

**APPLICATION NUMBER: WSCC/015/24
COUNTY MATTER WASTE**

**TOWN AND COUNTRY PLANNING ACT 1990 (APPLICATION UNDER SECTION 73)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

To: Daniel Barritt
Biffa Waste Services Limited
Westmill Landfill Site
Westmill Road
Ware
SG12 0ES

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:

Development of a household waste recycling site and transfer station (Variation of Condition 2 of planning permission WSCC/026/22 to allow for the acceptance and handling of dog waste from Horsham District Council)

to be carried out in accordance with your application and plans (as modified by the under-mentioned conditions) submitted to this Council on 13/03/2024 and subject to the conditions specified hereunder:

Approved Plans/Information

1. The development shall not take place other than in accordance with the approved plans and information;
 - Site Location (ref. 0004338/CR/A/01);
 - Planning Application Boundary (ref. 0004338/CR/A/02 Rev C);
 - Proposed Site Layout (ref. 0004338/CR/A/04 Rev H);
 - Elevations and Section (ref. 0004338/CR/A/05 Rev B);
 - Drainage Proposals (ref. 0004338/CR/A/06 Rev C);
 - Site Sections (ref. 0004338/CR/A/07 Rev C);
 - Welfare Facilities and Offices Elevations and Indicative Internal layout (ref. 0004338/CR/A/08 Rev B);
 - Landscaping Specification (ref. 0004338/CR Version 2);
 - Trees to be Retained/removed and Proposed Landscaping (ref. 0004338/CR/A/09 Rev D); and
 - Proposed Storage of Compost' Plan (ref. 17653/CVD/031 A)

save as varied by the conditions hereafter or any variation thereto that may be agreed in writing by the County Planning Authority.

Date: 24/05/2024

Signed: **Michael Elkington**, Head of Planning Services

IT IS IMPORTANT THAT YOU READ THE NOTES IN APPENDIX A

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Reason: to secure a satisfactory development.

Permitted Wastes

2. Wastes received at the Household Waste Recycling Site (HWRS) shall only comprise residual household waste and recyclables delivered by the public (to include, but not be limited to, glass, metals, paper, plastics, and green waste).

Wastes received directly at the Transfer Station (TS) shall only comprise; paper, glass, plastic, metals, green waste, fly tipped waste, litter, dry street sweepings (including autumn leaf falls), and bulky household goods, all of which are to be collected by local authorities; house clearance waste collected solely by the housing department of Crawley Borough Council; dog waste collected Crawley Borough Council and Horsham District Council; and recyclable materials and waste electrical and electronic equipment (WEEE) from local businesses and traders. In exceptional circumstances that may be agreed in advance in writing by the County Planning Authority, collected municipal household waste may be delivered to the TS for storage only, and for a maximum of 48hrs.

With the exception of those specific waste streams identified above, the site shall not receive construction and demolition waste from commercial sources, commercial and industrial waste, hazardous or special wastes, dredged materials, or animal by-products (other than those from within the municipal waste stream).

Reason: To control permitted waste types at the site in the interests of the environment and amenities of the locality.

No Crushing or Baling

3. No crushing or baling activities shall take place on the site at any time.

Reason: In the interests of local amenity.

Lighting and CCTV

4. All external floodlighting, other illumination and CCTV at the site shall be installed, operated, and maintained in accordance with the approved plans and information; Proposed External Lighting Layout ref. 0016208/CR/E/110 Rev D and; Luminaire Schedule ref. P122-1081.

Reason: To ensure site lighting and CCTV scheme does not detract from local amenity.

Drainage

5. All drainage at the site shall be installed, operated, and maintained in accordance with the approved plans and information; Drainage Proposals ref. 0061208/CR/C/501 Rev 6; Drainage Typical Details ref. 0016208/CR/C/504 Rev 2; Drainage Long Sections (Sheet 1 of 2) ref. 0016208/CR/C/502 Rev 4; Drainage Long Sections (Sheet 2 of 2) ref. 0016208/CR/C/503 Rev 5 and; Section 278/38 Access Road Drainage ref. 0016208/CR/C/2007 Rev 4.

Reason: To ensure adequate drainage of the site.

Bunding and fencing

6. All bunding and fencing at the site shall be installed and maintained in accordance with the approved plans; Fencing Gates Bollards & Barriers ref. 0016208/CR C

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301 Rev 4; Typical Section ref. 0016208/CR C 104 Rev 3 and Section 278/38
Access Road Fencing Gates Bollards & Barriers ref. 0016208/CR/C/2008 Rev 2.

Reason: To ensure the site is adequately screened.

Hours of Operations

7. Unless otherwise agreed in advance and in writing by the County Planning Authority, the hours of working and operation of the Household Waste Recycling Site (HWRS) shall be as follows:

The HWRS shall not be open for the reception of waste before 0800 hours Mondays to Fridays, or before 0900 hours on Saturdays, Sundays and Bank Holidays. It shall close each day, no later than 1900 hours between 1 April and 30 September, and no later than 1700 hours between 1 October and 31 March.

No working shall take place and no large goods vehicles shall arrive or depart before 0730 hours on Mondays to Fridays, and 0800 hours on Saturdays, Sundays and Bank Holidays, or later than 30 minutes after the approved closing time.

The Transfer Station shall not be open for the reception of waste before 0700 hours Mondays to Fridays and Saturdays, unless otherwise agreed in advance and in writing by the County Planning Authority. It shall close each day, no later than 1900 hours Mondays to Fridays, and no later than 1700 hours on Saturdays. On Bank Holidays the Transfer Station shall only open for the reception of waste at 0900 hours and shall close no later than 1700 hours. No working shall take place on Sundays.

No working shall take place and no large goods vehicles shall arrive or depart before 0700 hours on any day or later than 30 minutes after the approved closing time.

Reason: In the interests of local amenity.

Plant use and silencing

8. All plant and machinery shall operate only in the permitted hours and shall be silenced at all times in accordance with the manufacturers standard UK specification as updated.

Reason: To protect the amenity of nearby residents.

Road Markings, turning and parking provision

9. Unless otherwise agreed in advance and in writing by the County Planning Authority, road markings and sufficient space allocated within the site for the turning and parking of staff vehicles and customer vehicles shall be installed, operated, and maintained in accordance with the approved plans; Line Marking & Signage ref. 0016208/CR C 1201 Rev 2 and; Section 278/38 Access Road Traffic Signs and Line Marking and Street Lighting ref. 0016208/CR/C/2005 Rev 1.

Reason: In the interests of highway safety.

Storage of pollutants

10. Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For any

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liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both water and oil. The pipes should vent downwards into the bund.

Reason: To minimise the risk of pollution of watercourses and aquifers.

Copy of decision notice

11. A copy of this decision notice together with the approved plans and any schemes and/or details subsequently approved pursuant to this permission shall be kept at the office and the terms and contents of them shall be made known to all persons with responsibility for the management or control of waste handling activities on the site.

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

Storage of compost for resale

12. Unless otherwise agreed in advance and in writing by the County Planning Authority, only the area identified by diagonal green lines on drawing 1763/CVD/031 A, shall be used for the sale of bags of compost derived from recycled green waste. Such compost shall at all times be contained within pre-packaged sealed bags and at no time shall there be in excess of three palettes of compost for resale stored on site.

Reason: In the interests of the environment and the amenities of the locality and to enable the County Planning Authority to control the extent of retail activities within this site.

Management of Dog Waste

13. Any dog waste received at, stored within, or dispatched from, the site shall at all times be contained within durable sealed bags. No dog waste shall be stored on site for longer than 72 hours, with appropriate records kept of its receipt/removal times which shall be made available to the County Planning Authority upon request.

Reason: To ensure any odour associated with the management of dog waste is minimised in the interests of neighbouring amenity.

INFORMATIVES

- A. The County Planning Authority has acted positively and proactively in determining the planning application by identifying issues of concern and considering whether planning conditions could be used to satisfactorily address them. As a result, the County Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development as set out within the National Planning Policy Framework.
- B. **Biodiversity Net Gain (For full details please refer to Appendix A)** - Based on the information provided this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun

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because the following statutory exemptions or transitional arrangements are considered to apply:

- Application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

** "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.*

- Development below the de minimis threshold, meaning development which:
 - (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

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 at West Sussex County Council or visiting the website at www.westsussex.gov.uk/planning.

APPENDIX A: TOWN AND COUNTRY PLANNING ACT 1990

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 IS RECOMMENDED THAT YOU CONSULT A SOLICITOR IF YOU ARE IN ANY DOUBT.

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.
- (a) 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.
- (b) The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (c) The Secretary of State need not consider an appeal if it seems 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.
- (d) 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 the Secretary of State.

2 Purchase Notices

- (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.
- (a) 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 the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.

3 Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be West Sussex County Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of [article 2\(1\) of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

- 4.5 Self and Custom Build Development, meaning development which:
- i) consists of no more than 9 dwellings;
 - ii) is carried out on a site which has an area no larger than 0.5 hectares; and
 - iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
- 4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat

(including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

The effect of Paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).