

Case Officer's Report of Recommended Action

Application No: WSCC/019/20

Local Council: Horsham District Council

Site Address: Knepp Castle Estate, West Grinstead, West Sussex RH13 8LJ

Description of Development:

Proposed construction of landscape enhancement features using imported inert material, together with the provision of public access and amenity; comprising revised landform and details to WSCC/029/18/SP

Relevant Planning History:

The present proposal is the latest in a series of applications since 2010, seeking to import waste to create the bunds/landscape enhancement features along the eastern edge of the Knepp Castle Estate. The original permission for the bunds (WSCC/028/11/SP) was granted on the basis it would provide noise attenuation and a visual screen for the Estate, as well as income (from the importation of construction/demolition waste) to dredge Knepp Mill Pond, which would in turn have ecological benefits. The permission also secured a new PROW, with associated recreational benefits.

The original, 2011 permission allowed the importation of some 405,000 tonnes of inert waste over a period of 3.5 years. A 2018 planning permission (ref. WSCC/029/18/SP) allowed the importation of an additional 73,500 tonnes of inert waste, to replace material lost through the exclusion of a borrow pit from the scheme.

Overall, therefore, the works permitted to date have allowed the importation of some 478,500 tonnes of inert waste over a period of 7 years.

WSCC/015/20 - Restoration works to Knepp Mill Pond by dredging and construction of landscape enhancement features using imported inert materials, together with the provision of public access and amenity (amendment to WSCC/037/17/SP), allowing development to 31 December 2020 (granted 29 April 2020).

WSCC/029/18/SP - Restoration works to Knepp Mill Pond by dredging and construction of landscape enhancement features using imported inert materials, together with the provision of public access and amenity (amendment to WSCC/037/17/SP), to allow development to 30 April 2020 (granted 4 October 2018).

WSSCC/037/17/SP - Amendment of condition 4 of planning permission WSSCC/073/15/SP to allow development to continue to 31st December 2018 (granted 17 November 2017).

WSSCC/064/16/SP - Amendment of condition 4 of planning permission WSSCC/073/15/SP to allow development to continue to 31 December 2017 (granted 17 March 2017).

WSSCC/073/15/SP - Amendment of conditions 2, 4, 5 and 7 of planning permission WSSCC/028/11/SP to amend the phasing of the construction of the landscape enhancement features and the timescales associated with the progressive restoration works (granted 23 February 2016).

WSSCC/021/14/SP - Variation of conditions 4,5,7 and 41 of planning permission WSSCC/028/11/SP to allow the export of clay and extension of time for restoration works to Knepp Mill Pond and the construction of landscape enhancement features (refused 2 July 2014).

WSSCC/028/11/SP: Restoration works to Knepp Mill Pond by dredging, and the construction of landscape enhancement features using imported inert materials, together with the provision of public access and amenity (granted 10 October 2012).

WSSCC/072/10/SP: Restoration works to Knepp Mill Pond by dredging and the construction of landscape features [including a tor] using imported inert materials. Withdrawn.

Environmental Impact Assessment (EIA):

The proposal is considered to fall within part 11(b) of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations') because it comprises an installation for the disposal of waste, and with a site area in excess of 0.5 hectares, exceeds an applicable threshold.

The scale of the scheme is significant in its own right, seeking to import 375,000 tonnes of inert waste, in addition to that already imported. In addition, there are numerous sensitive receptors in close proximity the site, including Knepp Mill Pond (a SNCI), Knepp Castle and ruins (a Listed Building and Scheduled Monument respectively), and a Registered Park and Garden. For these reasons the development was considered to have the potential for significant effects, so EIA was required.

The applicant did not seek an EIA Screening Opinion but accepted EIA would be necessary so sought a Scoping Opinion, which was issued by the County Council on 6 September 2019.

Consultees and Comments:

Environment Agency: No objection. Note that the development may require an Environmental Permit.

Horsham District Council Planning: No objections.

Natural England: No comments.

Sussex Gardens Trust: No objection, and will support application if it is confirmed that the amphitheatre has smooth slopes rather than terraced steps. Note some concerns about impact of additional height on flat rural landscape, but consider "the present proposals would turn a rather pedestrian and utilitarian arrangement of landform and trees into a piece of new landscape which complements and extends the aesthetic of the existing park to its long-term benefit."

WSCC Highways: No objection subject to previously requested conditions and approval of A24 access closures.

WSCC Archaeology: no objection subject to a condition securing an archaeological Written Scheme of Investigation. Considers Floodgates Farm landform would be an enhancement to the Registered Park. Describes Buck Barn landform as "sitting on, but barely above the treeline, as viewed from the mansion, it would not be so prominent as to detract from the sense of enclosure provided by the long sweep of tree along the valley side."

WSCC Landscape Consultant: no objection subject to a landscape management plan and adherence to the most recently submitted drawings and documents

WSCC Ecology: no objection subject to informative noting need to avoid risk of harm to nesting birds.

WSCC Arboriculturist: No objection subject to conditions to secure full, detailed landscaping scheme, including long term maintenance/management and full compliance with the AIA and TTP.

WSCC Drainage: No objection. Note local flood risk for development is low; proposed arrangements for drainage/minimisation of flood risk acceptable; consideration may be given to retaining temporary drainage arrangements for the bund during construction as more permanent features.

Shipley Parish Council: Support application, but raise queries, namely how many additional vehicle movements are proposed; whether the applicant would charge for the carpark (as it might result in parking on verges); whether the amphitheatre would be used for performances (as it may result in noise); and what the traffic management plans are for the increased traffic on the A272 close to the junction.

WSCC Councillor Amanda Jupp: No response received.

Representations:

None received.

Site:

The application site forms an area of some 25 hectares, located in the eastern part of the Knepp Castle Estate. It is bounded to the east by the A24, to the north by the A272, to the west by the Estate, including Knepp Mill Pond, and to the south by industrial units, beyond which is Castle Lane. It is located in Shipley Parish, within Horsham District. It is accessed from a construction access created on the A272, west of the Buck Barn crossroads and service station.

The northern part of the site contains the Buck Barn landform, which has been created with imported inert waste, beginning in January 2014. The landform extends along the northern and eastern site boundaries and is nearly complete, with 7,500 tonnes of additional material required to finalise levels as currently approved. North of this landform, and east of the access road, is a row of four cottages known as Buck Barn Bungalows. There is a semi-detached pair of dwellings known as Pondtail Cottages, some 30m north-west of the site access on the opposite side of the A272.

The raised landform extends along the eastern boundary to just north of Hill House Farm, a series of small industrial units currently accessed directly from the A24. The landform then continues (or would continue, when constructed as approved) along the eastern boundary, to the rear of another industrial unit accessed from the A24, and a residential property (Charleston House). West of this area is Hillhouse Lawn, in use as polo fields.

The bund finishes just north of Floodgates Farm, where a group of business and residential buildings located just north of, and accessed from, Castle Lane (also a PROW (Bridleway 1875)). Immediately south of Castle Lane are residential properties (Trollards Barn and Knepp Mill Cottages).

The wider Estate extends to approximately 3,500 hectares, and is located east of the village of Shipley. The extensive Estate comprises undulating land which includes Knepp Castle (Grade II* Listed) and the ruins of the original Knepp Castle (a Scheduled Monument), with the land west of the site part of a Registered Park and Garden because of its historic interest. The Estate includes a mixture of parkland, grazing land (now put to 'rewilding' to facilitate nature conservation), a camping area, farmhouses and cottages, rural offices/light industry, polo fields, and various water bodies, most notably Knepp Mill Pond (a Site of Nature Conservation Interest).

Background:

Planning permission is sought to import some 375,000 tonnes more inert waste over a three year longer period than is currently permitted, to create revised landforms along the eastern boundary of Knepp Estate, along with other works, set out in more detail below.

A central aim of the application is to revise the approved landform at the northern, Buck Barn end of the site, to create an amphitheatre facing south and west into the Estate. The landform would have maximum height of 31m above ordnance

datum (AOD), where the approved landform has a maximum height of 28m AOD, and would have an increased footprint.

The approved Buck Barn landform has an irregularly-shaped ridgeline just south of the service station, close to the eastern boundary. The revised landform would have a crescent-shaped ridgeline extending west-east, encompassing the route of the PROW, and looking over a curved amphitheatre shape dropping to the south and west, with a round pond at its base. It is proposed to plant native trees and shrubs to the north and east of the ridgeline, between the PROW and the A24/A272.

The landform would expand out towards the south, with raised levels extending west into the site to reach the industrial units at Hillhouse Farm. To the east of these buildings, the bund would almost entirely along the boundary, where previously there was a gap.

South of Hillhouse Farm, the landform would be amended to create a wider, more regular bund/landform than previously approved, extending south to Floodgates Farm.

Several vehicle accesses onto the A24 would be closed, including at Hillhouse Farm and small units south of this. It is proposed that instead, the existing haul road used for the works would be retained, and used to access properties along the eastern boundary of the Estate.

To facilitate this, the construction access created on the A272 would be retained on a permanent basis. From here, the road would extend south, then east along the rear of Buck Barn Bungalows, before running north-south adjacent to the A24, separated from it by an existing belt of trees to reach Hillhouse Farm where it would stop. It is also proposed to create a new access road linking industrial units south of Hillhouse Farm, with Castle Lane.

A new public carpark would be created at the southern end of the application site, east of Floodgates Farm, to provide formal parking for users of the PROW network. The carpark would be accessed from Castle Lane, and would comprise 12 carparking spaces, including two disabled bays, enclosed with a native hedgerow.

Acoustic fencing to 2m in height is proposed in three areas: east of Hillhouse Farm, to shield units from the A24 noise; west of Charleston House, presumably to provide noise attenuation for the Estate where no bund would be in place; and east of the proposed public carpark at the south of the scheme, presumably for similar reasons, that no bund is in place.

The works would involve the importation of an additional 375,000 tonnes (250,000m³) of inert material over a further three year period to create the revised landforms. This would result in an average of 32 HGVs travelling to/from the site each day (64 HGV movements). Therefore, the applicant is seeking approval for the works to be undertaken up to 30th April 2023.

If permitted, the amount of waste imported overall, for 'landscape enhancement works' at Knepp Castle, will be 853,500 tonnes (where the original 2011 permission allowed 405,000 tonnes, and a 2018 permission a further 73,500 tonnes). The overall works will therefore have required 110% more waste than was originally anticipated, albeit with a different final scheme resulting. The works will have taken 9 years and 3 months, rather than 3 years and 6 months – 264% more time than was originally envisaged.

Relevant Planning Policies

West Sussex Waste Local Plan (2014)

The WLP was adopted by the County Council on 11 April 2014 and forms part of the 'development plan'. The WLP 2014 was subject to a five year review in 2019, as required by national policy, to consider whether it remains relevant and effective. The plan is still considered to be consistent with national policy, relevant and effective, and working to achieve the vision and strategic objectives of the Plan.

Policy W8 of the WLP relates to recovery operations involving the deposition of inert waste to land. These are supported providing a number of criteria are met, and are considered in Section 9 of this report. These are:

- "(a) the proposal results in clear benefits for the site and, where possible, the wider area;*
- (b) the material to be used is only residual waste following recycling and/or recovery or it is a waste that cannot be recycled or treated;*
- (c) there is a genuine need to use the waste material as a substitute for a non-waste material that would otherwise have to be used;*
- (d) the material to be reused is suitable for its intended use;*
- (e) the amount of waste material to be used is no more than is necessary to deliver the benefits identified under (a);*
- (f) there would be no unacceptable impact on natural resources and other environmental constraints;*
- (g) the proposal accords with Policy W13 (Protected Landscapes);*
- (h) any important mineral reserves would not be sterilised; and*
- (i) restoration of the site to a high quality standard would take place in accordance with Policy W20."*

Proposals which are not determined to be genuine recovery operations (i.e. fail to meet the above criteria) will be considered to be disposal and assessed against Policy W9.

Policy W9 of the WLP relates to proposals for the disposal of waste to land. Waste 'disposal' is the least preferred form of waste management and the policy seeks to prevent disposal of waste other than at allocated or existing landfill sites.

Policies which are also relevant in determining the application are Policies W9 (Disposal of Waste to Land), W11 (Character), W12 (High Quality Developments), W14 (Biodiversity and Geodiversity), W15 (Historic Environment), W16 (Air, Soil and Water), W17 (Flooding), W18 (Transport), W19 (Public Health and Amenity), W20 (Restoration and Aftercare), and W21 (Cumulative Impact).

Horsham District Planning Framework (2015)

The HDPF was adopted in November 2015 and forms part of the 'development plan'.

The relevant policies are: 1 (Sustainable Development), 3 (Development Hierarchy), 10 (Rural Economic Development), 11 (Tourism and Cultural Facilities); 4 (Environmental Protection), 25 (Natural Environment and Landscape Character), 26 (Countryside Protection), 31 (Green Infrastructure and Biodiversity), 32 (Quality of New Development), 33 (Development Principles), 33 (Cultural and Heritage Assets), 40 (Sustainable Transport) and 43 (Community Facilities, Leisure and Recreation).

National Planning Policy Framework (2019)

The relevant paragraphs in the NPPF are:

Paragraph 11 (presumption in favour of sustainable development, and approving development that accords with the development plan); paragraph 17 (contributing to/enhancing the natural environment); paragraphs 54 -56 (planning conditions and obligations), paragraph 83 (supporting a prosperous rural economy), 108 (promoting sustainable transport), 118 (making effective use of land), 127 (well-designed places), 163 (ensuring flood risk is not increased elsewhere); 170 (contribute to and enhancing the natural environment), 175 (protect and enhance biodiversity and geodiversity), 178 (ground conditions and pollution), 180 (ensuring new development appropriate for location taking into account impact of pollution on health and the environment).

National Planning Policy for Waste (2014)

Paragraph 7 of the National Planning Policy for Waste (NPPW) relates to determining waste planning applications. In summary sections of key relevance to this application:

- Consider the likely impact on the local environment and amenity against the locational criteria set out in Appendix B (see below); and
- Ensure that facilities are well-designed, contributing positively to the character and quality of the area; and
- Concern themselves with implementing the strategy in the Local Plan and not control of processes which are a matter for pollution control authorities, on the assumption that such regimes are properly applied and enforced.

Appendix B to the NPPW sets out locational criteria for testing the suitability of sites, namely the protection of water quality and resources and flood risk

management; land instability; landscape and visual impacts; nature conservation; conserving the historic environment; traffic and access; air emissions including dust; odours; vermin and birds; noise, light and vibration; litter; and potential land conflict.

Planning Practice Guidance: Waste (October 2014)

Planning Practice Guidance (PPG): Waste includes further detail relating to waste matters. Paragraph 50 notes that there exist a number of issues which are covered by other regulatory regimes which waste planning authorities should assume will operate effectively, focusing on whether the development is an acceptable use of the land and the impact of the use. However, *"before granting permission they will need to be satisfied that the issues can or will be adequately addressed by taking the advice [sic] from the relevant regulatory body."*

Waste Management Plan for England (2013)

The Waste Management Plan for England (2013) provides an overview of waste management in England and aims to deliver the objectives of the EU Waste Framework Directive, namely to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste, and reducing the impacts and improving the efficiency of resource use. It notes the requirement for everyone managing and producing waste to take all reasonable measures to apply the waste hierarchy.

Main Material Considerations

The main planning matters to consider in relation to this application are whether it:

- is acceptable in principle with regard to waste planning policy;
- is acceptable in terms of impacts on landscape/ character/visual amenity and
- has an acceptable impact on local amenity and the local environment.

Principle of Development with Regard to Waste Planning Policy

Policy W8 of the WLP supports recovery operations involving the deposition of inert waste to land where they meet various criteria. For the proposed additional fill to be considered a 'recovery' operation, rather than disposal, and thus acceptable in principle, these criteria must be satisfied. Consideration of each of these is set out below.

- (a) *the proposal results in clear benefits for the site and, where possible, the wider area.*

The approved development has resulted in visual and acoustic screening of the Knepp Castle Estate from the impacts of the adjacent A24. The proposed development is intended to enhance the existing landform to create a 'more natural, parkland appearance', which is purported, by the applicant, to be

beneficial in landscape and visual terms, as well as to the historic settings of the listed buildings, scheduled monument, and Registered Park and Garden.

Both the WSCC Landscape Consultant and WSCC Archaeologist support the amended landform at Buck Barn in particular, but also the wider project. WSCC's Archaeologist notes that the amphitheatre would be 'aesthetically of merit', that the Floodgates Farm works would be an enhancement to the Registered Park, and that the vista from the PROW 'desirable and welcomed in historic landscape terms'.

WSCC's Landscape Consultant comments that the development would improve on the landscape and visual amenity provided by the existing consented development. Subject to conditions being carried forward and the inclusion of on-going land management plans, no objection is raised.

The proposal is therefore considered to result in clear benefits to the site and to the wider Knepp Castle Estate. The benefits to the area beyond the Estate are limited, given the site is already enclosed with bunds to the east and woodland and the wider estate to the west, but the scheme is considered to result in clear overall benefits to landscape and the historic landscape. The proposal is therefore considered to accord with this criterion.

(b) the material to be used is only residual waste following recycling and/or recovery or it is a waste that cannot be recycled or treated.

As is currently the case, the imported inert wastes would comprise construction and demolition wastes as well as earth, clay, soils and subsoils. Material that could be recycled or otherwise put to use would have been removed by the waste operator prior to coming to the site, particularly as the financial returns for recycling are greater than for waste deposit. The proposal is, therefore, considered to accord with this criterion.

(c) there is a genuine need to use the waste material as a substitute for a non-waste material that would otherwise have to be used.

The development would make use of inert waste rather than 'virgin' soils to create a revised landform which consultees and specialists agree would improve the appearance of the site and wider Estate. On this basis, it is considered there is a genuine need for waste material to be used, in place of non-waste material, to bring forward the development, and the scheme accords with this criterion.

(d) the material to be reused is suitable for its intended use.

The imported inert wastes would comprise construction and demolition wastes as well as earth, clay, soils and subsoils, all typical materials used in land raising, engineering and restoration projects. As has been the case for the permitted restoration to date, some further processing of waste may take place on site to ensure its suitability for use; an Environmental Permit would be required that would ensure incoming waste is checked by trained operatives.

The proposal is, therefore, considered to accord with this criterion.

(e) the amount of waste material to be used is no more than is necessary to deliver the benefits identified under (a).

It is considered that the scheme represents the minimum necessary to deliver the 'more natural' landscape proposed. Additional material is required to provide an amphitheatre, and more gently sloping curves on the wider site. It is therefore considered that this criterion is met.

(f) there would be no unacceptable impact on natural resources and other environmental constraints.

The scheme represents a continuation of an ongoing project involving the importation of waste to create landscape features. Conditions have been attached to previous permissions which ensure that impacts on the environment and people are mitigated, which, coupled with regulation through Environmental Permitting and Environmental Health regimes, have been successful in ensuring that there would be no unacceptable impact on these. It is considered that the present scheme could equally be delivered without impacts on natural resources or other environmental constraints.

(g) the proposal accords with Policy W13 (Protected Landscapes)

No protected landscapes would be affected by the proposal.

(h) any important mineral reserves would not be sterilised

No important mineral reserves would be sterilised by the proposal.

(i) restoration of the site to a high quality standard would take place in accordance with Policy W20

The proposal has been accompanied by a detailed landscaping scheme which would ensure that the site is restored to a high quality standard.

Overall conclusion

It is considered that the proposal accords with the criteria set out in Policy W8 of the WLP, so the development represents 'waste recovery', which would drive the management of waste up the hierarchy.

Impact on Landscape/Character

As already noted, the scheme is considered to be beneficial in terms of its impact on the landscape of the Knepp Estate, providing a landform which would be more in keeping with the parkland. There would be minimal off-site impact because the site is already enclosed with bunds created as part of the previous schemes, and mature trees. The maximum height of the landform at the northern end would increase by 3m of the previous scheme. However, as with the approved scheme, the 'peak' would be set well back from the A272 to the north, and Buck Barn Bungalows, so the visual impact would be limited, particularly as additional planting is proposed along the northern slopes of the landform.

The smaller bunds along the eastern boundary of the Estate would be broadened to create more regular, natural landforms which are more in keeping with their surroundings than the approved, with minimal off-site impact. Other works are

proposed including a new public carpark at the south of the site, and various areas of acoustic fencing, but there would be limited visibility in the wider landscape, and they would be small in scale so the visual impact would be minimal.

Initial concerns raised by the Landscape Architect were overcome with the submission of updated plans and documents. Therefore, no objection to the development was raised. Observation was noted that the footpath may be difficult to distinguish between that and the grassland either side. However, once established, it will be kept short and become well-trodden and log seats will also help indicate the route. They also discuss topsoil quality, however, it is considered that this is for the applicant to determine what is adequate to use to ensure the restoration proposed is delivered.

Overall, the development is acceptable in relation to its impact on the landscape and character of the area and is considered an improvement over the existing consent.

Impact on Local Amenity and the Local Environment

The proposal would prolong the deposit of inert waste at the Knepp Castle site over an additional three years, with the potential to detrimentally affect residential amenity. However, few complaints have been received in relation to the project since works began, and no objections have been received from local residents or the Environmental Health Officer. It is considered that the development has been effectively controlled by condition to ensure local residents are not disturbed by the works, and that subject to the imposition of similar conditions, the scheme is acceptable in this regard.

While the development would result in an increase in height of some of the landforms, including that closest to Buck Barn Bungalows, it would not be overbearing or otherwise detrimental to residential amenity.

The proposal is accompanied by a drainage scheme which would ensure impacts on the water environment are acceptable, and the WSCC Archaeologist has raised no objection to the proposal. The development would form part of the wider 'rewilding' approach taken to biodiversity on the Estate, so is considered beneficial in terms of its ecological impact, particularly as it includes additional planting over that previously approved.

Overall it is considered that the development is acceptable in terms of its potential impact on residents and the environment.

Other material considerations

The development would result in the movement of HGVs to/from the site over an additional period of time, with potential impacts on highway capacity and road safety. However, there would be no increase in HGV numbers over that previously approved, and no issues have arisen, particularly as the site is accessed from the A272. There would be some change in routing to businesses located within the

Knepp Castle Estate, with accesses on the A24 being closed, and internal accesses created on a permanent basis via the A272 to the north, and Castle Lane to the south. The reduction in accesses from the A24 is considered beneficial in highway safety terms as it would limit the number of vehicles slowing to enter the site, and moving slowly to exit the site. Overall, the impact on highway capacity and road safety is considered to be acceptable.

The scheme includes the provision of a public right of way, as did the approved development, with benefits to recreation. The Public Path Creation Agreement used to secure the new public footpaths has been updated using the latest drawings approved under this permission. Various information boards would be provided to inform users of the PROW network about the area, and 'natural' seating areas would be provided, benefitting recreational users.

Conclusions and Recommendations

Taking the above into account, the development is considered to be acceptable in planning terms, subject to the imposition of conditions. It is therefore recommended that planning permission is granted.

Recommendation

Grant planning permission subject to conditions.

Approved Plans and Schemes

1. The proposed development shall not take place other than in accordance with the approved drawings and documents:
 - Figure 01: Masterplan (drawing no. RCo201/Fig 01 Rev. 06, dated 09/05/19);
 - Site Location Plan (drawing no. 260-04-010 Rev A, dated 07/2020);
 - Public Car Park Layout (drawing no. RCo.201/15 – Rev 03 dated 06/02/20);
 - Acoustic Fencing Detail (drawing no. RCo.201/14 dated 06/02/20);
 - Existing Tree Schedule (Ramsay and Co. Landscape Architecture, Rev 02, 18/12/19);
 - Landscape Sections (Proposed Landscape Area as Designed by Kim Wilkie - drawing no. KW/Knepp/100T, dated July 2020);
 - Knepp Castle Sections (drawing no. KW/KNEPP/SECTIONS dated 19/10/20);
 - Tree Protection Drawings 01 to 05 (drawing no. RCo201/07 – Rco201/11, Rev 02, dated 20/11/19);
 - Location and Design of Access (MAT/KC/02-10/15408revA, Figure 8);
 - Landscape Masterplan (Ramsay and Co. Landscape Architecture drawing RCo 201/12 Rev05 and 201/13 Rev04 dated 10/02/20);

- Soft Landscape Establishment and Management Plan (dated 15th October 2020 – Rev:02); and
- Arboricultural Impact Assessment and Method Statement (Ramsay and Co. Landscape Architecture, Rev. 01, 18/12/19);

save as varied by the conditions thereafter.

Reason: To secure a satisfactory development.

Restoration Timescales

2. Restoration shall take place as soon as possible after the deposit of waste. In the event of the cessation of the delivery of waste materials to the site for a period of one month, the operator shall provide the County Planning Authority within the following month a scheme of rehabilitation of the works so far carried out. This scheme when given the written approval of the County Planning Authority shall be implemented within one month of the approval or such extended period as may be approved in advance and in writing by the County Planning Authority.

Reason: To secure a satisfactory restoration of the site and protect visual amenity.

Cessation of Operations

3. All works approved by this permission, including but not limited to the deposition of waste, shall cease by 30 April 2023.

Reason: To ensure the development is carried out in accordance with the proposed timescales within the application, to protect local residents and the environment from the impacts of the development.

Archaeological Written Scheme of Investigation.

4. No development shall be carried out (including any demolition and site clearance) until a Written Scheme of Investigation for a programme of archaeological work has been submitted to and approved by the County Planning Authority. The scheme should include provision for field survey recording the analysis, reporting, publishing, and archiving of the results, and a timetable for implementation. The approved Scheme shall thereafter be implemented in full.

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

Site Records

5. 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 offices 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.

Temporary Construction Facilities

6. (i) The area used for temporary contractors' buildings, plant, parking of vehicles, quarantine and the loading and unloading of vehicles (in accordance with the approved Site Parking Scheme (ref. Matthews, Rev.1, 25.06.2013) shall be retained for these purposes throughout the period of work on the site unless otherwise approved in advance and in writing by the County Planning Authority and thereafter will be removed in accordance with details to be submitted to and approved in advance and in writing by the County Planning Authority; and

(ii) Outside the contractors' areas, as identified on Site Infrastructure (MAT/KC/02-10/15409revB, Figure App 9), no temporary buildings, skips, containers or plant required during construction operations hereby approved shall be erected or stored unless the prior written agreement of the County Planning Authority has been given.

Reason: To ensure efficient operation of the site and in the interests of protecting the visual amenity and character of the area.

Prohibited Activities

7. No mechanical processing of imported fill material shall be undertaken on site and the site shall not be used as a storage area or as the operating base for vehicles, plant, machinery or equipment not required for the operations approved under this permission.

Reason: To protect the amenities of local residents.

Permitted Imported Materials

8. Imported materials shall constitute only inert, uncontaminated material and soils.

Reason: To avoid pollution through contamination of the soil, water and/or air.

Hours of Operation

9. Unless otherwise agreed in advance and in writing by the County Planning Authority no construction operations or deliveries of inert waste materials shall take place and no plant, machinery or vehicles associated with the construction of the development hereby permitted shall operate outside the hours of:

- 07.30 and 18.00 Monday to Friday;
- 07.30 to 13.00 Saturdays;
- and no operations whatsoever as authorised by this planning permission shall occur on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby residential properties.

Storage of Potential 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 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 to controlled waters.

Record of Deposited Materials

11. A record shall be kept on site of the volumes of inert waste material deposited at the site for each working day during the construction period. The records shall detail the number of HGV loads, the volume/tonnages of material for deposit within each HGV load, and shall be a complete record from the first day of deposition. The record shall remain on site and be made available for inspection upon request of the County Planning Authority.

Reason: To protect the amenities of local residents.

Noise Mitigation

12. The mitigation measures set out in Section 10 of the Noise Impact Assessment (Acoustic Associates, Issue 2, dated 04/12/2019) will be implemented in full throughout the course of the development hereby approved, including the 'more focused interventions' set out (including, for the avoidance of doubt, the creation of a bund south of Buck Barn Bungalows).

Reason: To protect residents from the noise impact of the operations.

Vehicular Noise Controls

13. 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 protect the amenities of local residents.

Operational Noise Controls

14. During construction works the corrected noise level* for operational noise from the site shall not exceed 55dB(A) (free field as a L(A) eq over a time period of 60 minutes) during permitted working hours set out in condition 11. The noise levels shall be determined at the facades of the nearest residential premises.

*A 5 dB correction shall be added if one or more of the following features occur:

- the noise contains a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.);
- the noise contains distinct impulses (bangs, clicks, clatters, or thumps);
- the noise is irregular enough to attract attention.

Reason: To protect the amenities of local residents.

Noise Attenuation Scheme

15. Should the approved operations fail to comply with the noise limits set out in Condition 14, all use of plant/machinery shall cease until a scheme to attenuate noise to acceptable limits has been submitted and approved in writing by the County Planning Authority. Thereafter, the approved additional attenuation shall be implemented in full.

Reason: To protect the amenities of local residents.

Control of Dust

16. The dust control measures set out in Table 4 of the Dust Assessment (MJCA ref. MAT/KC/SPS/1396/02/Dust dated May 2010) shall be implemented in full throughout the course of the development hereby approved.

Reason: To contain dust within the site, minimising the impact of the project on people and the environment

Lighting

17. There shall be no artificial lighting installed on the site.

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

Vegetation Clearance

18. Vegetation shall only be cleared from the site during late autumn/winter in any calendar year and shall be carried out under the supervision of an Ecological Clerk of Works.

Reason: To avoid detrimental impact on reptiles and breeding birds and also in accordance with the Wildlife and Countryside Act 1981 and Section 40 of the Natural Environment and Rural Communities Act 2006.

Protection of Heronry

19. No works approved through this permission shall take place within the southern area of Mill Pond shall be undertaken between 1 January and 30 June in any calendar year.

Reason: To avoid detrimental impact on an important heronry and also in accordance with the Wildlife and Countryside Act 1981 and Section 40 of the Natural Environment and Rural Communities Act 2006.

Knepp Castle to Old Castle Ruin Vista

20. Prior to the completion of the approved development, the vista from Knepp Castle to the old castle ruin, as shown on drawing MAT/KC/02-10/001G, shall be made clear so that views between the two sites are inter-visible. Once cleared, the vista shall be maintained as such thereafter.

Reason: To ensure that the historic value of the Registered Park and Garden is maintained.

Access onto A272

21. The approved access onto the A272, as shown on drawing 'Location and Design of Access' (MAT/KC/02-10/15408revA, Figure 8), shall be maintained as approved, including visibility splays which shall be maintained free of any undergrowth or obstruction to visibility in excess of one metre in height above the level of the highway at the access point at all times.

Reason: In the interests of highway safety.

HGV Numbers

22. The daily average of 29 HGVs entering the site and 29 HGVs leaving the site during permitted operating hours shall not be exceeded by more than 40% in any calendar month, or by more than 10% in any calendar year. A record of daily vehicle numbers, including arrival and departure times, shall be maintained and kept at the site office 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.

Public Right of Way

23. The proposed public right of way (as shown on drawing RCo201/Fig01 – Revision 06) shall not be brought into use until pedestrian access to the A272 has been designed/constructed in accordance with a scheme to be submitted to and approved in advance and in writing by the County Planning

Authority. Once approved, the pedestrian access shall be implemented in full, and maintained thereafter.

Reason: In the interests of highway safety.

Public Car Park

24. The proposed public car park (as shown on drawing RCo.201/15 – Rev 03 dated 06/02/20); RCo201/Fig01 – Revision 06) shall be constructed and brought into use no later than 12 months from the completion of operational works. Once completed, the public car park shall be made available to members of the public and maintained thereafter.

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

Topographical Survey Reports

25. Every 12 months from the date of this permission until completion, the operator shall submit to the County Planning Authority detailed and updated topographical survey reports of the scheme. Following the completion of the deposit of imported waste, on-site won materials and soils within the approved restoration works and landscape enhancement features, a final detailed and up to date topographical survey report shall be undertaken and submitted to the County Planning Authority to confirm that the final, approved contours have been achieved.

Reason: To guide operations and to check and control the finished restoration levels to secure a satisfactory landform and restoration of the site in the interests of protecting and enhancing the landscape.

INFORMATIVES

- A. This planning permission should be read in conjunction with The Public Path Creation Agreement dated 10 March 2021, and any subsequent agreements which supersede that.
- B. The Environmental Health Authority, Horsham District Council, may use their powers under the Control of Pollution Act 1974 (COPA) to enforce against any nuisance (including waste disposal, water pollution, noise, atmospheric pollution and public health; and for purposes connected with the matters aforesaid) from the site. For any queries on this matter, please contact the Environmental Health Department of Horsham District Council on 01403 215641.
- C. The applicant is advised that should any direction issued by the Environment Agency have an impact on compliance with any of the

above imposed conditions, the County Planning Authority be informed within seven working days.

- D. The applicant is advised that should protected species be present on site work must stop and Natural England be informed. A licence may be required from Natural England before works can re-commence, Natural England will advise.
- E. In accordance with paragraph 38 of 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. 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.

Crime and Disorder Act 1998


No implications arise from this development.

Human Rights Act 1998

Article 8 of the European Convention safeguards the respect for family life and home whilst Article 1 of the first protocol concerns the non-interference with the peaceful enjoyment of private property. Both rights are subject to conditions and interference with these rights may be permitted if the need to do so is proportionate. In this particular matter, the interests of those affected by the planned development have been fully considered as have the relevant considerations which may justify interference with particular rights. All of these are set out within the body of the report and are examined in the context of relevant planning considerations.

Equality Act 2010

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 the representations made by third parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Date of Report Submission: 17th May 2021	Case Officer's Name: Chris Bartlett
	Case Officer's Signature: 

Case Officer's Report of Recommended Action

Date of Final Report: 17th May 2021	Reviewer's Name: Andrew Sierakowski
	Reviewer's Signature 