

**APPLICATION NUMBER: WSCC/067/19
COUNTY MATTER WASTE**

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

To: Mr James Stewart-Irvine
Biffa Waste Services
Coronation Road
Cressex
High Wycombe
HP12 3TZ

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:

Amendment of Restoration Scheme approved through WSCC/005/16/NH to provide rich grassland rather than woodland at Brookhurst Wood Landfill Site Langhurst Wood Road Horsham RH12 4QD

to be carried out in accordance with your application and plans (as modified by the under-mentioned conditions) submitted to this Council on 24 September 2019 and subject to the conditions specified hereunder:

Approved Plans

1. The development hereby permitted shall not take place other than in accordance with the following:
 - PA01 - Site Location Plan (dwg. 0007961/PA/01, dated June 2006);
 - PA02 - Application Site Boundary (dwg. 0007961/PA/02 dated June 2006);
 - PA03 - Site Layout (dwg. PA/03, AECOM, August 2015);
 - PA04 - Indicative Site Layout Zones (dwg. 0007961/PA/04, June 2006);
 - PA05 - Cross Sections (dwg. 0007961/PA);
 - PA10 - Pre-Settlement Contours (dwg. 0007961/PA/10, June 2006);
 - Landscape Masterplan with Approved Contours (Figure R2 Rev 01 dated 10/02/20);
 - Landscape Masterplan with Phasing plan (Figure R3 - Rev 01, dated 07/02/20);
 - Landscape Masterplan (Figure R1, Rev 05 dated 10/02/20);
 - Landscape Masterplan Indicative Sections (Figure R4, dated 07/02/20);
 - Updated Landscape Information (Biffa Waste services Ltd, Rev 9, dated 21/02/20);

Date: ~~28 February 2020~~

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

IT IS IMPORTANT THAT YOU READ THE NOTES IN APPENDIX A

CONTINUATION SHEET

- Surface Water Management Plan (ref. 405.00508.00034, May 2014);
- Brookhurst Wood Landfill Site Dust Management System 2009;
- Brookhurst Wood Landfill Site Bird Management Plan (May 2014 version);
- Brookhurst Wood Landfill Site Gas Management Plan (October 2008-2009);

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

Reason: To secure a satisfactory development.

Progressive Restoration and Landscaping Programme

2. The site shall be progressively filled to the levels shown on the plan 'Pre-Settlement Contours' 0007961/PA/10 (dated June 2006), and landscape restoration shall be delivered in phases as shown on the Landscape Masterplan with Phasing plan (Figure R3 - Rev 01, dated 07/02/20) and the Landscape Masterplan (Figure R1, Rev 05 dated 10/02/20). No further landfilling shall take place on the site. The restoration of the site, in accordance with Figure R1, Rev 05 dated 10/02/20 and the Updated Landscape Information (Biffa Waste services Ltd, Rev 9, dated 21/02/20), including grading with inert material and enhanced restoration works, shall be completed by 31st December 2023 or within 12 months of the cessation of delivery of waste to the site whichever is the earlier.

Reason: To minimise the duration of disturbance to secure the satisfactory and timely restoration of the site.

Deposition of Restoration Soils

3. No final covering or restoration soil materials required to be deposited in accordance with the Landscape Masterplan (Figure R1, Rev 05 dated 10/02/20) shall be moved or deposited when weather or ground conditions are such as to result in compaction, panning or damage to the soil structure.

Reason: To protect soils and aid the satisfactory restoration of the land.

Survey Stations

4. No deposit of material shall take place unless survey stations are provided around the perimeter of the landfill site in the locations shown on 'Site Survey as at 07/07/2015' (drawing PA02, ref BA025800). These shall be retained and be available for inspection throughout the operations hereby permitted. The location of these stations and their levels related to Ordnance Datum shall be maintained throughout the course of the development.

Reason: To guide filling operations and to ensure a satisfactory restoration of the site.

CONTINUATION SHEET

Stockpiled Materials

5. Temporary stockpiles of materials for use in the operational programme and restoration works shall at no time exceed a height of two metres above the finished pre-settlement landfill levels in the area in which they are located. All such stockpiles shall be maintained with a smooth rounded profile, free of weeds and they shall be removed before 31st December 2023 or on the completion of the restoration of the site, whichever is the sooner.

Reason: In the interests of the amenities of the area by reducing the impact of operations in the local landscape.

Topographic Surveys

6. (a) Within two months of the date of this permission, and thereafter every twelve months until the end of the aftercare period, the operator shall submit to the County Planning Authority a detailed topographical survey of the landfill site (in general accordance with both 'Site Survey as at 07/07/2015' (drawing PA02 dated 20/07/2015) and 'Update Survey 17th September 2019' (dated 17/09/2019) submitted to the County Planning Authority in 2016); and
- (b) Following the completion of the deposit of waste materials and before the placement of the clay cap / membrane, on any part of the landfill site, a scheme will be submitted in writing to the Waste Planning Authority showing:
- an up-to-date topographical survey; and
 - confirmation of whether a clay cap and/or membrane is to be used to cover the waste materials; and
 - the type and location of marker posts on the landfill to indicate the finished levels of the clay cap or membrane, and the finished restoration soil cover levels (to accord with the Landscape Masterplan (Figure R1, Rev 05 dated 10/02/20) and Pre-Settlement Contours (dwg. 0007961/PA/10, June 2006).

Reason: To guide the landfilling operations and to check and control the finished restoration levels to secure a satisfactory landform and restoration of the site.

Delay to Approved Restoration and Landscaping Programme

7. Within two months of the delivery of waste materials to the site having ceased for a period of six months, the operator shall provide the Waste Planning Authority with a scheme for the rehabilitation of the site. The approved scheme shall thereafter be implemented in full within three months of the date approved.

Reason: In the interests of the amenities of the area by reducing the impact of operations in the local landscape.

CONTINUATION SHEET

Restoration Planting/Seeding

8. The approved restoration planting/seeding as set out in the Landscape Masterplan (Figure R1, Rev 05 dated 10/02/20), and Updated Landscape Information (Biffa Waste services Ltd, Rev 9, dated 21/02/20) shall be carried out in the planting season immediately following the completion of re-grading and deposition of restoration soils to approved levels within each phase. Within five years of planting, any trees, shrubs, or other plants that die, become diseased, are removed or damaged, shall be replaced in the first planting season with others of a similar size and species in accordance with the details of the approved scheme.

Reason: The provision and maintenance of a satisfactory degree of landscaping is considered essential in the interests of the amenity of the locality.

Protection of Boundary Trees

9. No trees or bushes growing along the site boundaries and on land between the boundaries of the site and the edge of the landfill area as defined on Drawing PA03 Site Layout (dwg. PA/03, AECOM, August 2015) shall be uprooted, felled, lopped or pruned without the prior written consent of the Waste Planning Authority. Any trees or bushes removed without such consent or dying or being severely damaged during the course of the development shall be replaced in the following planting season with ones of such size and species as may be agreed with the Waste Planning Authority.

Reason: In the interests of amenities of the area.

Aftercare

10. The aftercare of the site shall be carried out in accordance with the aftercare scheme set out in Section 9 of the Updated Landscape Information (Biffa Waste services Ltd, Rev 9, dated 21/02/20).

Reason: To secure a satisfactory restoration of the site to species rich grassland and associated tree planting.

Subsoil and Restoration Soils Management

11. All subsoil and any previously used restoration soils within the development hereby permitted shall be stripped prior to works being carried out in those areas where required. Soils shall be stored separately in the area shown on the Application Site Boundary (dwg. 0007961/PA/02, June 2006) and retained on site for use in the final approved restoration scheme. Soil stripping, stockpiling and reinstatement shall be carried out when the material is in a dry and friable condition and then along clearly defined routes. Stored soils shall not exceed a height of 3 metres above the final pre-settlement landfill levels for the area in which they are located.

Reason: To ensure the retention and quality of all existing soils on site for the purposes of restoration.

CONTINUATION SHEET

Surface Drainage after Restoration

12. The approved Surface Water Management Plan (ref. 405.00508.00034, May 2014), including the recommendations at section 5.2 of that Plan, shall be implemented in full and maintained throughout the operation of the development, including its aftercare.

Reason: To secure the satisfactory drainage of the site during and on completion of the landfill operations.

Wheel Cleaning

13. Unless and until all approved earthmoving operations have been completed, the Wheel Wash as identified on Drawing No. PA03 'Site Layout' (AECOM, dated August 2015) shall be retained, and all measures as set out in Section 4 of the Mud and Debris Management Plan (Version 1 – July 2018) shall be implemented and operated in such a way as to ensure mud and debris is not tracked onto the public highway.

Reason: In the interests of road safety and to ensure vehicles do not leave the site carrying debris on their wheels in a quantity that causes nuisance or hazard on the road system in the locality.

Vehicular Access

14. Vehicular access to the site shall only be obtained through the existing entrance to the Brickworks from Langhurstwood Road and the internal site roads, as shown on the approved Indicative Site Layout Zones (dwg. 0007961/PA/04, June 2006).

Reason: In the interests of road safety and local amenity.

Permitted Hours of Operation

15. No deliveries of waste materials shall take place except between the hours of:
07.00 and 16.30 on Mondays to Fridays inclusive;
07.00 and 12.00 on Saturdays;
07.00 and 15.00 on the first Saturday following a Public Holiday;
07.00 and 10.00 on Public Holidays; and
No waste materials shall enter the site on a Sunday.

Internal movements of vehicles carrying waste materials between the Brookhurst Wood Landfill Site and the adjoining Mechanical and Biological Treatment (MBT) facility shall only take place between the hours of 07.00 to 18.00, seven days a week.

Reason: In the interests of the amenity of the locality and of local residents.

CONTINUATION SHEET

HGV Numbers

16. Unless otherwise agreed in advance and in writing by the County Planning Authority:
- no more than 196 HGVs shall enter the site between the hours 07.00-16.30 and no more than 196 HGVs shall exit the site between the hours 07.00-18.00 (of which no more than 8 HGVs shall exit the site between 16.30-18.00) on **Mondays to Fridays** inclusive;
- no more than 89 HGVs shall enter the site between the hours 07.00-12.00 and no more than 89 shall exit the site between the hours 07.00-18.00 (of which no more than 8 HGVs shall exit the site between 16.30-18.00) on **Saturdays**;
- no more than 143 HGVs shall enter the site between the hours 07.00-15.00 and no more than 143 shall exit the site between the hours 07.00-18.00 (of which no more than 8 HGVs shall exit the site between 16.30-18.00) on **the first Saturday following a Public Holiday**; and
- no more than 54 HGVs shall enter the site and no more than 54 HGVs shall exit the site between the hours of 07.00 and 10.00 on **Public Holidays**.

Reason: In the interests of road safety and local amenity.

Record of Daily Tonnages & HGVs

17. A record of daily vehicle numbers, including arrival and departure times, and the quantities of waste (in tonnes) delivered in any twelve month period shall be maintained at all times and made available to staff of the County Planning Authority upon request .

Reason: In the interests of road safety and residential amenity.

Sheeting of Lorries and HGVs

18. All HGVs either importing or exporting waste materials, restoration materials and/or treated waste materials shall be covered/sheeted so as to prevent spillage or loss of materials on to the public highway.

Reason: In the interests of road safety and local amenity.

Restriction on Use of Site as Operating Base

19. The site shall not be used as a base for the operation or repair/maintenance of any HGVs or equipment which are not under the direct control of the operator and not normally used for the operations approved at this site.

Reason: In the interests of road safety and local amenity.

CONTINUATION SHEET

Noise Mitigation

20. No plant or machinery shall be operated on the site unless fitted with silencing equipment to a standard not less than the manufacturer's standard (UK) specification for the equipment.

Reason: In the interests of the amenities of the area.

Bunded Storage

21. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there are multiple tanks, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of controlled waters.

Permitted Waste Materials

22. Only non-hazardous waste materials shall be imported to the development hereby permitted for the purposes of landfilling, grading with inert material and enhanced restoration works.

Reason: To prevent pollution of controlled waters.

Planning Permission to be On Site and Communicated

23. 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 site office at all times and the terms and contents thereof shall be made known to supervising staff on the site.

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

CONTINUATION SHEET

Removal of Buildings/Hardstanding etc.

24. With the exception of the Environmental Compound Area, all buildings, plant, machinery, foundations, hardstanding and site haul roads erected, constructed or stationed in pursuance of this permission shall be removed from the site and the site thereafter restored in accordance with the levels shown on plan 'Pre-Settlement Contours' 0007961/PA/10 (dated June 2006) and landscape restoration shown on Landscape Masterplan (Figure R1, Rev 05 dated 10/02/20) by 31 December 2023, or by the completion of restoration of the landfill site and adjacent land as a whole if earlier.

Reason: To secure a satisfactory restoration of the site and minimise the impact of the operations on the locality.

No Obstruction of Watercourses

25. No material shall be deposited on the site in such a manner that it is likely to cause obstruction to or pass into any watercourse.

Reason: To avoid pollution of nearby watercourses or material interfering with local drainage.

Deposited Material Not to be Removed

26. No material once deposited on the site shall be removed from the site or disturbed within the site other than where necessary to achieve compliance with the approved on Landscape Masterplan (Figure R1, Rev 05 dated 10/02/20).

Reason: To minimise the duration of disturbance and to secure a satisfactory restoration of the site.

Approval of Landfill Gas Equipment

27. No additional equipment for the burning, venting or flaring of landfill gas shall be installed or operated on the site unless and until the written approval of the design, type and location of the equipment has been obtained from the Waste Planning Authority. Only the approved equipment shall thereafter be installed.

Reason: In the interests of the amenities of the area by reducing the impact of operations in the local landscape.

Storage of Skips

28. No skips, bins or other containers shall be placed or stored on the site other than in locations to be agreed in writing with the Waste Planning Authority.

Reason: In the interests of the general amenity of the locality and to minimise disturbance arising from the activity on the site.

CONTINUATION SHEET

INFORMATIVES

- A. This permission shall be read in conjunction with an agreement made under Section 106 of the Town and Country Planning Act 1990.
- B. In accordance with the National Planning Policy Framework, the County Planning Authority has approached the determination of this application in a positive way, and has worked proactively with the applicant by:
- Discussing issues of concern as early as possible, including those raised by consultees and third parties;
 - Giving them the opportunity to provide further information/changes to overcome material impacts; and
 - Working with consultees.

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

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.
- (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 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.