WSCC CONSULTATION RESPONSE:
County Planning – Minerals & Waste Planning Authority

TO:	Horsham District Council Case Officer: Giles Holbrook
DATE:	02/01/2024
LOCATION:	Southlands, Kent Street, Cowfold, Horsham, West Sussex, RH13 8BA
SUBJECT:	DC/23/1524 | Proposed land improvement works |
RECOMMENDATION:	☐ Advice ☐ Objection ☐ Modification ☐ No Objection ☑ More Information ☐ Refusal

West Sussex Joint Minerals Local Plan (July 2018)

The site is located within a Mineral Safeguarding Area for Weald Brick Clay, however, the application site area (1.7ha) does not exceed the consultation threshold (3ha) for Brick Clay (as defined within para 2.4 of the M&W Safeguarding Guidance). As a result, the MWPA would offer No Objection to the proposal from a mineral safeguarding perspective, as no significant mineral sterilisation would occur as a result of the development.

West Sussex Waste Local Plan (April 2014) (WLP)

It is understood that the proposal seeks Planning Permission for the importation of inert material (topsoil) to the application site so as to balance the land levels and allow for the continued agricultural use of the site by the applicant. Accordingly, the application should demonstrate compliance with the relevant policies within the WSCC Waste Local Plan (2014), including Policies W8, W13 and W16 through W20. On the basis that the proposal would involve an element of waste recovery I would highlight the need for the application to be considered against Policy W8 of the West Sussex Waste Local Plan (WLP) as it would relate to a purported recovery operation involving the deposit of inert waste to land. The policy is supportive of genuine recovery operations, provided various criteria are met:

Policy W8 – Recovery Operations involving the Depositing of Inert Waste to Land

Policy W8 relates to operations involving the depositing of inert waste to land (including for the continuation in duration, or the physical extension of, existing operations) will be permitted provided that:

> *(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.

The applicant claims imported materials would comprise 'topsoil' from nearby construction projects, and the restoration works would require the importation of 12,200m3 (1,220 HGV loads) to the site. These works, as defined by the applicant, would relate to the deposition of inert waste to land for agricultural enhancement, and would qualify for use on site via the CI:AIRE Protocol (although I would note that materials imported under CL:AIRE protocol can still be considered waste for planning purposes).

The submitted Planning Statement references the policies of the WLP but does not specifically demonstrate that the proposal would meet the tests of the policy (in particular, Policy W8), other than the wider points addressed within the *Enhancements* and *Conclusions* sections; the findings of which opine that the proposal could be delivered without any significant impacts upon the landscape or local receptors.

The MWPA recommends that the applicant provide an assessment of the proposal against the criteria of Policy W8 of the WLP and would request More Information in this regard before a decision is issued. Once received, please could the MWPA be reconsulted with the additional information.

Kind regards,

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