

**APPLICATION NUMBER: WSCC/021/23
COUNTY MATTER WASTE**

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

To: Gary Ayling
Recycle Southern Limited
Elbirdge Farm Business Centre
Chichester Road
Bersted
West Sussex
PO21 5EF

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:

Waste transfer and recycling facility (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.

to be carried out in accordance with your application and plans (as modified by the under-mentioned conditions) submitted to this Council on 02/06/2023 and subject to the conditions specified hereunder:

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.

Date: 07/12/2023

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

IT IS IMPORTANT THAT YOU READ THE NOTES IN APPENDIX A

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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 general accordance with the submitted Flood Risk Assessment and Surface Water Strategy and accompanying drawings 3419/FRA/05, 3419/FRA/06, 3419/FRA/07 and 9819-0050 Rev C (Reference - 3419/FRA Final Version F3 dated October 2023) shall

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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;
- details of all existing surface water infrastructure to be retained, accompanied by a verification report demonstrating it has been implemented and is operating as intended (and if the verification report indicates that the existing drainage system is not operating as intended, a scheme of rectification);
- details of drainage measures for proposed areas of hardstanding, including the access to/from the public highway; and
- a timetable for its implementation.

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

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 (including for exiting heavy goods vehicles as specified by Condition 21), markings, access widening, resurfacing, and a timetable for implementation at the earliest possible opportunity.

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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, to reduce the potential for mud or debris from entering the public highway, and to minimise 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.

Date: 07/12/2023

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

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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.

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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 Heavy Goods Vehicles (HGV)

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

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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.

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.
- (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 <https://www.gov.uk/appeal-planning-decision> 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 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 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 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.
- (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 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 Further correspondence about this application should quote the reference number at the top right hand corner of the form.