;
- Air and dust management;
- Stormwater and sediment control;
- Waste and materials re-use; and
- Traffic management, including the anticipated number, frequency and types of vehicles used during construction.

Reason: To safeguard both local road safety and local amenity and to ensure that the development does not put at risk the safety of local highway users.

Visibility Splays

7. No development (including any demolition and site clearance) shall be carried out until visibility splays, including vegetation control, have been provided at the proposed site's vehicular access onto Shoreham Road, in accordance with plans and details submitted to and approved in advance and in writing by the County Planning Authority. Once provided, the approved splays shall thereafter be maintained throughout the development hereby permitted.

Reason: In the interests of road safety.

Road Warning Signage and Road Markings

No development (including any demolition and site clearance) shall be carried out until details of road warning signage to be provided to the south of the site access on the A2037 and road markings within the site access to indicate that vehicles exiting the site must give way to traffic on the A2037 have been

submitted to and approved in advance and in writing by the County Planning Authority. Once provided, the approved signage and markings shall be installed within agreed timeframes and thereafter be maintained throughout the development hereby permitted.

Reason: In the interests of road safety.

Asbestos Handling Method Statement

9. No development (including any demolition and site clearance) shall be carried out until a method statement detailing how any works on site involving asbestos containing materials has been submitted to and approved in advance and in writing by the County Planning Authority. Thereafter, the approved method statement shall be implemented in full as approved throughout all stages of the development hereby permitted.

Reason: To accord with paragraphs 120, 121, 122 and 123 of the NPPF (2012) to protect public safety.

Scheme to Assess and Control Land Contamination and Landfill Gas Risk

10. No development (including any demolition and site clearance) shall be carried out until the recommendations contained in section 17.3.1 of the submitted LK Consult Ltd geo-environmental investigation and risk assessment report (dated December 2011; ref CL1251) and section 6 of the leap Environmental report (dated 31/10/13; ref LP00631) have been implemented as required and in accordance with a timetable to be submitted to and approved in advance and in writing by the County Planning Authority. Thereafter, the approved timetable of works shall be adhered to at all times throughout all stages of the development hereby permitted.

Reason: To accord with paragraphs 120, 121, 122 and 123 of the NPPF (2012) to protect public safety.

Tree Protection and Management Plan

11. Prior to the commencement of the development (including any demolition and site clearance) hereby permitted a Tree Protection Plan and method statement detailing how existing boundary planting will be protected and retained during both site set up works and in the long-term throughout development (in accordance with BS 5837:2012: Trees in Relation to Design, Demolition and Construction), shall be submitted to and approved in advance and in writing by the County Planning Authority. Thereafter, the plan shall be implemented in full as approved throughout all stages of the development.

Reason: To accord with paragraphs 109 of the NPPF (2012) to protect existing trees in the interests of local amenity and the environment.

PRIOR TO USE

Protection of Highway Safety Standards

12. Prior to the development hereby permitted being brought into use a scheme detailing the means for cleaning the wheels of all heavy goods vehicles leaving the site shall be submitted to and approved in advance and in writing by the County Planning Authority. The scheme shall include best practicable means to be taken at all times to ensure that all vehicles leaving the site are in a

condition such as not to emit dust, deposit mud or other debris on the highway. The wheel cleaning scheme shall be extended to include measures for sweeping/cleaning the site's access onto the A2037 and the A2037 adjacent to it should these become hazardous. Once approved, the scheme shall be used and retained throughout development.

Reason: In the interests of road safety.

Approved Site Layout

13. The development hereby permitted shall not be brought into use until a scheme detailing the site's external layout has been submitted to and approved in advance and in writing by the County Planning Authority. The scheme shall include details of staff and visitor parking, the loading and unloading of goods vehicles and turning areas for goods vehicles so that they can enter and exit the site in forward gear. Once approved, the parking and turning areas shall be used and retained throughout development.

Reason: In the interests of road safety and public safety.

Noise Mitigation Measures

14. Prior to the development hereby permitted being brought into use a scheme addressing the first recommendation as contained in Section 7 of the applicant's submitted Noise Assessment (dated 01/11/13; ref JI325) for replacement or modified walling along the south façade of the existing warehouse to achieve sound insulation along the entire south façade of approximately $R_w=45dB(A)$ shall be submitted to and approved in advance and in writing by the County Planning Authority. Thereafter, the approved scheme shall be implemented in full and retained throughout the development.

Reason: To accord with paragraphs 109, 122 and 123 of the NPPF (2012) in the interests of the amenity of the locality and of local residents.

Dust Control Scheme

15. Prior to the development hereby permitted being brought into use a scheme detailing methods of controlling and suppressing dust during waste processing operations, including on-site vehicular activity, shall be submitted to and approved in advance and in writing by the County Planning Authority. Thereafter, the approved scheme shall be implemented in full and retained throughout the development.

Reason: To accord with paragraphs 109, 120 and 123 of the NPPF (2012) to avoid dust from giving rise to significant adverse impacts on the health and quality of life of local residents and visitors to the locality.

CONTROLLING CONSTRUCTION

Hours of Construction and Deliveries

16. Construction (including any demolition and site clearance) of the development hereby permitted, involving the use of plant/machinery/equipment/vehicles and the deliveries of construction materials/plant/machinery/equipment being received by or despatched shall only take place between the hours of:
- 07.30 and 18.00 on Monday to Friday inclusive
 - 07.30 and 13.00 on Saturdays; and

not at any time on Sundays, Bank Holidays or Public Holidays.

Reason: To accord with paragraph 123 of the NPPF (2012) in the interests of the amenity of the locality and of local residents.

OPERATIONAL CONDITIONS

Hours of Use

17. There shall be no vehicular movements to/from the site, outside the hours of:
- 07.00 and 19.00 Monday to Friday; and
 - 07.00 to 13.00 Saturdays.

No vehicular movements to/from the site shall take place outside these hours except in the event of an emergency where the applicant is required to attend a road traffic accident or incident of flooding. The applicant shall notify the County Planning Authority within 3 days following the emergency, providing the time/s that the site was accessed, the number of goods vehicles used and the location and nature of the emergency attended.

There shall be no waste processing operations, which shall include the use of vehicles, plant and machinery, outside the hours of:

- 07:30 and 18:30 Monday to Friday; and
- 07:30 and 13:00 on Saturdays

No waste processing operations, which shall include the use of plant and machinery, shall take place at all on Sundays, Bank or Public Holidays.

Reason: To accord with paragraphs 109, 122 and 123 of the NPPF (2012) in the interests of the amenity of the locality and of local residents.

Noise Mitigation Measures

18. The recommendation contained in Section 7 of the applicant's submitted Noise Assessment (dated 01/11/13; ref JI325) shall be implemented and adhered to at all times throughout the operation of the development hereby permitted. These recommendations are:

- Noise levels within the existing warehouse should be approximately 80dB(A) or lower;
- The existing noise fence (including absorptive inner lining) will be maintained (and made good if damaged);
- White noise reversing alarms will be used;
- An internal site traffic plan will be followed to reduce vehicle reversing events; and
- Site staff will be required to adhere to speed limits within the site.

Reason: To accord with paragraphs 109, 122 and 123 of the NPPF (2012) in the interests of the amenity of the locality and of local residents.

Operational Noise Control

19. No plant, equipment, machinery or vehicle shall be used on the site unless fitted and operated at all times with silencing measures to a standard not less than the up to date manufacturer's UK standard specification.

Reason: To accord with paragraphs 109, 122 and 123 of the NPPF (2012) in the interests of the amenities of the locality.

Unsuspected/Unidentified Contamination

20. In the event that any unsuspected/unidentified contamination is discovered during the provision or renewal of services and any works of demolition, alteration and construction within the development hereby permitted, works should cease within that area and a method statement detailing the measures to deal with this contamination shall be submitted to and approved in advance and in writing by the County Planning Authority. Thereafter, the approved method statement shall be implemented in full as approved throughout all stages of the development hereby permitted.

Reason: To accord with paragraphs 109, 120 and 122 of the NPPF (2012) to prevent pollution and to protect the amenities of local residents.

Storage of waste and processed materials

21. No wastes or processed materials shall be stored outside of either the existing warehouse building or the designated storage barn and holding bays at any time.

Reason: To accord with paragraphs 109, 122 and 123 of the NPPF (2012) in the interests of the amenity of the locality and of local residents.

Permanent External Lighting

22. No permanent external lighting shall be installed for use within the development hereby permitted unless a scheme has been submitted to and written approval has been given in advance and in writing from the County Planning Authority. Once approved, the scheme shall be implemented in full throughout development.

Reason: To accord with paragraph 125 of the NPPF (2012) to prevent light pollution in the interests of local amenity.

Enclosed Loads

23. All vehicles delivering wastes to the site or removing materials from the site shall have their loads enclosed so as to prevent spillage or loss of materials on the public highway and the release of emissions to air.

Reason: To accord with paragraphs 109, 122 and 123 of the NPPF (2012) in the interests of road safety and of the amenities of the locality.

Vehicular Operations and Controls

24. The site shall not be used as the operating base or storage area for vehicles, plant or equipment not required for the operations approved under this permission.

Reason: To accord with paragraphs 109, 122 and 123 of the NPPF (2012) in the interests of road safety and of the amenities of the locality.

Quantities of Waste and Record Keeping

25. A record of the quantities (in tonnes) of permitted wastes delivered to the site and the consequent numbers of goods vehicle movements generated shall be

maintained by the applicant at all times and made available to the County Planning Authority upon request.

Reason: To accord with paragraphs 34, 109 and 123 of the NPPF (2012) to enable the County Planning Authority to monitor the level of traffic generated by the permitted use and ensure adequate control of the development so as to protect both local amenity and the local environment.

INFORMATIVES

- A. The attention of the applicant is drawn to the detailed comments of the letter from Sussex Police (dated 03 October 2013) relating to their recommendations on crime prevention and security.
- B. In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

APPENDIX 15

Planning and Rights of Way Committee

7 November 2023

County Matter Waste Planning Application

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

Report by Head of Planning Services

Local Member: Councillor Keir Greenway

Electoral division: Bersted

District: Arun

Summary

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

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

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

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

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

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

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

Consideration of Key Issues

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

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

Need for the Development

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

Location of the Development

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

Landscape, Character, and Visual Impacts

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

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

Public Health and Amenity

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

Highway Capacity and Road Safety

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

Overall Conclusion

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

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

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

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

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

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

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

Overall, it is considered that the proposed development accords with the statutory development plan when read as a whole. Furthermore, there are no material considerations in this case that indicate a decision other than in line with the statutory development plan. In favour of the proposal, the need for the development carries substantial weight and the location of the development carries great weight. Against the scheme, the potential for adverse impacts on landscape, character and visual amenity and on highway capacity and road safety carry little weight, and the potential for adverse impacts on public health and amenity carries moderate weight. Therefore, on balance, it is considered that the benefits of the proposal outweigh the disbenefits and, as such, the proposed development constitutes sustainable development (as defined in paragraphs 7 and 8 of the NPPF).

Recommendation

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

1. Introduction

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

2. Site and Description

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

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

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

3. Relevant Planning History

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

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

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

4. The Proposal

- 4.1 The current proposal seeks a new operational planning permission for the site that would consolidate/regularise changes that have taken place since commencement of operations, in addition to a proposed physical expansion of the facility to include existing buildings (previously not included as part of the waste site), and an extension into neighbouring agricultural land to the north and east of the site. The applicant seeks to increase the maximum permitted throughput of waste to 75,000tpa (an increase of 45,000tpa over that currently permitted). See **Appendix 4 – Proposed Site Layout**.
- 4.2 In summary, the key proposed physical changes/differences to that currently approved (which are in part retrospective), comprise the following:
- Incorporation of additional existing buildings/units (previously not forming part of the permitted waste facility) to provide staff offices and welfare facilities (approximately 480m² of floorspace);
 - A physical extension of the site to the north and east into agricultural land of approximately 25-40m (or approximately 0.7Ha). The area is to be enclosed by a 2m high weldmesh fence and planted soil bund/retaining concrete wall approximately 3.5m wide and 3m in height; near Elbridge Farm Cottages, this would be 3.5m in height to provide additional acoustic attenuation.
 - The siting of material storage bays to the west of the site within concrete 'lego' block bays (typically 3.2m high, 3.5m wide and 6m deep), in part covered with a scaffold/sheet roof structure, and including an increase in height to 4m (by way of an acoustic timber fenced 'topper') near to Elbridge Farmhouse;

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

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

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

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

5. Environmental Impact Assessment (EIA)

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

5.2 The current proposal is considered to fall within Schedule 2, Part 13(b) as relating to a 'change to or extension of development of a description listed in paragraphs 1 to 12 of Column 1 of this table (Schedule 2), where that development is already authorised, executed or in the process of being executed.' As a result, with reference to Schedule 3 of the EIA Regulations, consideration needs to be given as to whether the proposed amendment to the approved development, in combination with the existing development, has the potential to result in 'significant environmental effects' that require an EIA.

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

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

6. Policy

Statutory Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise (as confirmed in paragraph 2 of the National Planning Policy Framework (NPPF)). For the purposes of this application, the following documents form the statutory development plan: West Sussex Waste Local Plan (April 2014), and the Arun District Local Plan 2011-2031 (July 2018).
- 6.2 All key policies in the development plan, which are material to the determination of the application, are summarised below. In addition, reference is made to relevant national policy and Planning Practice Guidance, which guide the decision-making process and are material to the determination of the application.

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

- 6.3 The WLP was adopted in April 2014 and covers the period up to 2031. It is the most up-to-date statement of the County Council's land-use planning policy for waste. It accords with the approach taken in the NPPF and NPPW and should be given significant weight when considering this application.
- 6.4 Policy W1 relates to the need for waste facilities. Of relevance to the current proposals are:
- (a) Proposals on unallocated sites for the storing, sorting, bulking and onward movement of waste will be permitted provided that they are needed to meet the shortfall in transfer capacity of 140,000 tonnes per annum. Proposals on unallocated sites to deliver capacity over and above this shortfall will be permitted where it can be demonstrated that there is a market need, consistent with the principle of net self-sufficiency; and
 - (c) Proposals on unallocated sites for the recycling of inert waste will be permitted where it can be demonstrated that there is a market need can be demonstrated, consistent with the principle of net self-sufficiency.
- 6.5 Policy W3 sets out criteria for the Location of Built Waste Management Facilities for the transfer, recycling, and recovery of waste, including extensions to existing facilities. Proposals within the 'Areas of Search', as with the application site, are supported where it can be demonstrated the use cannot be delivered on existing or allocated sites, in which case they must:
- (i) be located within built-up areas, or on suitable previously developed land outside built-up areas; or
 - (ii) be located on a site in agricultural use where it involves the treatment of waste for reuse within that unit; or
 - (iii) only be located on a greenfield site, if it can be demonstrated that no suitable alternative sites are available; and

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

6.6 In addition:

“(c) Proposals for new facilities within the boundaries of existing waste management sites to enable the transfer, recycling, and recovery of waste, will be permitted unless:

- (i) the current use is temporary and the site is unsuitable for continued waste use; or
- (ii) continued use of the site for waste management purposes would be unacceptable in terms of its impact on local communities and/or the environment.”

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

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

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

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

Bersted Neighbourhood Plan (2014-2029)

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

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

6.11 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not form part of the

development plan but is a material consideration in determining planning applications.

- 6.12 The key relevant paragraphs of the NPPF relevant to the proposed development are: 11 (presumption in favour of sustainable development), 47 (determining applications in accordance with the development plan), 55-58 (planning conditions and obligations), 81 (Building a strong competitive economy), 110-113 (Transport and considering development proposals), 152-154 (meeting the challenge of climate change, flooding and coastal change), 167 (Flood risk), 174 (conserving and enhancing the natural environment), 185 -186 (effects on health, living conditions and the natural environment including from noise, lighting and air quality), 188 (control and processing of emissions are subject to separate pollution control regimes), and 194 (significance of heritage assets).

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

- 6.13 The NPPW sets out detailed waste planning policies to reflect the Waste Management Plan for England. The NPPF does not form part of the development plan but is a material consideration in determining planning applications. The NPPW seeks a sustainable and efficient approach to drive the management of waste up the waste hierarchy.
- 6.14 At paragraphs 3-5 the NPPW seeks waste planning authorities to meet the identified needs of their area for the management of waste streams, and identify suitable sites and areas for new or enhanced waste management facilities, with priority given to the re-use of previously developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages.
- 6.15 Paragraph 7 notes that in determining planning applications, waste planning authorities should, among other things; consider the likely impact on the environment and amenity against identified criteria; make sure facilities are well designed so they contribute positively to the character and quality of the area; and not control processes which are a matter for other pollution control authorities.

Planning Practice Guidance (PPG)

- 6.16 PPG is a web-based resource that sets out the Government's planning guidance to be read in conjunction with the NPPF. It does not form part of the development plan but is a material consideration in determining planning applications.
- 6.17 The most relevant sections of PPG to this application are: Air Quality (November 2019), Noise (July 2019), Travel plans, transport assessments and statements in decision-taking (March 2014), and Waste (October 2015).
- 6.18 Of particular note, Paragraph 6 of the PPG on Waste sets out the requirement to have regard to the principles of self-sufficiency and the proximity principle, while Paragraph 7 recognises waste may need to cross administrative boundaries to provide the necessary flexibility to ensure efficient management of waste and recycling. Paragraph 8 promotes the movement of waste up the hierarchy. Paragraph 47 deals with expansion and extension of existing waste facilities, noting the importance of considering the effects of waste facilities on community well-being. Paragraphs 50 and 51 set out the relationship between planning and other regulatory regimes.

EU Council Directive 2008/98/EC

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

7. Consultations

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

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

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

8. Representations

- 8.1 The applications were publicised in accordance with The Town and Country Planning (General Development Procedure) (England) Order 2015. This involved the erection of site notices located at the application site, advertisement in the local newspaper, and eight neighbour notification letters.
- 8.2 Representations were received from 45 third parties, of which 22 object to the development, 20 are in support, and three make comments.
- 8.3 The main material issues raised through objections, are, in summary:
- Site not suitable for further expansion. Site too small, operations not covered, and materials spill out onto neighbouring agricultural land and adjacent private properties;
 - Alternative sites should be pursued;
 - Does not accord with the WSCC Waste Local Plan;
 - Light impacts;
 - Blown litter;
 - Existing and proposed boundary treatments are unclear, unattractive, and are/would not be effective in containing/reducing noise, dust, litter and overspill onto neighbouring properties;
 - Dust impacts including prejudicing the enjoyment of property and gardens, and impact on human health;
 - Impacts on neighbouring equestrian uses/health;
 - Noise impacts including that arising from waste processing and HGVs travelling to/from the site;
 - Impacts on surrounding ecology, and neighbouring horses;
 - Potholes and surfacing of the site access causing noise impacts and resulting in mud/debris on the highway;
 - Cumulative impact with associated skip storage at Babsham Lane Business Centre;
 - Visual impacts of stockpiles and plant;
 - Impacts on tourism as result of dust and debris and associated impact on the visual amenities of the locality;
 - Impact on local business;
 - Impact on landscape and rural locality;
 - Hedgerows and trees not planted as required;
 - Mud and debris on the highway and associated nuisance and safety issues;
 - Proposed wheel wash facility inadequate;
 - Suitability of the access and HGV impacts on highway capacity and safety;
 - Inadequacy of submitted Transport Statement/data;
 - Impact on safety and enjoyment of the Cycle Path; and
 - Disincentive to users of public transport (Bus stops) owing to dust and HGVs.

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

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

9. Consideration of Key Issues

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

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

Need for the Development

9.2 The National Planning Policy Framework (NPPF) seeks to ensure that strategic policies make sufficient provision for waste management and indicates that it should be read in conjunction with the Government's planning policy for waste - The National Planning Policy for Waste (NPPW).

9.3 The NPPW seeks a sustainable and efficient approach to drive the management of waste up the waste hierarchy, seeking planning authorities to meet the identified needs of their area for the management of waste streams.

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

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

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

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

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

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

Location of the Development

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

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

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

Landscape, Character and Visual Impacts

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

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

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

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

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

Public Health and Amenity

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

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

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

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

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

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

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

Highway Capacity and Road Safety

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

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

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

Other Material Matters

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

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

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

10. Overall Conclusion and Recommendation

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

10.8 Overall, it is considered that the proposed development accords with the statutory development plan when read as a whole. Furthermore, there are no material considerations in this case that indicate a decision other than in line with the statutory development plan. In favour of the proposal, the need for the development carries substantial weight and the location of the development carries great weight. Against the scheme, the potential for adverse impacts on landscape, character and visual amenity and on highway capacity and road safety carry little weight, and the potential for adverse impacts on public health and amenity carries moderate weight. Therefore, on balance, it is considered that the benefits of the proposal outweigh the disbenefits and, as such, the proposed development constitutes sustainable development (as defined in paragraphs 7 and 8 of the NPPF).

10.9 Therefore, it is **recommended** that planning permission be granted subject to the conditions and informatives set out at **Appendix 1**.

Factors taken into account

11. Consultations

11.1 See Sections 7 and 8.

12. Resource Implications and Value for Money

12.1 Not applicable.

13. Legal Compliance

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

14. Equality and Human Rights Assessment

14.1 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposals would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposals were required to make them acceptable in this regard.

14.2 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the County Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

- 14.3 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. The applications have been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 14.4 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision-making process as a whole, which includes the right of review by the High Court, complied with Article 6.

15. Risk Management Implications

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

16. Crime and Disorder Reduction Assessment

- 16.1 Not applicable.

17. Social Value and Sustainability Assessment

- 17.1 Not applicable.

Michael Elkington

Head of Planning Services

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

Appendices

Appendix 1 – Conditions and Informatives

Appendix 2 – Site Location Plan

Appendix 3 – Approved Site Layout

Appendix 4 – Proposed Site Layout

Appendix 5 – Highway Works Plan

Background papers

See Section 6.

Appendix 1: Conditions and Informatives

CONDITIONS

Approved Plans/Documents

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

save as varied by the conditions hereafter.

Reason: To secure a satisfactory development.

Construction Environmental Management Plan

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

The CEMP shall set out, as a minimum:

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

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

Tree Protection Measures

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

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

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

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

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

Archaeology

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

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

Drainage and flood resilience

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

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

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

Landscaping, Maintenance, and Ecological Enhancement

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

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

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

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

Highways Improvements

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

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

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

Fencing/Gates/Walls

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

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

Hardstanding

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

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

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

Wheel Washing Facility

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

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

Lighting

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

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

Dust Suppression

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

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

Enclosure of Vehicles/Chain Sleeves

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

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

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

Reversing Alarms

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

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

Waste Types

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

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

Quantities of Waste/Materials

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

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

Hours of Operation

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

07.00 and 18.00 Monday to Friday; and

08.00 to 14.00 Saturdays.

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

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

Stockpile Heights

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

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

Screening and Crushing

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

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

Skip Storage

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

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

Exiting HGVs

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

Reason: In the interests of highway safety.

INFORMATIVES

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

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

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

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

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

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



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

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

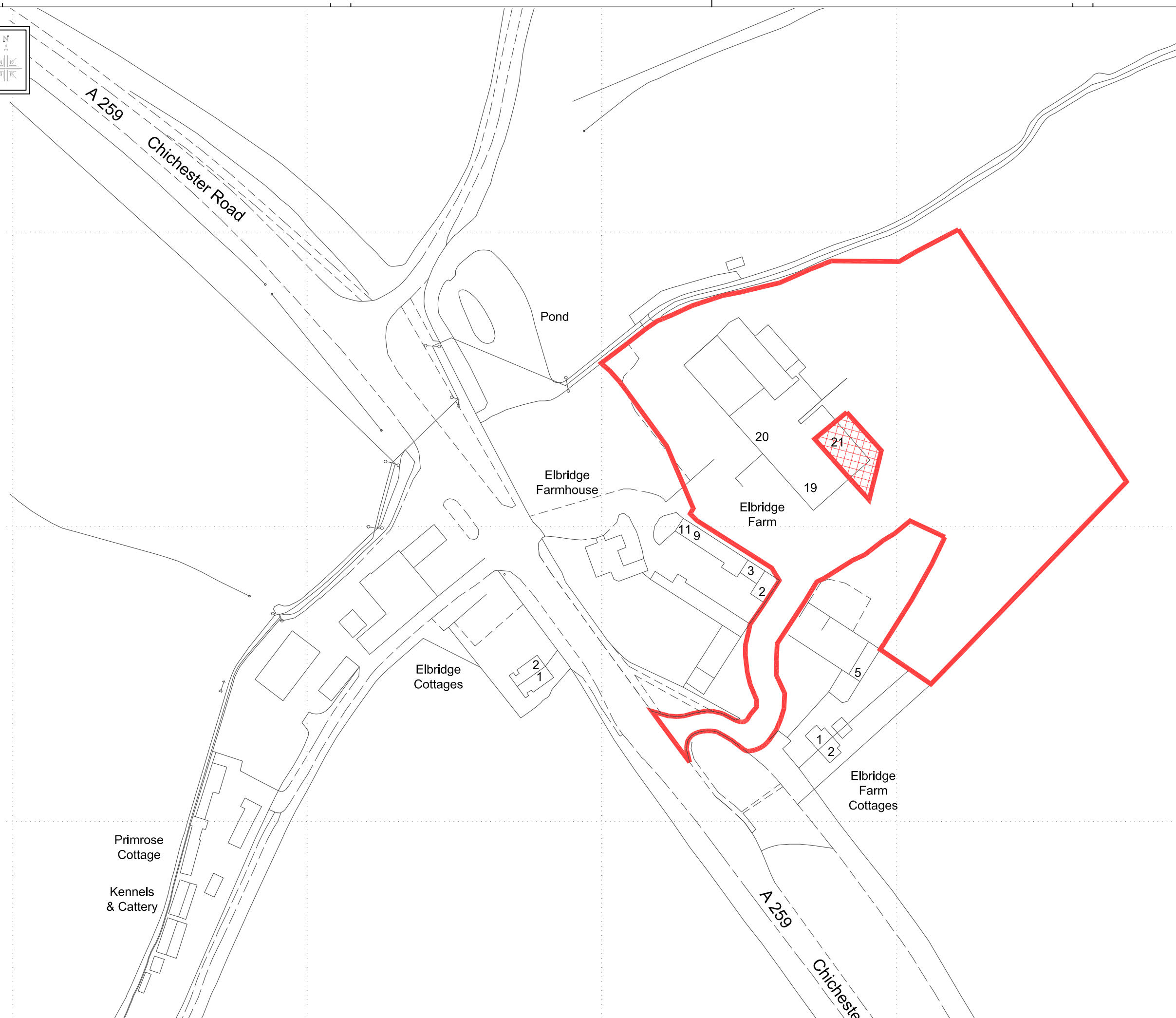


All dimensions to be verified on site. Figured dimensions to take precedent to those scaled. Any areas indicated on this drawing are for guidance only, no responsibility is taken for their accuracy.
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KEY

-  Planning Application Boundary
Area Measurement: 15287.9 sqm / 1.528790 ha
-  Not within Planning Application Boundary
Area excluded from area measurement

Grid Reference: X 491394 Y 102146 (centre of site)
 Postcode: PO21 5EF









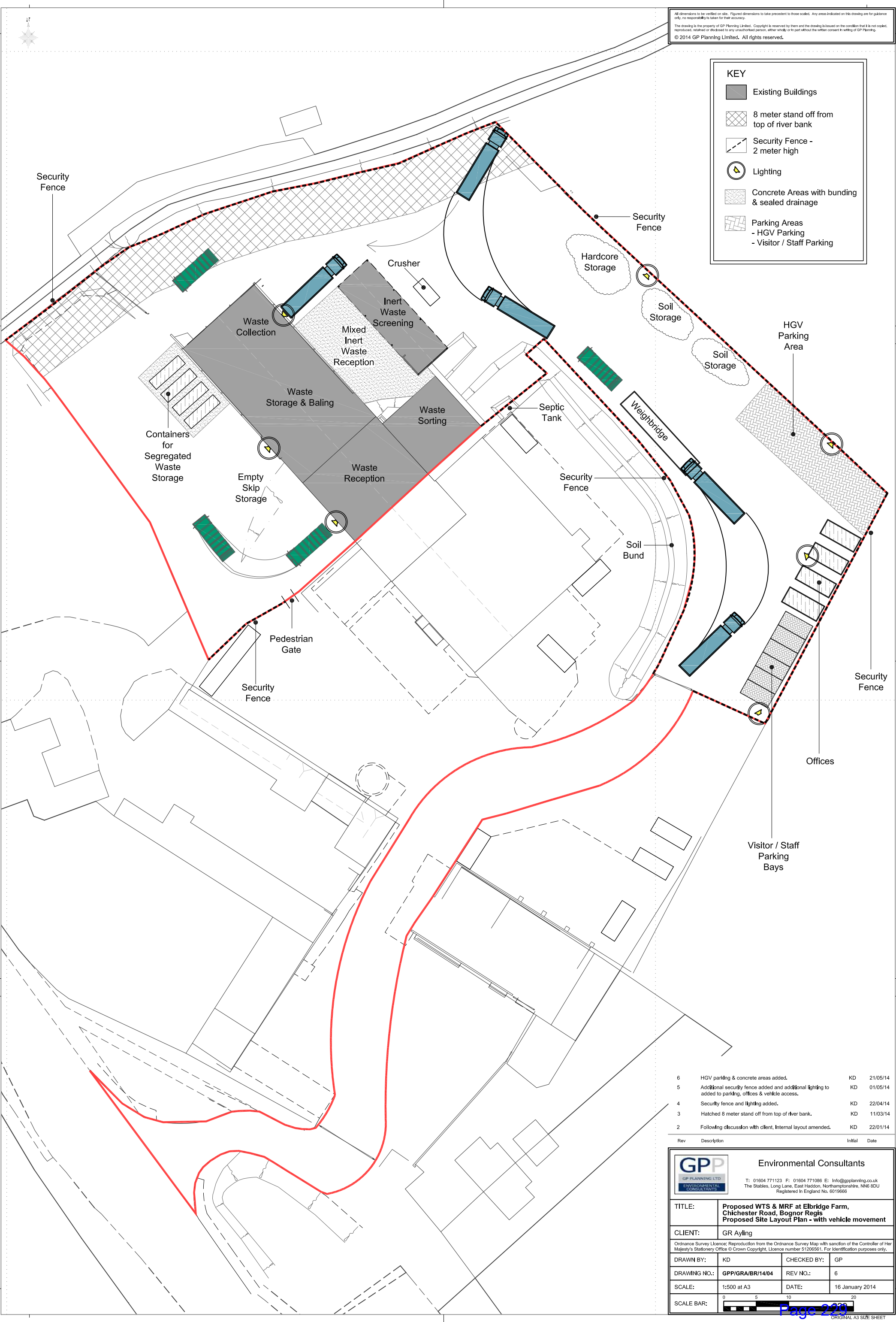
4	Planning application boundary extended to the public highway.	KD	24/04/23
3	Planning application boundary amendment to north.	KD	20/03/23
2	Planning application area amended slightly north east. Hatch area, not within planning application boundary added.	KD	02/09/22

		Planning Consultants <small>T: 01604 771123 E: info@gppplanning.co.uk W: www.gppplanning.co.uk ICon Environmental Innovation Centre, Eastern Way, Doveney, Northamptonshire, NN11 0GS Registered in England No. 6019666</small>	
TITLE:	Proposed Extension Area at Elbridge Farm, Chichester Road, Bognor Regis Site Location Plan		
CLIENT:	RECYCLE SOUTHERN LIMITED		
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DRAWING NO.:	GPP/RS/BR/EXT/22/01	REV NO.:	4
SCALE:	1:1250 at A3	DATE:	02 Sept 2022
SCALE BAR:			

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KEY

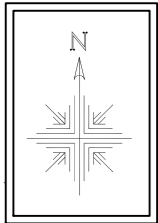
-  Existing Buildings
-  8 meter stand off from top of river bank
-  Security Fence - 2 meter high
-  Lighting
-  Concrete Areas with bunding & sealed drainage
-  Parking Areas
- HGV Parking
- Visitor / Staff Parking



Rev	Description	Initial	Date
6	HGV parking & concrete areas added.	KD	21/05/14
5	Additional security fence added and additional lighting to added to parking, offices & vehicle access.	KD	01/05/14
4	Security fence and lighting added.	KD	22/04/14
3	Hatched 8 meter stand off from top of river bank.	KD	11/03/14
2	Following discussion with client, Internal layout amended.	KD	22/01/14

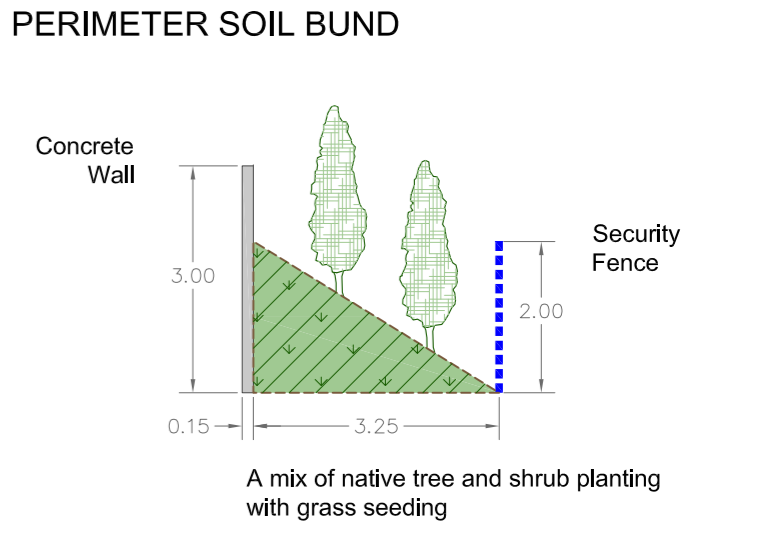
		Environmental Consultants T: 01604 771123 F: 01604 771086 E: info@gppanning.co.uk The Stables, Long Lane, East Haddon, Northamptonshire, NN6 8DU Registered in England No. 6019666	
TITLE: Proposed WTS & MRF at Elbridge Farm, Chichester Road, Bognor Regis Proposed Site Layout Plan - with vehicle movement		CLIENT: GR Ayling	
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DRAWN BY:	KD	CHECKED BY:	GP
DRAWING NO.:	GPP/GRA/BR/14/04	REV NO.:	6
SCALE:	1:500 at A3	DATE:	16 January 2014
SCALE BAR:			

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KEY

- Planning Application Boundary
- Not within Planning Application Boundary
- Limit of Use - Crusher/Screener
- Permeable Hardstanding
- Existing - Security Fence - 2m high
- Proposed - Security Fence - 2m high
- Concrete Wall to protect bund - 3m high (3.5m high at the south west section only)
- A mix of native tree and shrub planting with grass seeding
- Lighting

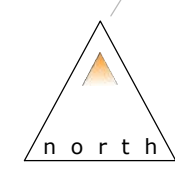


Scale - 1:100 at A2

Rev	Description	Initial	Date
17	Proposed swale removed, text update.	KD	20/09/23
16	Acoustic fence moved further north of existing trees. Further amended, Acoustic fence removed, concrete wall and perimeter soil bund extended to the south west side.	KD	23/08/23
15	Wood waste bay added, Aggregate bay dimensions amended.	KD	31/05/23
14	Dust Cannon and water tank added.	KD	30/05/23
13	Resurfacing area extended, Covered aggregate bay reduced to one bay. Bay dimensions checked and updated.	KD	28/04/23
12	Proposed swale, fencing, resurfacing area, lighting, permeable hardstanding and wall height increase to 4m, added.	KD	24/04/23
11	Planning application boundary amendment to north, Canteen area reduced, Example of trees added to perimeter soil bund.	KD	20/03/23
10	Amendment to perimeter soil bund, Concrete wall added.	KD	16/03/23
09	Acoustic fence added.	KD	08/02/23
08	Inner impermeable fence added.	KD	03/02/23
07	Security fence shown on the inside of 8m native tree and shrub planting.	KD	05/12/22
06	Tree / hedgerow planting inside the security fence to the northern boundary removed, Perimeter soil bund stopped at the southern boundary turn, retention of large trees within this area.	KD	01/12/22
05	Details from proposed landscape plan added to site layout plan, Covered grass waste skip added.	KD	23/11/22
04	Perimeter soil bund updated, Refer to proposed landscape plan.	KD	16/11/22
03	Additional aggregate bays added.	KD	17/10/22
02	Perimeter soil bund added.	KD	17/10/22
01	Add wheel wash and relocate screener / stock slightly north east.	KD	14/09/22

GPP Planning Consultants
 T: 01604 771123 E: info@gpplanning.co.uk W: www.gpplanning.co.uk
 ICon Environmental Innovation Centre, Eastern Way,
 Daventry, Northamptonshire, NN11 0QB
 Registered in England No. 6019666

TITLE:	Proposed Extension Area at Elbridge Farm, Chichester Road, Bognor Regis Site Layout Plan		
CLIENT:	RECYCLE SOUTHERN LIMITED		
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DRAWN BY:	KD	CHECKED BY:	CS
DRAWING NO.:	GPP/RS/BR/EXT/22/02	REV NO.:	17
SCALE:	1:500 at A2	DATE:	12 Sept 2022
SCALE BAR:			



Cyclists have priority



HGVs Crossing Cycle Lane

Give way markings

Give way markings



Cyclists have priority

Minor carriageway widening

3 metre wide cycleway



HGVs Crossing Cycle Lane



84 North Street
Guildford
Surrey
GU1 4AU

Cargo Works
1-2 Hatfields
London
SE1 9PG

T: 01483 531 300

T: 020 8065 5208

www.motion.co.uk

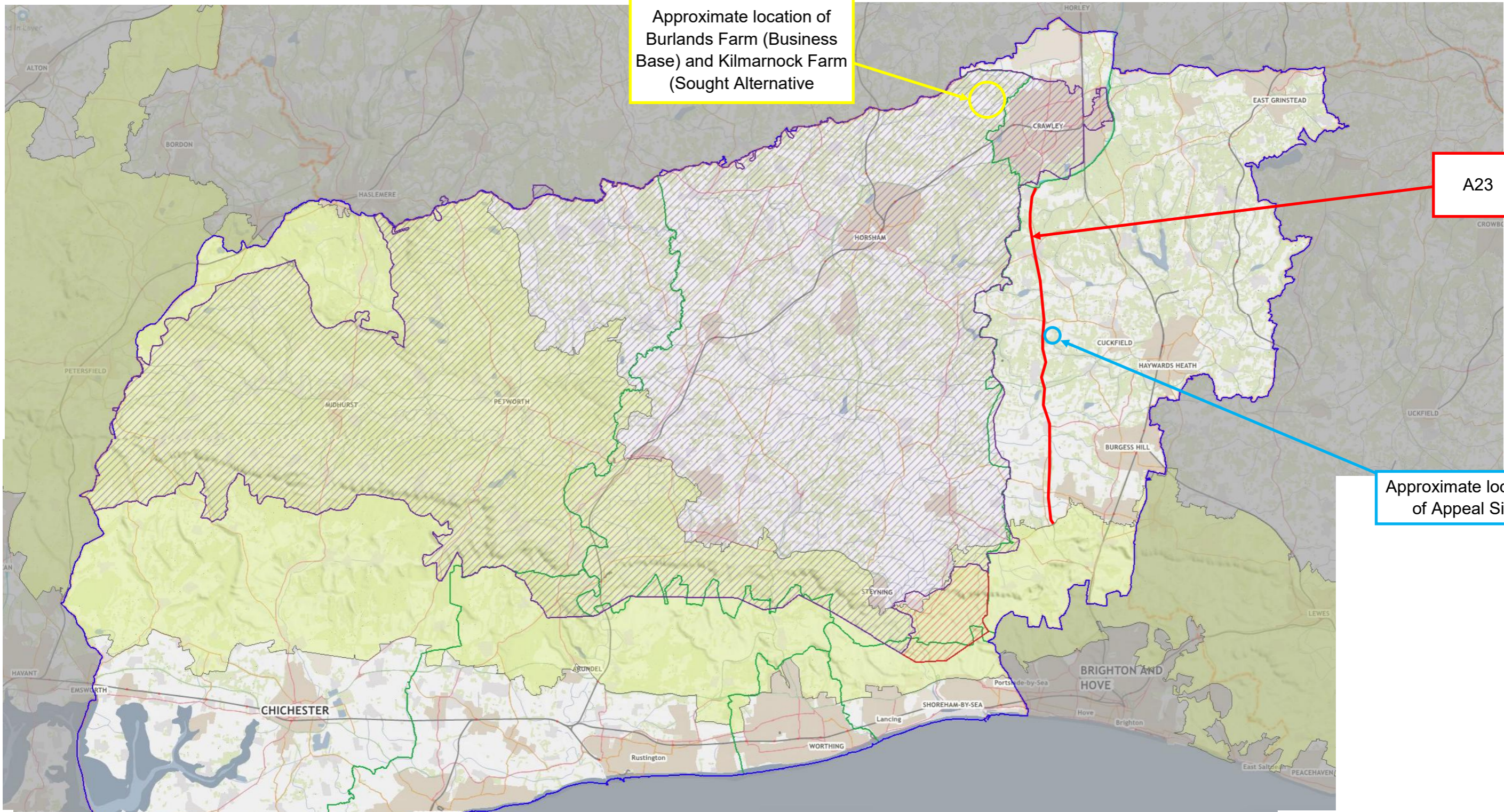
Project:
Site at Elbridge Farm, Bognor Regis

Title:
General Arrangement

Scale: 1:250 (@ A3)

Drawing: 2003024-GA-01
Revision: B

APPENDIX 16



Approximate location of Burlands Farm (Business Base) and Kilmarnock Farm (Sought Alternative)

A23

Approximate location of Appeal Site

- WATER NEUTRALITY**
- Water Resource Zone
 - Sussex North
 - Water Resource Zone (Upper Beeding): no offsetting
 - County Boundary
 - District or Borough Boundary
 - South Downs National Park