

7 October 2014

County Matter Waste Application

Proposed restoration of the former clay pit, including the remodelling of the existing land form to enable a change of use to agricultural land (permanent pasture), proposed scheme of landscaping improvements and ecological enhancements at Rudgwick Brickworks, Lynwick Street, Rudgwick, Horsham, RH12 3DH

Application No: WSCC/38/14/RW

Report by Executive Director of Residents' Services and Strategic Planning Manager

Local Member: Liz Kitchen

District: Horsham

Executive Summary

This report concerns a proposal by R Harrison & Sons to restore Rudgwick Brickworks, a former claypit. Restoration would involve the use of 622,500 tonnes (415,000m³) of inert wastes/materials over a period of four years. 590,100 tonnes (393,400m³) of restoration material would be imported by road, to be used along with extracted materials/wastes already on site, which will form the balance of the total amount of material. Restoration of the claypit would enable the future use of the site as grazing land for the applicant's dairy herd alongside the adjacent Woodsomes Farm estate.

Restoration works would be phased throughout the proposed four year period. Eight phases in all would be undertaken. Imports of required inert restoration materials would all be by HGV via the former Brickworks' existing vehicular access on to Lynwick Street. A maximum of 80 two-way HGV movements (40 HGVs in and 40 HGVs out) would be used per day Monday to Friday and 40 two-way HGV movements (20 HGVs in and 20 HGVs out) would be used on Saturdays.

The report provides a generalised description of the site and a detailed account of the proposed development, and appraises it against the relevant policy framework from national to local level.

The main policies of relevance to this application are policies W8, W11, W14, W15, W16, W17, W18, W19, W20 and W21 of the West Sussex Waste Local Plan (WLP 2014), policies 1, 2, 7, 8, 13, 16, 17, 19, 20, 22, 47, 52, 53, 56, 58, 59, 60, 61, 62 and 63 of the West Sussex Minerals Local Plan (2003), policies CP1 and CP2 the Horsham District Core Strategy (2007) and policies DC1, DC2, DC5, DC6, DC7, DC9, DC25 and DC40 of the Horsham District Council Development Control Policies (2007).

There have been no statutory objections to the application but Horsham District Council's Environmental Health Department has raised some concerns over off-site noise impacts from HGV movements affecting local amenity along Lynwick Street.

10 representations to the application have been received from third parties, one

objecting, two in support with the remainder raising concerns. The main issues raised in both the objections and concerned representations related to the potential highway safety impacts on Lynwick Street. A number of suggestions were made regarding possible mitigation including establishing a 30mph speed limit, limit HGVs to 20 each day (1 every 12 minutes), limiting hours to 8am–4pm, adding kerbstones along the street, and routing vehicles in both directions on Lynwick Street. Those in support, and those raising concerns, referred to the benefits of returning the 'derelict' site to agricultural use.

Consideration of Key Issues

The main material planning considerations are whether the proposal:

- accords with planning policy regarding need;
- is acceptable in terms of impacts on landscape;
- is acceptable in terms of impacts on highway capacity and road safety; and
- has an acceptable impact on local amenity and the local environment.

Need

The proposed development would allow the applicant to integrate the former claypit within land adjoining it for agricultural purposes. It is considered that through the use of both on-site and imported inert wastes/materials in restoring the former claypit (which is no longer economically viable), benefits for agricultural land use and on the local landscape would result. It is considered therefore that there is an identified need for the development, in accordance with Policy W8 of the WLP 2014.

Impacts on Landscape

The application site is situated within a countryside location. The site is well-screened by vegetation around its perimeter, and much of the initial operations would take place at depth with limited visible impact. Any impacts caused during restoration operations within the locality would be temporary, and would not be significant due to the proposed mitigation. The proposed development, when restored, would result in a landform similar to that prior to clay extraction but containing significant improvements in terms of benefits to the wider landscape and in terms of agricultural afteruse and benefit within the locality. Existing mature planting adjoining the claypit would be retained and protected.

Impact on Highway Capacity and Road Safety

The proposed development would result in a maximum of 80 two-way HGV movements each day (40 HGVs travelling to/from the site on Monday to Friday). The impact of this has been balanced against the approved use of the site for mineral extraction, which has unrestricted HGV movements until 2042. However, by limiting the throughput of the site, the number of HGVs accessing it would also be limited. The Highway Authority has considered the potential impacts upon capacity and safety and concludes that, subject to legal agreements and conditions, the proposed development would not have a severe impact on the highway network in capacity or safety terms and as such accords with the National Planning Policy Framework.

Impact on Local Amenity and the Local Environment

The site is situated in close proximity to a number of dwellings and shares its access with Lynwick Street, a rural road linking the A281 to residential and agricultural properties as well as Rudgwick village. Despite the nature of the temporary works involved in restoring a former mineral working with on-site and imported inert waste/materials (including through associated traffic movements), the imposition of conditions as well as HGV routeing and the surfacing of Lynwick Street being protected within a legal agreement should all ensure that no unacceptable impacts upon amenity and the local environment will arise. On completion of the proposed restoration, it would result in a landform similar to that prior to clay extraction but containing significant improvements in terms of benefits to the wider landscape and in terms of agricultural afteruse. It is, therefore, considered that the development is acceptable in terms of impacts on local amenity and the local environment.

Conclusion

The applicant is proposing to restore a former claypit using on-site and imported inert wastes/materials over a four year period. The site has planning permission for clay extraction until 2042, with restoration to be completed thereafter, which does not involve the importation of restoration materials. The development is considered to be acceptable in terms of need because it meets the criteria set out in Policy W8 of the West Sussex Waste Local Plan (WLP) which supports recovery operations involving the deposition of inert waste to land. The phased restoration as proposed would provide greater benefits to both the local landscape and as an agricultural afteruse than the currently approved restoration under planning permission WSCC/043/09/RW. The proposal is considered acceptable in terms of impacts on the local landscape and highway capacity and road safety. No objections have been raised by statutory consultees. Although there is the potential for some adverse impacts on local amenity and the local environment associated with these activities, they are not considered unacceptable and could be minimised and controlled through conditions and/or planning obligations.

Recommendation

That planning permission be granted subject to:

- (a) the conditions and informatives set out in **Appendix 1** of this report;
- (b) the completion of a Section 106 Agreement controlling the routeing of HGVs to and from the application site; and
- (c) the completion of a Section 59 Agreement to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway.

1. Introduction

- 1.1 Temporary planning permission is sought to restore Rudgwick Brickworks, a former claypit. Restoration would involve the use of 622,500 tonnes (415,000m³) of inert waste material over a period of four years. Approximately 590,100 tonnes (393,400m³) of inert wastes/materials would be imported by

road, to be used along with extracted material already on site. Restoration of the claypit would enable the future use of the site as grazing land for the landowner's dairy herd alongside the adjacent Woodsomes Farm.

2. **Site and Description**

- 2.1 The application site is known as Rudgwick Brickworks, situated within Rudgwick Parish in Horsham District. It is on the very northern extent of West Sussex, with Surrey County (Waverley Borough Council) abutting the site's northern boundary (see **Appendix 2 - Location Plan**).
- 2.2 The village centre of Rudgwick is situated approximately 800m to the south-east of the site. The site is situated immediately north of Lynwick Street, from which vehicular access is achieved.
- 2.3 The proposed development site extends to some 8.77 hectares in area including the former clay extraction area, and the access road connecting to Lynwick Street (see **Appendix 3 - Aerial Photograph of Rudgwick Brickworks**).
- 2.4 The former claypit area is undulating, containing some steep slopes where clay has been extracted, large clay stockpiles, and wide open overgrown areas. The land generally falls around 12 metres from north-east towards the road in the south-west, though this has been affected by the extraction which has lowered depths by a maximum of 15 metres. The claypit is not visible from Lynwick Street, being screened from view by the large former-brickwork buildings which front the road.
- 2.5 Some of these large buildings now have planning permission for use as an office, storage, a café and retail unit (Horsham District Council ref. DC/12/2338, granted 29 April 2013). The permission was gained by the Bookham Harrison Farms Limited which produces cheese using milk from the surrounding farm. A statement accompanying this application indicates that the Harrison family intends to restore the clay extraction area to be used by the dairy herd as part of their livestock enterprise, and to use the brickworks offices as the main centre for storage, packing and distribution of the associated cheese product, and for a farm shop and café.
- 2.6 The applicant also owns an extensive swathe of land in the immediate area, including to the north, west, east and south of the claypit, but excluding dwellings along Lynwick Street to the east of the brickwork buildings.
- 2.7 An old railway line, now a bridleway (PROW 1389 and 3569) abuts the site to the west, extending in a north-south direction along its boundary. Woodland around this, including Hobbs Copse, largely screens the claypit from view in this direction and to the north. There is also a public footpath (PROW 1390) on farmland beyond the south-western corner of the site. There are no public rights of way within the site.
- 2.8 The old railway line extends into Baynards Tunnel Site of Nature Conservation Interest (SNCI) which forms part of Hobbs Copse beyond the north-western corner of the site.
- 2.9 There is a row of residential properties on either side of Lynwick Street to the east of the former brickwork buildings, two of which (Brambledean and Hillside)

back onto the claypit's south-eastern corner boundary. There are also dwellings to the west of the site, including two abutting the old railway, and several beyond the railway west of this within the applicant's ownership. The residential façade of Brambledean is at closest 35 metres east of the claypit, and along with Hillside, 70 metres south. The Coach House is some 270 metres south, to the west of the brickwork buildings.

2.10 Lynwick Street, from which the site is accessed, links to the A281 some 1.2km south-west of the site, and to the B2128 some 700m to the north-east. Rudgwick village is situated either side of the B2128, which runs parallel to Lynwick Street (see **Appendix 3 - Site Location Plan**) joining the A281 at its southern end.

2.11 There are no statutory landscape, ecological or historic designations within the site. The southern and eastern areas of the site are designated as a Regionally Important Geological Site (RIGS), considered to be of regional importance for geodiversity. The site is not within an area identified as being at increased risk of flooding. It is not within a groundwater source protection area. The Brickworks itself is recorded within the County Council's 'Sites and Monuments Records'.

3. **Relevant Planning History**

3.1 The applicant states that records indicate that the brickworks were established at the site prior to the First World War.

3.2 The west and east of the site benefits from a planning permission for clay working granted in 1948 (ref. RW/2/48), followed by an Interim Development Order (IDO) for the central area granted in 1992 (ref. RW/24/92). The brickwork buildings were permitted in 1990 (ref. RW/66/90).

3.3 Planning permission was granted in 1993 consolidating these permissions into one (ref. RW/61/93). The boundary for this permission extended to include Hobbs Copse to the north-west of the application site, and the brickwork buildings to the south of the application site.

3.4 As required by the Environment Act 1995, a 'ROMP' (review of old minerals permission) was granted in 2009, reviewing and updating the consolidated permissions (ref. WSCC/043/09/RW). This forms the extant permission for the application site and adjacent brickworks.

3.5 That permission allows extraction until 21 February 2042. It also requires restoration in accordance with approved plans which indicate a landform sloping downwards in a bowl to a lake to the north of the brickwork buildings (see **Appendix 5 - Approved Restoration Plan**). No importation of material was proposed to raise site levels. Following restoration, the land was to be used for 'conservation and amenity purposes' within an area widely used for agricultural and/or forestry purposes.

3.6 The site and adjacent brickworks were most recently operated (from 2006) by Wienerberger but production became unviable and both clay extraction and brick production ceased in 2012. The applicant, R. Harrison and Sons, bought the sites (claypit and brickworks buildings) at that time with, the applicant states, the intention of expanding their established dairy farming business.

3.7 As mentioned in paragraph 2.5, Horsham District Council has recently granted the applicant planning permission for a number of changes of use to the former brickworks buildings. These uses are directly related to the applicant's established agricultural activities on land in the immediate area, including to the north, west, east and south of the claypit.

4. **The Proposal**

4.1 Planning permission is sought to import some 590,100 tonnes (393,400m³) of inert waste and materials to restore the site to an agricultural use, incorporating it into the applicant's surrounding dairy farm estate. The restoration operations would also make use of some 32,400 tonnes (21,600m³) of material, including extracted clay, soils and demolition wastes already on site.

4.2

4.3 Overall, a maximum of 622,500 tonnes (415,000m³) of inert wastes and materials would be used to complete the proposed restoration.

4.4 The application proposes to change the final restoration of the land from a bowl, as approved under WSCC/043/09/RW, to what the applicant indicates is the original pre-extraction landform, an inclined landform sloping from the north-east to the south-west (see **Appendix 6 - Proposed Restoration Plan**).

4.5 The works would begin with the construction of a haul road using imported inert waste (largely construction and demolition waste types) which would be re-used within the overall restoration in the final stages.

4.6 Lorries would enter the site from the existing entrance on the northern side of Lynwick Street. They would travel east around the group of former brickworks buildings, then west around the rear of the same, before travelling north into the claypit (see **Appendix 7 - Site Facilities and Access Route**).

4.7 A wheelwash, portacabins containing staff facilities, and plant storage sheds would be located behind the brickwork buildings, before lorries enter/exit the claypit. This area would be enclosed with a security fence with an entrance gate. A mobile road sweeper would be kept in this enclosure for use as needed.

4.8 It is proposed that the works would take place over a period of four years and would result in a maximum of 80 two-way HGV movements each day (40 HGVs travelling to/from the site). No articulated lorries would be used, with delivery of materials being primarily in 32 tonne tipper trucks. The material would come from a single supplier to enable greater control over material type and quality as well as route management.

4.9 The applicant proposes that 15% of the 80 daily two-way HGV movements (12 movements (6 HGVs to/from the site) on Monday to Friday and 6 (3 HGVs to/from the site) on Saturdays) would be routed east along Lynwick Street, towards the B2128 and Surrey/Rudgwick village. The remaining 85% (68 movements (34 HGVs to/from the site) on Monday to Friday and 12 (6 HGVs to/from the site) on Saturdays) would be routed west along Lynwick Street toward the A281.

Hours of Operation

- 4.10 Restoration operations, including vehicular movements to and from the site, are proposed to take place between 07.30 to 17.00 on Mondays-Fridays and 08.00 to 13.00 on Saturdays with no working on Sundays or Bank or Public Holidays.

Phasing of Restoration

- 4.11 The works would be undertaken in 8 six-month phases (see **Appendices 8 to 11 - Phasing Plans: Years 1 to 4**) over the four year period, split into the winter and summer seasons.
- 4.12 In year one, Phase 1 would involve creating the internal haul road through the centre of the claypit from its south-western corner. It would also involve partially filling the south-western part of the pit. Phase 2 would partially infill the north-eastern corner.
- 4.13 In year two, Phase 3 would fill the area north of the brickwork buildings and adjacent to Brambledean to final levels. It would also involve planting, seeding and wetland creation. Phase 4 would continue the infilling of the north-eastern area.
- 4.14 In year three, Phase 5 would involve infilling the area in the centre of the site, south of the access road but north of Phase 3 to final levels, whilst Phase 6 would involve completing the infilling of the north-eastern area to final restoration levels.
- 4.15 In year four, Phase 7 would involve infilling the northern extent of the site, north of the haul road, to final levels, and seeding whilst Phase 8 would involve the infilling of the western extent of the site to final levels, as well as and creating the new pond.
- 4.16 The applicant advises that a temporary 2.5m high acoustic bund would be constructed in the south-eastern/eastern area of the claypit when the final ground levels were within 2m of their finished levels in that section.
- 4.17 Each area would be topped with imported, recycled topsoils and seeded when filled to completion levels. The material would be taken to the appropriate location where they would be spread with a bulldozer and compacted with a towed, vibratory roller. These soils are included within the applicant's 622,500 tonnes (415,000m³) maximum inert waste/materials calculations.

Final Restoration

- 4.18 The proposed final landform aims to reinstate the original contours of the surrounding land prior to clay extraction (see **Appendix 6 - Proposed Restoration**). This would enable the site to be incorporated into the adjoining farmland and used to graze livestock. Existing clay and overburden stockpiles on site would be graded back and incorporated within the overall phased restoration scheme along with the imported materials.
- 4.19 The final landform would have slopes not exceeding gradients of 1:12 to allow for modern agricultural operations to be carried out. It would have open fields enclosed with trees and hedgerows, as well as new woodland planting and a

hedge between (north of) the former brickworks and restored claypit. This new belt of trees would make use of a regraded steep landform to the rear (north) of the brickwork buildings.

- 4.20 Surface water would be managed through the creation of ditches running to new and existing ponds on the western and southern boundaries of the site. An area of clay would remain exposed in the north-eastern corner of the site for future geological study relating to the site's designation as a RIGS.

5 **Environmental Impact Assessment (EIA)**

- 5.1 The application is for a waste development of more than 0.5 hectares so falls within Part 11(b) (ii) and (iii) of Schedule 2 of the EIA Regulations relating to 'installations for the disposal of waste'.
- 5.2 The 'indicative screening thresholds' for Schedule 2 developments are set out in the Annex to the Planning Policy Guidance (PPG): Environmental Impact Assessment. For waste installations, EIA is more likely to be required where the annual throughput is more than 50,000 tonnes or the site area is more than 10 hectares.
- 5.3 On 6 September 2013, the applicant sought a Screening Opinion from the County Council as to the need for an EIA. The County Council confirmed on 5 November 2013 that the proposal would be considered 'EIA development', as defined in the EIA Regulations. An Environmental Statement, setting out the findings of the EIA, was submitted with the application.

6. **Policy**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise (as confirmed in paragraphs 2 and 196 of the National Planning Policy Framework ('the NPPF')). For the purposes of this application, the statutory development plan is considered to comprise the West Sussex Waste Local Plan (2014), the West Sussex Minerals Local Plan (2003), and the Horsham District Local Development Framework (2007).
- 6.1 The key policies in the development plan, which are material to the determination of the application, are summarised below, and their conformity or otherwise with the National Planning Policy Framework considered. In addition, reference is made to relevant national planning policy guidance and other policies that guide the decision-making process and which are material to the determination of the application.

West Sussex Waste Local Plan (2014)

- 6.2 The Waste Local Plan (WLP) was adopted by the County Council on 11 April 2014 and forms part of the 'development plan'. It covers the period to 2031 and is the most up-to-date statement of the authorities' land-use planning policy for waste. It accords with the approach taken in the NPPF and should be given significant weight when considering this application.

- 6.3 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.*
- 6.4 Policy W11 of the WLP supports waste development provided there are no unacceptable impacts on the character of the area.
- 6.5 Policy W16 supports waste development provided there are no unacceptable impacts on the intrinsic quality and, where appropriate, the quantity of air, soil and water resources. Policy W17 supports waste development provided that flood risk is not increased and surface water run-off is properly controlled. Policy W18 relates to transport, supporting waste development where (in summary) transport links are adequate, where there is a safe and adequate access to the highway, there would be no adverse impact on road users and where vehicle movements are minimised.
- 6.6 Policy W19 supports waste development provided *"lighting, noise, dust odours and other emissions, including those from transport, are controlled to the extent that there will not be an unacceptable impact on public health and amenity"*; and the amenities of public rights of way are safeguarded. Policy W20 supports temporary waste development for restoration provided that it is (in summary) appropriately located provides high quality and practicable restoration, and its management and aftercare are included, ensuring benefits to local landscape character and the local environment.
- 6.7 Policy W21 seeks to prevent an 'unreasonable level of disturbance' to the environment and local communities through the cumulative impact of waste uses and other uses.

- 6.8 The West Sussex Minerals Local Plan (2003) accords with the approach taken in the NPPF and can therefore be given significant weight when considering this application.
- 6.9 Policy 1 supports working practices which cause the least environmental harm, the incorporation of opportunities to conserve and enhance the environment, and appropriate afteruse. Policy 2 seeks to ensure that development does not prevent or hinder mineral extraction, where that mineral is or is likely to become economically important.
- 6.10 Policies 7 and 8 seek to ensure that temporary recycling operations cause the least environmental harm through working practices and that all plant is removed when operations cease, that restoration is completed to an appropriate standard and within an agreed timescale. Lorry routing will also be sought where necessary.
- 6.11 Policy 13 seeks to protect areas of local environmental significance. Policies 16 and 17 seek to safeguard the water environment and Policy 19 seeks to protect residential and other amenity.
- 6.12 Policies 20 and 22 require appropriate and practicable reclamation to be completed as early as possible and in accordance with details depicting the progressive nature of the restoration activities.
- 6.13 Policy 47 notes that account will be taken of the numbers, type and routing of vehicles likely to be generated in relation to a minerals proposal, and that permission will be refused if the highway network is inadequate and any significant harm cannot be overcome. Policy 48 requires that an appropriate access to the site is provided.
- 6.14 Policy 52 requires details of the siting and appearance of buildings, plant and machinery and their removal when no longer required. Policy 53 requires adequate measures for the protection of hedgerows, trees and shrubs, and the provision of bunds and planting where required to screen workings.
- 6.15 Policy 56 seeks to ensure that the quality of surface and groundwater is protected and that mineral extraction will not adversely affect the water table, cause significant environmental damage, flooding or adversely affect water resources.
- 6.16 Policy 58 seeks to ensure that any soils stripped are handled appropriately and stored ready for use in restoration, where necessary. Policy 59 seeks to control the drainage and discharge of water within the site.
- 6.17 Policies 60 and 61 advise that conditions will be imposed requiring that acceptable maximum levels of noise are not exceeded and that dusts generated are suppressed, Policy 62 requires control over artificial lighting and Policy 63 requires conditions controlling hours of work.

Horsham District Core Strategy (2007)

- 6.18 The key relevant policies are: Employment Provision (Policy CP10) and Environmental Quality (Policy CP2).

Horsham District General Development Control Policies (2007)

- 6.19 The relevant policies are: Countryside Protection and Enhancement (Policy DC1), Biodiversity and Geology (DC5), Woodland and Trees (DC6), Development Principles (Policy DC9), Rural Economic Development (DC25) and Transport & Access (Policy DC40).

National Planning Policy Framework (2012)

- 6.20 The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and outlines how these are expected to be applied. The NPPF does not form part of the development plan but is a material consideration in determining planning applications. One of its stated intentions is to guide decision-makers as to what matters are material to the decision-making process.
- 6.21 The paragraphs in the NPPF of greatest relevance to the present proposal are:

Paragraph 14 (presumption in favour of sustainable development, and approving development that accords with the development plan); 17 (core planning principles); 103 (ensuring flood risk is not increased elsewhere); 109 (contribute to and enhancing the natural environment), 120 (ensuring new development appropriate for location taking into account impact of pollution on health and the environment); 123 (impact of noise on health and quality of life); 142 (extraction of minerals), 144 (consideration of mineral planning application); 186 (positive decision making); 196 (determining applications in accordance with the development plan); 197 (presumption in favour of sustainable development); and 203-206 (use of planning conditions).

Planning Policy Statement 10 - Planning for Sustainable Waste Management (2005, as amended 2011) (PPS10)

- 6.22 This national policy guidance document promotes, wherever possible, the use of waste as a resource and the movement of waste management up the 'waste hierarchy', thereby only supporting the disposal of waste as a last resort. It also sets out the approach waste authorities should take to determining applications, including for unallocated sites such as the application site. It notes that in determining waste applications (and allocating sites) waste authorities should:

"(i) assess their suitability for development against each of the following criteria:

- the extent to which they support the policies in this PPS;*
- the physical and environmental constraints on development, including existing and proposed neighbouring land uses;*
- the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential;*
- the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising*

from resource recovery, seeking when practicable and beneficial to use modes other than road transport.

(ii) give priority to the re-use of previously-developed land, and redundant agricultural and forestry buildings and their curtilages.”.

EU Council Directive 2008/98/EC

6.23 By virtue of the Waste (England and Wales) Regulations 2011 when determining any application for planning permission that relates to waste management (article 18) the planning authority is required to take into account EU Council Directive 2008/98/EC which sets out the objectives of the protection of human health and the environment (article 13) and self-sufficiency and proximity (first paragraph of article 16(1), article 16(2) and (3)). Case law has confirmed that these articles are objectives at which to aim. As objectives they must be kept in mind whilst assessing the application and provided this is done, any decision in which the furtherance of the objectives are not achieved, may stand.

7. Consultations

- 7.1 **Horsham District Council:** No objection subject to conditions ensuring that the bulldozer and excavator do not operate simultaneously; setting noise limits for the operation of plant; limiting HGVs to 38 each day; limiting hours to 07.30-17.00 Monday to Friday, 08.00-13.00 Saturdays and no operations on Sunday; requiring a Noise Management Plan, Dust Management Plan, and that no contaminated material is deposited. Concern was raised over the off-site noise impact on nearby residential properties resulting from HGV movements.
- 7.2 **Rudgwick Parish Council:** No objection but wishes to ensure that the development mitigates impacts on the safety and quality of life of residents of Lynwick Street. Seek limit to HGV numbers to 40 each day and operations limited to 8 hours each day with seasonal (daylight) limitations. Temporary traffic lights should be installed on the bridge, with additional speed calming near footpaths. Request a community liaison forum, and a s59 agreement to repair roads.
- 7.3 **Environment Agency:** No objection. Note that an Environmental Permit will be required in relation to the imported waste.
- 7.4 **Natural England:** Standing advice provided raising no objection.
- 7.5 **Southern Water:** Note there are no public surface water sewers in vicinity of site so alternative drainage measures are required, to be assessed by the Council's technical staff.
- 7.6 **Waverley Borough Council** (neighbouring authority): No objection but asks that detailed consideration is given to local highway capacity/safety, air quality, hydrology and contamination.
- 7.7 **Surrey County Council** (neighbouring authority): No observations.
- 7.8 **WSCC Archaeology:** No objection and no mitigation required. Proposed enhancement measures (on-site information about the history of the brickworks) are welcomed.

- 7.9 **WSSC Drainage:** No objection subject to conditions requiring details of surface water drainage attenuation both during construction and after restoration.
- 7.10 **WSSC Ecology:** No objection subject to conditions requiring detailed landscape and biodiversity scheme, and details of bat provision in Hobbs Copse.
- 7.11 **WSSC Highways:** No objection subject to both HGV routeing and an assessment of the HGV route's surface condition (along Lynwick Street between the site and the A281) being undertaken prior to development being secured by legal agreement and the erection of HGV routeing warning signage on site, imposition of wheel washing facilities on site and visibility splays being maintained at the site's access on to Lynwick Street at agreed angles all being conditioned.
- 7.12 **WSSC Landscape:** No objection subject to provision of a detailed landscaping scheme.
- 7.13 **WSSC Public Rights of Way:** No impact on routes anticipated but applicant must ensure site does not drain to footpaths. Consideration could be given to upgrading FP1390 to enable equestrian and cycle access onto Lynwick Street.

8. Representations

- 8.1 The application was publicised in accordance with Schedule 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 involving the erection of four site notices located around the application site, an and neighbour notification letters.
- 8.2 In response, 10 representations were received, one objection, two in support, and the remainder raising concerns. The main issues raised in both the objections and concerned representations related to the potential highway safety impacts on Lynwick Street. A number of suggestions were made regarding possible mitigation including establishing a 30mph speed limit, limit HGVs to 20 each day (1 every 12 minutes), limiting hours to between 08.00-16.00, adding kerbstones along the street, and routing vehicles in both directions on Lynwick Street.
- 8.3 Those in support referred to the benefits of returning the 'derelict' site to agricultural use.

9. Consideration of Key Issues

- 9.1 The main planning matters to consider in relation to this application are whether it:
- accords with planning policy regarding need;
 - is acceptable in terms of impacts on landscape;
 - is acceptable in terms of highway capacity and road safety; and
 - has an acceptable impact on local amenity and the local environment.

Accords with Policy W8 of the Waste Local Plan

- 9.2 Policy W8 of the West Sussex Waste Local (WLP) (2014) supports recovery operations involving the deposition of inert waste to land where they meet various criteria. For it to be concluded that the restoration of the site with inert waste is 'needed', these criteria must be satisfied. Consideration of each of these is set out below.
- 9.3 Key to these considerations is whether the importation of waste now proposed would result in a better development than the approved scheme which did not involve waste importation.
- 9.4 The following will consider each criterion of Policy W8 in turn.
- (a) the proposal results in clear benefits for the site and, where possible, the wider area.**
- 9.5 It is understood that the previous site operator, Wienerberger, did not fully exhaust permitted clay reserves on site prior to 2006. This was due to the composition of clay required for brickmaking purposes deteriorating making the operation at Rudgwick economically unviable. As a result of this, the void required to achieve the approved restoration to 'amenity and conservation afteruse' under WSCC/043/09/RW (as detailed in paragraph 4.13) has not been created and is unachievable. The extant permission's restoration cannot now be achieved.
- 9.6 The present proposal would result in a landform that would reflect the surrounding topography i.e. that which existed prior to clay extraction. Additionally, it would result in a gently dipping landform (east to west) that could be used for agricultural purposes through continuing the contours of those surrounding the site, with a slope suitable for modern agricultural practices, including grazing of the applicant's livestock. The applicant is also the landowner of the land adjoining the claypit and wishes to restore the pit to its former agricultural status.
- 9.7 Overall, the proposed restoration to a higher level (and to a different landform) than is currently approved would achieve an appropriately landscaped and restored mineral working with improved agricultural opportunities.
- (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.**
- 9.8 The imported inert wastes would comprise construction and demolition wastes as well as earth, clay, soils and subsoils. Although the majority of imported and on-site restoration materials would be ready for use within the proposed restoration scheme, a small percentage could require further processing on site. 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.**

9.9 The development would make use of inert waste (and on-site minerals waste and extracted unusable clay) rather than 'virgin' soils for restoration, in accordance with *Planning Policy Statement 10 - Planning for Sustainable Waste Management (2005, as amended 2011)*(PPS10). As set out above, while the approved restoration scheme would restore the site without the importation of material, the present proposal is considered to bring forward benefits that the approved scheme would not.

9.10 This scheme seeks to utilise imported inert waste materials for a revised higher level restoration scheme, to achieve agricultural afteruses, and can be considered as 'recovery'. Accordingly, this is an example of sustainable waste management considered to accord with this criterion.

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

9.11 The proposed fill material would consist of both on-site clay and mineral wastes and imported construction/demolition project and groundworks schemes' waste, mainly comprising construction and demolition wastes and earth, soils and sub-soils, all typical materials used in land raising, engineering and restoration projects. Both imported and on-site restoration materials would be ready for use within the proposed restoration scheme and would not require further processing on site. An Environmental Permit would be required for the development which would require that incoming waste is checked by trained operatives.

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

9.12 It is considered that the applicant has satisfactorily demonstrated that the amount of fill material proposed (622,500 tonnes/415,000m³) is the minimum required to ensure the delivery of a restoration scheme with a profile that would provide the clear benefits as described above, and ensure the future restored use of the site and the wider area. The final landform would continue the contours of the surrounding land allowing the restoration to an appropriate agricultural afteruse.

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

9.13 The proposed restoration scheme would, subject to conditions, not result in any unacceptable impact on natural resources and other environmental constraints. The proposal, therefore, accords with this criterion.

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

9.14 No 'protected landscapes' are situated near this site.

(h) any important mineral reserves would not be sterilised

9.15 The pit has not been excavated to the levels set out in extant planning permission (WSCC/043/09/RW) so clay reserves remain in situ. The applicant has provided a Sterilisation Report detailing the remaining reserves and assessing their suitability for future use. This included discussions with the

previous site operator Wienerberger who noted that clay had to be imported to the site during the last years of operation as the clay extracted from the site was not of useable quality.

9.16 It is concluded, therefore, that the remaining clay is not of economic use and no useable clay reserve would be sterilised by the proposal.

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

9.17 This is considered in relation to impacts on the landscape below in paragraphs 9.20-9.29.

9.18 Policy W8 of the WLP supports recovery operations involving the deposition of inert waste to land where they meet various criteria. The proposed restoration of the site with inert waste/materials meets these criteria, so is considered to be justified.

9.19 *The proposed development would allow the applicant to integrate the former claypit within land adjoining it for agricultural purposes. It is considered that through the use of both on-site and imported inert wastes/materials in restoring the former claypit (which is no longer economically viable), benefits for agricultural land use and on the local landscape would result. It is considered therefore that there is an identified need for the development, in accordance with Policy W8 of the WLP 2014.*

Impacts on Landscape

9.20 The development has the potential to result in two main types of landscape and visual impact: changes to the landscape and views during the proposed restoration operations; and changes to the landscape character through a higher level restoration scheme over that currently approved.

9.21 The proposed development site is a permitted claypit that is situated within a rural area, albeit not within or adjoining any formally designated 'landscape' sensitive areas.

9.22 The application site is well-screened by mature woodland and vegetation and the existing brickworks buildings, all of which would be retained. A small number of houses to the south-east have limited views of the claypit (and brickworks site) but would not initially have views of the working area as the previous extraction of clay has left a depression in the landscape.

9.23 As the pit is restored, views of the central and eastern areas of the site would be possible from a number of properties to the south-east, particularly as some adjoin the claypit's southern boundary. However, these works would be temporary and would have occurred under the approved permission, (WSCC/043/09/RW), albeit at a slightly lower level, and without the importation of inert waste materials.

9.24 Further, to minimise the visual impact of the development, bunding would be created within the site's south-eastern area. Additionally, all buildings, machinery, plant and equipment necessary to carry out the proposed development would be removed when no longer needed, and the land would be

progressively restored to ensure that restoration takes place as early as possible. Conditions would be added to secure these requirements.

- 9.25 As previously noted, the development would result in a landform and landscape that remains acceptable within the locality but would also result in a better use of the site and the wider area. Proposed planting and appropriate land management as well as water features and are considered to have the potential of enhancing the future landscape and ecological benefits of the site.
- 9.26 Another benefit is that the proposed restoration would bring about the restoration of the claypit sooner than would have been required under WSCC/043/09/RW had clay extraction (and brickmaking) continued until 2042.
- 9.27 WSCC's Landscape Architect accepts that the type of restoration now proposed would be high quality and practicable in terms of its management of restoration and aftercare, and being of benefit to the wider landscape, subject to landscaping, restoration and aftercare requirements and mitigation being secured by condition.
- 9.28 It is, therefore, concluded that the development would be acceptable in terms of impacts on the local landscape.
- 9.29 *The application site is situated within a countryside location. The site is well-screened by vegetation around its perimeter, and much of the initial operations would take place at depth with limited visible impact. Any impacts caused during restoration operations within the locality would be temporary, and would not be significant due to the proposed mitigation, particularly taking into account the existing, permitted restoration. The proposed development, when restored, would result in a landform similar to that prior to clay extraction but containing significant improvements in terms of benefits to the wider landscape and in terms of agricultural afteruse and benefit within the locality. Existing mature planting adjoining the claypit would be retained and protected.*

Impact on Highway Capacity and Road Safety

- 9.30 The material difference in highways terms between the restoration permitted under WSCC/043/09/RW and this proposal is that the former does not involve the importation of materials to complete it.
- 9.31 All HGVs associated with the site were related to the exportation of brick related products, had clay extraction and brickmaking activities not ceased at the site in 2012. Nonetheless, this use remains the extant use at the application site, under which HGVs were not controlled by condition.
- 9.32 The present proposal would involve a maximum of 80 two-way HGV movements on Monday to Friday (40 HGVs entering/leaving the site), and 40 two-way HGV movements on Saturdays (20 HGVs entering/leaving the site) throughout the four year period sought.
- 9.33 WSCC Highways has considered the potential impacts resulting from the proposed development in detail and the existing baseline condition established by WSCC/043/09/RW. They consider that the proposed vehicular access arrangements for the site, with 15% (12 two-way HGV movements (6 HGVs entering/leaving the site) on Monday to Friday and 6 two-way HGV movements

on Saturdays (3 HGVs entering/leaving the site)) arriving from and departing to the east and 85% (68 two-way HGV movements (34 HGVs entering/leaving the site) on Monday to Friday and 12 two-way HGV movements on Saturdays (6 HGVs entering/leaving the site)) travelling to/from the west, would not give rise to unacceptable impacts upon highway capacity or road safety.

- 9.34 This position would be subject to both HGV routeing and an assessment of the HGV route's surface condition (along Lynwick Street between the site and the A281) being undertaken prior to development being secured by legal agreement. In addition, the erection of HGV routeing warning signage on site, the imposition of wheel washing facilities on site and visibility splays being maintained at the site's access on to Lynwick Street at agreed angles all are required to be conditioned.
- 9.35 Furthermore, the 15% to 85% split over the routeing of HGV traffic to and from the site via Lynwick Street is supported by the Parish Council.
- 9.36 It is, therefore, concluded that the development would be acceptable in terms of impacts on highway capacity and road safety.
- 9.37 *The proposed development would result in a maximum of 80 two-way HGV movements each day (40 HGVs travelling to/from the site on Monday to Friday). The impact of this has been balanced against the approved use of the site for mineral extraction, which has unrestricted HGV movements until 2042. However, by limiting the throughput of the site, the number of HGVs accessing it would also be limited. The Highway Authority has considered the potential impacts upon capacity and safety and concludes that, subject to legal agreements and conditions, the proposed development would not have a severe impact on the highway network in capacity or safety terms and as such accords with the National Planning Policy Framework.*

Impact on Local Amenity and the Environment

- 9.38 By its nature, the importation of waste in HGVs, and restoration operations involving plant and machinery has the potential to result in noise, vibration and dust and impacts, which have the potential to adversely affect local amenity and the local environment. Accordingly, potential impacts on the amenity of local residents, adjoining land uses and on the local environment must be addressed.
- 9.39 **Noise and Vibration:** Noise-producing activities would predominantly relate to ground clearance and preparation through plant, equipment and machinery, land-shaping, restoration works, and vehicles travelling to/from the site. As previously noted, the nearest dwellings to the site are within 30 metres so there is a significant potential for impacts on residential amenity through noise emissions beyond that currently approved under WSCC/043/09/RW, both in the nature of the works and in terms of time needed to complete the restoration.
- 9.40 The claypit has been dormant since 2012, prior to the applicant acquiring it that year. However, clay extraction could have recommenced and would have been authorised until 2042. Conditions controlling hours of operation, maximum noise levels and plant/machinery silencing measures were all attached to planning permission WSCC/043/09/RW.

- 9.41 The applicant proposes hours of work of 07.30-17.00 Monday to Friday and 08:00-13:00 on Saturdays. These proposed hours are less than those currently imposed on planning permission WSCC/086/13/SR which allows 07.00-19.00 Monday to Friday and 07.00-13.00 on Saturdays. These proposed hours, including HGV arrivals and departures, have been considered and accepted by Horsham District Council's Environmental Health Officer (EHO).
- 9.42 Additionally, the EHO requires that the bulldozer and excavator do not operate simultaneously and that maximum noise output limits for this plant are set at agreed levels, both of which would be controlled by planning condition. These controls would exceed those currently imposed on planning permission WSCC/043/09/RW.
- 9.43 Noise, and its impact on nearby residential properties along Lynwick Street, from HGV movements are considered by the EHO to have the potential to cause harm, especially to properties situated closer to the highway boundary. The EHO has requested that noise modelling from traffic impacts be updated and resubmitted for comment. Some third parties also raise concern regarding noise impacts from HGV movements.
- 9.44 The Design Manual for Roads and Bridges (2011) (DMRB) provides methodology for assessing HGV noise impacts. An increase in traffic flow of 25% would generate a 1dB(A) increase in noise. The threshold for needing a survey is a 1dB(A) change in the short-term and a 3db(A) change in the long-term.
- 9.45 This application, through its updated Traffic Assessment (TA), advises that although HGV traffic would undoubtedly rise during the four year period, it would be spread out across the working day. The application's HGV movements would amount to an 11% increase in HGV traffic within the locality. Therefore, the impacts through noise according to the DMRB would not be a perceptible one.
- 9.46 The applicant has provided details of plant, equipment, machinery to be used during the proposed development and their locations with mitigation including the use of 2.5m high acoustic bunding, where the claypit's boundary abuts residential properties. The EHO has confirmed that this detail, along with the submission and approval of a Noise Management Plan, should satisfactorily control impacts through noise on adjoining residential properties during restoration operations. These controls would equal and/or exceed those currently imposed on planning permission WSCC/043/09/RW.
- 9.47 The applicant has also advised that the processing on site of a minor amount of restoration materials could be required during the four year period. In the absence of any formal assessment of noise in this regard, a condition prohibiting all mechanical processing of restoration materials without prior written approval, is proposed.
- 9.48 Taking into account the relevant standards and guidance, and both the proposed conditions to restrict hours of HGV movements and HGV numbers, it is not considered that there would be unacceptable noise impacts resulting from HGVs upon properties along Lynwick Street.

- 9.49 **Air Quality:** Restoration of mineral workings with inert waste materials has the potential to cause adverse impacts on local air quality, including through associated traffic movements.
- 9.50 The EHO accepts that the applicant's proposed mitigation for the suppression of dust during restoration works would be sufficient to ensure impacts are contained within the site. These could be controlled by a condition requiring submission of a Dust Management Plan that addresses dust control during restoration operations. These controls would exceed those currently imposed on planning permission WSCC/043/09/RW.
- 9.51 Furthermore, WSCC Highways require the imposition of by condition of vehicle cleaning measures to clean vehicles leaving the site to prevent earth, mud and debris arising from the development being present on the highway. This would add further controls to the management of any dusts/debris being mobilised during restoration operations. This control would exceed that currently imposed on planning permission WSCC/043/09/RW.
- 9.52 *The site is situated in close proximity to a number of dwellings and shares its access with Lynwick Street, a rural road linking the A281 to residential and agricultural properties as well as Rudgwick village. Despite the nature of the temporary works involved in restoring a former mineral working with on-site and imported inert waste/materials (including through associated traffic movements), the imposition of conditions as well as HGV routeing and the surfacing of Lynwick Street being protected within a legal agreement should all ensure that no unacceptable impacts upon amenity and the local environment will arise. On completion of the proposed restoration, it would result in a landform similar to that prior to clay extraction but containing significant improvements in terms of benefits to the wider landscape and in terms of agricultural afteruse. It is, therefore, considered that the development is acceptable in terms of impacts on local amenity and the local environment.*

10. Overall Conclusion and Recommendation

- 10.1 The applicant is proposing to restore a former claypit using on-site and imported inert wastes/materials over a four year period. The site has planning permission for clay extraction until 2042, with restoration to be completed thereafter, which does not involve the importation of restoration materials.
- 10.2 The development is considered to be acceptable in terms of need because it meets the criteria set out in Policy W8 of the West Sussex Waste Local Plan (WLP) which supports recovery operations involving the deposition of inert waste to land. The phased restoration as proposed would provide greater benefits to both the local landscape and as an agricultural afteruse than the currently approved restoration under planning permission WSCC/043/09/RW.
- 10.3 The proposal is considered acceptable in terms of impacts on the local landscape and highway capacity and road safety. No objections have been raised by statutory consultees. Although there is the potential for some adverse impacts on local amenity and the local environment associated with these activities, they are not considered unacceptable and could be minimised and controlled through conditions and/or planning obligations.

10.4 It is **recommended**, therefore, that planning permission be granted subject: (a) to the conditions and informatives set out in **Appendix 1** of this report; (b) the completion of a Section 106 Agreement concerning the routing of HGVs to and from the application site; and (c) the completion of a Section 59 Agreement to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway.

11. **Resource Implications and Value for Money**

11.1 This is not a material planning consideration and cannot therefore be considered in determining this application. There will be no requirement for additional resources unless the decision is challenged and there is a requirement to defend the County Council's position at any subsequent appeal.

12. **Crime and Disorder Act Implications**

12.1 There are no implications.

13. **Equality Act Implications**

13.1 As part of the decision-making process, under the Equality Act, public bodies must have due regard to the need to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it.

13.2 An Equalities Impact Report is required in relation to this development to show how consideration of equality issues has influenced the decision-making process (see **Appendix 11**). This concluded that the development would not adversely affect those with 'protected characteristics'.

14. **Risk Management Implications**

14.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise. If this is not done, any decision could be susceptible to an application for Judicial Review.

15. **Human Rights Act Implications**

15.1 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

15.2 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised.

The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

- 15.3 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

Diane Ashby
Executive Director of Residents' Services

Michael Elkington
Strategic Planning Manager

Background Papers

As set out in Section 6.

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Contact: Sam Dumbrell, ext. 26947

Appendix 1 - Conditions and Informatives

GENERAL

Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority not less than 7 days before the commencement of development.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Cessation

2. The development hereby permitted shall cease and the land be restored in full (in accordance with Condition 9 of this permission) not later than 4 years from the commencement of the development hereby permitted.

Reason: To comply with Schedule 5 of the Town and Country Planning Act 1990.

Approved Plans

3. The proposed development shall not take place other than in accordance with the approved information and plans;

- Drawing No. 130402/08 'Site Location Plan' (dated 09/08/13),
- Drawing No. 1304012/02A 'Proposed Landform' (dated 16/04/13),
- Drawing No. 130402/03C 'Proposed Restoration' (dated 16/05/13),
- Drawing No. 130402/04 'Isopachyte Contours and Area of Cut' (dated 20/05/13),
- Drawing No. 130402/05 'Sections' (dated 16/05/13),
- Drawing No. 130402/06 'Site Facilities and Works Area' (dated 16/05/13),
- Drawing No. 130402/07 'Section E' (dated 16/05/13),
- Drawing No. 140203/06 'Phasing Plan - First Year' (dated 09/06/14),
- Drawing No. 140203/07 'Phasing Plan - Second Year' (dated 09/06/14),
- Drawing No. 140203/08 'Phasing Plan - Third Year' (dated 09/06/14), and
- Drawing No. 140203/09 'Phasing Plan - Fourth Year' (dated 09/06/14)

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

Reason: To secure a satisfactory development.

Availability of Approved Documents

4. A copy of the decision notice together with the approved plans and any subsequently approved documents shall be kept at the site office at all times and the terms and contents of them shall be made known to the supervising staff on site. These documents shall be made available to the County Planning Authority upon request.

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

PRE-DEVELOPMENT CONDITIONS

Noise Management Plan

5. The development hereby permitted shall not take place, including site clearance works, until a noise management plan detailing the measures to be taken to ensure 'best practicable means' of noise prevention, reduction and minimisation (including details relevant to the siting and construction of the bund necessary to fully protect the nearest residential receptors from noise), dealing with noise complaints and provision for ongoing review has been submitted to and approved in advance and in writing by the County Planning Authority. Thereafter, the approved plan shall be implemented in full throughout the operation of the development hereby permitted.

Reason: To accord with paragraphs 109, 120 and 123 of the NPPF (2012) to protect the amenities of the local population and the local environment.

Dust Management Plan

6. The development hereby permitted shall not take place, including site clearance works, until a scheme for the suppression of dust (incorporating the relevant advice given in section 8.2 of the Institute of Air Quality Management publication "Guidance on the assessment of dust from Demolition and Construction" (February 2014), dealing with dust complaints and provision for ongoing review) has been submitted to and approved in advance and in writing by the County Planning Authority. Thereafter, the approved scheme shall be implemented in full throughout the operation of the development hereby permitted.

Reason: To accord with paragraphs 120 and 123 of the NPPF (2012) to protect the amenities of the local population and the local environment.

Vehicle Cleaning Scheme

7. The development hereby permitted shall not take place, including site clearance works, until a scheme has been submitted to and approved in advance and in writing by the County Planning Authority detailing the measures to clean vehicles leaving the site to prevent earth, mud and debris arising from the development being present on the highway. Thereafter, the approved scheme shall be implemented in full throughout the operation of the development hereby permitted.

Reason: In the interests of highway safety.

Surface Water Drainage Scheme

8. The development hereby permitted shall not take place, including site clearance works, until a scheme of surface water drainage has been submitted to and approved in advance and in writing by the County Planning Authority. The scheme shall contain details of:

- Consideration of overland flows (pluvial impacts and greenfield run-off rates);
- Surface water drainage management for implementation both during and after the phased restoration operations (to ensure that suitable drainage infrastructure (including outfalls and SuDS) is present to maintain flow conveyance, including suitable on-site storage and attenuation measures, to ensure downstream and off-site impacts (including Hobbs Copse Brook and the Downs Link right of way) through flooding are not increased);

- Use of a buffer strip comprising dense natural vegetation along the proposed hedge lines on the western, southern and northern boundaries of the site to reduce soil loss from erosion and encourage retention of surface water; and
- A maintenance plan for the proposed wetland, wildlife ponds and ditches to ensure regular maintenance is undertaken to prevent loss of storage and conveyance capacity.

Thereafter, the surface water drainage details shall be implemented in full as approved throughout the operation of the development hereby permitted.

Reason: To accord with paragraphs 103 and 120 of the NPPF (2012) to ensure that impacts through flooding and pollution are not caused.

Landscaping, Restoration and Aftercare Scheme

9. Notwithstanding the details depicted on Drawing No. 130402/03C 'Proposed Restoration' (dated 16/05/13), Drawing No. 140203/06 'Phasing Plan - First Year' (dated 09/06/14), Drawing No. 140203/07 'Phasing Plan - Second Year' (dated 09/06/14), Drawing No. 140203/08 'Phasing Plan - Third Year' (dated 09/06/14) and Drawing No. 140203/09 'Phasing Plan - Fourth Year' (dated 09/06/14), the development hereby permitted shall not take place until landscaping, restoration and aftercare details have been submitted to and approved in advance and in writing by the County Planning Authority. The submission shall include:

- (a) The location/s of and methods to segregate and protect stockpiles of extracted on-site materials, imported waste materials and restoration soils for each year of the restoration period;
- (b) A full detailed landscaping scheme, including a National Plant Specification (NPS) schedule and specification for all proposed planting and seeding along with a management and maintenance plan to ensure all planting will establish and thrive, for a period of 5 years following the completion of restoration.
- (c) The details, with plans, of aftercare showing the steps to be taken, with timescales, for each phase of the site's progressive restoration to be restored to a standard suitable for sustaining the seeding and planting for agricultural purposes, for a period of 5 years following the completion of restoration;
- (d) Full details of the new wildlife pond and SUDs features (incorporating shallow shelving side slopes and vegetation to provide ecological enhancements) and how the design of the wildlife pond on the eastern side of the site would ensure that it sits sympathetically into the proposed restored topography.
- (e) The measures, including mitigatory works, to be taken to protect and incorporate the site's existing and historic features of archaeological, ecological (including reinstatement, in the eastern area of the site, of another former historic hedgerow and, close to the western site boundary, additional planting between the proposed hedge and the existing woodland) and geological interest into the restoration scheme and how such features would be managed in the long term, following the completion of restoration; and
- (f) The measures to be taken to integrate and incorporate satisfactorily the restoration and aftercare works with neighbouring land uses (including

the adjoining rights of way), for a period of 5 years following the completion of restoration.

Thereafter, the approved detailed landscaping, restoration and aftercare details shall be implemented in full within the agreed timetable throughout the operation of the development hereby permitted (and where necessary in accordance with the Quarry Regulations 1999).

Reason: To accord with paragraphs 109 and 120 of the NPPF (2012) to ensure that the claypit is restored in appropriate timescales in the interests of the general amenities of the locality.

Vehicle Warning Signage

10. The development hereby permitted shall not take place until warning signage, advising drivers of all vehicles entering and exiting the site of the authorised and prohibited HGV routes and its positioning has been submitted to and approved in advance and in writing by the County Planning Authority. Once approved, the signage shall be erected prior to the commencement of development and maintained throughout the operation of the development hereby permitted.

Reason: In the interests of highway safety and of the amenities of the locality.

Visibility Splays

11. The development hereby permitted shall not take place until visibility splays of 2.4 metres by 120 metres to the north and 2.4 metres by 220 metres to the south have been provided at the site's vehicular access onto Lynwick Street in accordance with plans and details to be submitted to and approved in advance and in writing by the County Planning Authority. Once provided, the operator shall ensure that the approved splays are maintained and kept free from any obstruction to visibility over a height of 0.6m above the adjoining carriageway level throughout the course of the development hereby permitted.

Reason: In the interests of highway safety.

Local Liaison Group

12. The development hereby permitted shall not take place until a scheme for the establishment of a local liaison group has been submitted to and approved in advance and in writing by the County Planning Authority. The submitted scheme shall include the objectives of the committee, its membership, the frequency and location of meetings and arrangements for the publication of minutes. The local liaison group shall meet thereafter in accordance with the approved scheme.

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

OPERATIONAL CONDITIONS

HGV Access

13. The means of all HGV access to and from the site shall be via the existing site access to and from Lynwick Street only as indicated on approved plan Drawing No. 130402/06 'Site Facilities and Works Area' (dated 16/05/13).

Reason: In the interests of highway safety and of the amenities of the locality.

Removal of Buildings, Plant, Equipment and Machinery

14. All buildings, structures, plant, equipment and machinery required on site throughout the operation of the development hereby permitted shall be dismantled/demolished and removed from the site and the site thereof restored in accordance with the scheme of restoration approved under Condition 9 within six months of the completion of restoration operations or when no longer required, whichever is soonest.

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

Bulldozer and Excavator Use and Noise Levels

15. Only one bulldozer and one excavator shall be operated at the site at any one time throughout the operation of the development hereby permitted. The bulldozer operated at the site shall not exceed a sound power level LW of 110 dB and the excavator operated at the site shall not exceed a sound power level of 105 dB. No other plant or machinery shall be operated at the site without the prior written approval of the County Planning Authority.

Reason: To accord with paragraphs 109, 120 and 123 of the NPPF (2012) to protect the amenities of the local population and the local environment.

Noise - Silencing Measures

16. No plant, machinery, equipment or vehicle shall be used on the site unless fitted and operated at all times throughout the operation of the development hereby permitted with silencing measures to a standard not less than the manufacturer's current UK standard specification.

Reason: To accord with paragraphs 109, 120 and 123 of the NPPF (2012) to protect the amenities of the local population and the local environment.

Noise - Reversing Alarms

17. All vehicles, plant and machinery used on site and those under the applicant's control moving to and from the site that are required to emit reversing warning noise, shall use white noise alarms as opposed to single tone 'bleeping' alarms throughout the operation of the development hereby permitted.

Reason: To accord with paragraphs 109, 120 and 123 of the NPPF (2012) to protect the amenities of the local population and the local environment.

Permitted Restoration Materials

18. Imported and any on-site materials required for the purposes of the development hereby permitted shall constitute only inert and uncontaminated materials.

Reason: To accord with paragraphs 109, and 120-123 of the NPPF (2012) to avoid pollution through contamination of the soil, water and/or air and to ensure the restoration of the site within agreed timescales in the interests of the general amenities of the locality.

Rejected Restoration Materials

19. No on-site materials or imported waste materials shall be exported off site, save for rejected materials that are unsuitable for restoration. A record of reject loads shall be maintained by the applicant at all times and be kept at the site

office at all times. They shall be made available to the County Planning Authority upon request.

Reason: To accord with paragraphs 109 and 120-123 of the NPPF (2012) to ensure the restoration of the site within agreed timescales in the interests of the general amenities of the locality.

Prior Approval for Crushing or Screening Operations

20. No mechanical crushing or screening of permitted restoration materials shall take place at any time on site without the prior written approval of the County Planning Authority and the submission of a scheme identifying the nature and duration of such operations, their location within the site and mitigation which may be required. The approved scheme shall thereafter be implemented in full throughout the crushing/screening operations.

Reason: To accord with paragraphs 109, 120, 122 and 123 of the NPPF (2012) to ensure the restoration of the site within agreed timescales in the interests of the general amenities of the locality.

Submission of Topographical Surveys

21. Detailed topographical surveys, providing an update on the approved restoration works, shall be submitted every 6 months to the County Planning Authority following the commencement of the development hereby permitted.

Reason: To ensure that the restoration of the site is completed to an acceptable standard within agreed timescales and in the interests of the general amenities of the locality.

External Lighting

22. No external lighting shall be installed anywhere within the site. This exclusion shall not prohibit the use of lighting on plant, equipment, machinery and vehicles required during the permitted hours of working or the installation of sensor-controlled security lighting, which shall be designed and shielded at all times to minimise light spillage beyond the site boundary.

Reason: To accord with paragraph 125 of the NPPF (2012) to prevent light pollution in the interests of the amenity of the locality and of local residents.

Hours of Use

23. No operations required to carry out the development hereby permitted, which shall include the use of plant, equipment, machinery and vehicles, shall take place outside the hours of:

- 07.30 and 17.00 on Monday to Friday inclusive; and
- 08.00 and 13.00 on Saturdays.

No operations involving the use of plant, equipment, machinery and vehicles, shall take place on Sundays, Bank Holidays or Public Holidays.

Testing and/or maintenance of plant, equipment, machinery and/or vehicles required within the development hereby permitted shall only be carried out between the hours of 09:00 and 17:00 on Monday to Friday (excluding where those days are designated as either Bank or Public Holidays) inclusive.

Reason: To accord with paragraphs 109, 120 and 123 of the NPPF (2012) in the interests of the amenity of the locality and of local residents.

HGV Movements (Numbers)

24. There shall be no more than 80 daily HGV movements (40 HGVs entering and leaving the site) between Monday and Friday, and no more than 40 daily HGV movements (20 HGVs entering and leaving the site) on Saturdays only.

Reason: To accord with paragraphs 109, 120 and 123 of the NPPF (2012) in the interests of the amenity of the locality and of local residents.

Enclosed Loads

25. All vehicles delivering wastes to the site and all vehicles removing any reject waste loads from the site shall have their loads enclosed within the vehicle or container so as to prevent spillage or loss of materials on to the public highway and the release of emissions to air.

Reason: To accord with paragraphs 109, 120 and 123 of the NPPF (2012) in the interests of highway safety and of the amenities of the locality.

Vehicular Operations and Controls

26. The site shall not be used as an operating base for any Heavy Goods Vehicles, or the repair and/or maintenance of any Heavy Goods Vehicles and plant, equipment and/or machinery which are not under the direct control of the operator and not normally used for the delivery, handling or sorting of minerals to or within the site.

Reason: To accord with paragraphs 109, 120 and 123 of the NPPF (2012) in the interests of road safety and of the general amenities of the locality.

Record Keeping

27. No more than 590,100 tonnes of permitted restoration materials shall be imported into the site throughout the period of development. A record of the annual quantities of restoration materials (in tonnes) imported to the site and the numbers of goods vehicle movements shall be maintained by the applicant at all times and made available to the County Planning Authority upon request.

Reason: To accord with paragraphs 109 and 123 of the NPPF (2012) to enable the County Planning Authority to monitor the level of traffic generated by the permitted use and ensure the restoration of the site within agreed timescales to protect both local amenity and the local environment.

INFORMATIVES

- A. This permission shall be read in conjunction with an agreement made under Section 106 of the Town and Country Planning Act 1990 concerning the routing of HGVs to and from the application site and the completion of a Section 59 Agreement to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway.
- B. The attention of the applicant is drawn to the comments of WSCC's Drainage advisor (dated 11 July 2014), which should be read in conjunction with the requirements of Condition 8 of this planning permission.

- C. The attention of the applicant is drawn to the comments of WSCC's Landscape advisor (dated 18 July 2014), which should be read in conjunction with the requirements of Condition 9 of this planning permission.
- D. The attention of the applicant is drawn to the comments of the attached letter from the Environment Agency (dated 10 July 2014) in relation to the requirements of the Environmental Permitting regime.
- D. The applicant is advised that should protected species be present 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. 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.