

**APPLICATION NUMBER: WSCC/042/23
COUNTY MATTER WASTE**

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

To: Southern Water
Southern House
Lewes Road
Falmer
Brighton
BN1 9PY

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:

Construction and operation of a sewer network pipe-bridge and retrospective planning permission for the temporary widening and use of a vehicle access onto the A281 Brighton Road at Land to the west of Mannings Heath Wastewater Treatment Works, Gaggle Wood, Mannings Heath, Horsham

to be carried out in accordance with your application and plans (as modified by the under-mentioned conditions) submitted to this Council on 06/11/2023 and subject to the conditions specified hereunder:

Commencement

1. The development hereby permitted shall be begun 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/Information

2. The development shall not take place other than in accordance with the approved plans and information;
 - Site Location Plan (ref. 157754-FRH-XX-XX-DR-C-8000 Rev P06 dated 20/11/23);
 - Site Location Plan (ref. 751162-NGX-XX-XX-DR-Z-70001 Rev P02 dated 21/11/23);
 - Pipe Bridge Location Plan (ref. 751162-NGX-XX-XX-DR-Z-70002 Rev P02 dated 21/11/23);
 - Pipe Bridge Layout Plan (ref. 751162-NGX-XX-XX-DR-Z-70003 Rev P02 dated 20/10/23);
 - Pipe Bridge Elevation Plan (ref. 751162-NGX-XX-XX-DR-Z-70006 Rev P02 dated 20/10/23);

Date: 26/03/2024

Signed: **Matt Davey** p.p. Head of Planning Services

IT IS IMPORTANT THAT YOU READ THE NOTES IN APPENDIX A

CONTINUATION SHEET

- Existing and Temporary Access Plan (ref. 157754-FRH-XX-XX-DR-C-8004 Rev P02 dated 15/11/23);
- Compound Access Plan (ref.157754-FRH-XX-XX-DR-C-8001 Rev P13 dated 14/03/24);
- Construction Environmental Management Plan (dated 10/10/23);
- Construction Traffic Management Plan (ref. Version 11 – CG3-HSE-400F02 dated May 2023); and
- Departures From Standard (ref. DFS2/299)

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

Reason: To secure a satisfactory development.

Tree/Vegetation Retention and Protection

3. All trees, hedges and vegetation shall be retained and protected in accordance with the Arboricultural Method Statement (AMS) and accompanying Tree Protection Plans (Ref. RT-MME-159801-03 Rev B dated 17/10/23), and mitigation measures identified in the Ecological Impact Assessment (EcIA ref: 751162 Rev 1 dated November 2023– Section 4).

Prior to any works within the root protection area of retained trees/shrubs (as identified in the AMS), a pre-commencement meeting between the site construction manager, a qualified arboriculturist and ecologist shall take place and all trees/shrubs for removal, coppicing, relocation, shall be clearly marked, and working practices in accordance with the AMS and EcIA shall be clearly communicated. An invite to this meeting shall be extended to the County Arboriculturist.

Thereafter all works upon, and proximate to, retained trees, hedges and vegetation shall be carried out accordance with the Arboricultural Method Statement (ref: RT-MME-159801-03 Rev B dated 17/10/23) and Ecological Impact Assessment (EcIA ref: 751162 Rev 1), save as for any modification that may be agreed in advance in writing by the County Planning Authority.

Reason: To ensure the preservation of trees/vegetation in the interests of biodiversity and the landscape of the locality.

Ecology

4. All ecological mitigation/management and recommendations as detailed within the Ecological Impact Assessment (EcIA ref: 751162 Rev 1 dated November 2023– Section 4) and Construction Environmental Management Plan (CEMP dated 10/10/23) shall be implemented and adhered to in full.

Reason: To conserve protected and priority species in the interests of biodiversity.

CONTINUATION SHEET

Reinstatement and Aftercare

5. Within 3 months of the date of this decision, a reinstatement and aftercare scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include detailed provisions for reinstatement and restoration of the site and its subsequent aftercare/monitoring. It shall provide details as appropriate, but not necessarily be restricted to, the following matters:
- Detailed locations for the placement of translocated trees/shrubs, coppiced stools and Ancient Woodland indicator plant species;
 - Details of soil amelioration/improvement and any seeding necessary to return the land to its use/condition before the development took place;
 - Details of hedgerow reinstatement planting (including adjacent to the A281) including planting sizes, numbers, spacing, planting rate and densities, plant protection, soil amelioration/improvement, and biosecurity;
 - Details of the timing of reinstatement works as soon as practicable following completion of construction;
 - Details of aftercare and monitoring provisions for a period of five years to include the frequency of monitoring, reporting methods, and actions to be taken to ensure the success and optimisation of reinstatement and habitat compensation/enhancement (and replacement seeding/planting where necessary);

Thereafter the approved scheme shall be implemented and adhered to in full.

Reason: To ensure temporary construction infrastructure is removed and land reinstated to an appropriate condition in the interests of biodiversity and landscape and to provide suitable mitigation/compensation for any impacts upon trees/hedgerows (including irreplaceable ancient woodland habitat).

Access Provision (A281)

6. The temporary access onto the A281 shall be laid out in accordance with the approved Compound Access Plan (ref.157754-FRH-XX-XX-DR-C-8001 Rev P13 dated 14/03/24) and shall be maintained and managed throughout construction in accordance with the approved Construction Traffic Management Plan (ref. Version 11 – CG3-HSE-400F02 dated May 2023) and Departures From Standard (ref. DFS2/299).

Upon completion of construction works, all temporary barriers and equipment shall be removed and the vehicular access and gates onto the A281 reinstated to their former arrangement before the development took place, as illustrated on the approved 'Existing and Temporary Access Plan' (ref. 157754-FRH-XX-XX-DR-C-8004 Rev P02 dated 15/11/23).

Reason: In the interests of highway safety and to ensure that the access is returned to its previous rural character in interests of the landscape and character of the locality.

CONTINUATION SHEET

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. The applicant's attention is drawn to the comments of the Environment Agency (dated 16 January 2024) regarding other regulations which may apply to the use of any waste materials if used on site.
- C. The applicant's attention is drawn to the comments of the County Arboriculturist (dated 05/01/23) that highlight the need to ensure that wider 'permitted development' works are carried out sensitively and identifies areas where there is a need to ensure that identified tree protection measures/exclusion areas are adhered to.
- D. Under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.
- E. The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

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.