Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
NC/24/0003
Brookhurst Wood Landfill Site, Langhurst Wood Road, Horsham, West Sussex, RH12 4QD

DESCRIPTION:
Construction and operation of a materials recycling facility, including offices and visitor centre, an anaerobic digestion plant, and extension to an existing landfill site, and ancillary infrastructure (Variation of Condition 2 of planning permission WSCC/067/19 for a 12-month extension to the end date to complete restoration of the landfill)

DETAILED DESCRIPTION:
This planning application is made under Section 73 of the Town and Country Planning Act 1990 and seeks an extension to the end date to allow for the completion of restoration. Regarding all other matters, the proposals are presented as remaining consistent with the planning permission WSCC/067/19.

Landfilling of waste at Brookhurst Wood ceased towards the end of 2018, as required by condition 2 of planning permission WSCC/005/16/NH and restoration materials have been imported to the site on an ongoing basis. According to the applicant, restoration of the site is progressive; therefore, most of the site has been restored and seeded as per the requirements of the planning permission.

The reasons that the existing approved restoration completion date of 31st December 2023 cannot be met are described below.

Restoration works across Biffa's landfill portfolio were severely impacted by the Covid-19 pandemic which caused restoration works to cease completely during the first three-month lockdown period. Additionally, the closure of the construction industry during this period also resulted in a drop of the availability of restoration materials and increased competition for limited materials that were being produced. 5.3 Since that time there has been an increase in the availability of materials between and it had been anticipated that the completion of restoration could have been achieved in accordance with the required timescales. However, over the past 12-18 months there has been a severe lack of availability of suitable restoration materials for a variety of reasons which include a downturn in construction projects, large increases in haulage costs making it harder to find material from a wider area, and changes to the way that construction projects are being undertaken resulting in more material being retained on site for a longer period.

Although restoration is progressing, it is evident that due to the reasons outlined above restoration will not be satisfactorily completed by 31st December 2023 as required by planning permission WSCC/067/19 and therefore an extension to the restoration end date is requested. The site cannot be left unrestored as it is a requirement of the Environmental Permit that applies to the site that restoration is completed in order fulfil our environmental management obligations, in addition to our responsibility to fulfil the requirements of the relevant planning permission. It is estimated that approximately 130,000m3 of restoration material is still required which at full pace would take approximately 6 months to complete. However, in order to provide the necessary flexibility given the current circumstances Biffa is seeking a 12-month extension to the restoration period.

SITE DESCRIPTION:

The site is located approximately 1km to the north of Horsham, and approximately 1.5km to the north-east of the village of Warnham. The Horsham-Dorking rail line bounds the site to the west and the A24

runs in a north-south direction approximately 400m-500m to the west of the site. The east of the site is bound by Langhurstwood Road.

The Brookhurst Wood Landfill site is situated within the wider Brookhurst Wood Strategic Waste Management facility comprising the activities described below:
• Brookhurst Wood Mechanical Biological Treatment ('MBT') Facility – the MBT manages household and commercial waste arising in West Sussex and mixed waste containers from household recycling sites in West Sussex;
• Aggregates Treatment and Recycling Facility ('ATRF') – Treatment of road sweepings into separate recycling streams for re-use;
• Haul roads and welfare facilities.

The closet heritage asset is Schedule Monument east of the wider site (Ancient Monument 1010500. Moated site 200m west of Graylands Copse) and archaeological notification areas are in the vicinity (Medieval Moated Site and former Warnham Brickworks). Public Right of Way network exists in vicinity of site (Bridleway 1570 and Footway 1573), as do parcels of Ancient Woodland.

RELEVANT PLANNING HISTORY:

Numerous historic permissions relating to application site and landfilling operations. Most recently, planning permission WSCC/005/16/NH was granted in December 2016, which now forms the operative permission for the landfill site. This is subject to 29 conditions controlling landfilling operations. Although the site includes the MBT development in its south-eastern corner, this is operated separately under planning permission WSCC/055/09/NH, albeit a S106 legal agreement attached to the two permissions controls HGV movements from both. The legal agreement attached to WSCC/005/16/NH refers to that permission "and any planning permission varying or replacing the full permission" so there is no need to vary the existing agreement.

WSCC/067/19	Amendment of Restoration Scheme approved through WSCC/005/16/NH to provide rich grassland rather than woodland	Approved 28-02-2020
WSCC/005/16/NH	Amendment of conditions 2, 9, 47, 49, 52, 55, 60 and 61 of planning permission DC/2919/06(NH) to extend the end date for landfilling to 31 December 2018 with restoration by 31 December 2023; amend the restoration; amend the length of aftercare and update approved plans.	Approved 28/12/2017

RELEVANT PLANNING POLICIES

The following Policies are relevant to the assessment of this application in the context of Horsham District:
National Planning Policy for Waste
National Planning Practice Guidance – Waste
National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)
1 - Strategic Policy: Sustainable Development
2- Strategic Policy: Strategic Development
3 – Strategic Policy: Development Hierarchy
24 - Strategic Policy: Environmental Protection
25 - Strategic Policy: The Natural Environment and Landscape Character
26 – Strategic Policy: Countryside Protection
31 - Green Infrastructure and Biodiversity
32 – Strategic Policy: The Quality of New Development
33 - Development Principles
34 – Cultural and Heritage Assets
35 – Climate Change
36 – Energy

37 – Sustainable Design and Construction
38 – Strategic Policy: Flooding
40 – Sustainable Transport

REPRESENTATIONS AND CONSULTATION RESPONSES:
None.

PUBLICITY:
Undertaken by West Sussex County Council.

MEMBER COMMENTS:
None.

Other Considerations
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT:

Principle

A further request for delay to the completion of restoration is disappointing but the applicant has given reasons for this. It will be the responsibility of the determining authority (West Sussex County Council as Minerals and Waste Authority) to consider if these reasons warrant a further delay to completion.

It is positive that according to the applicant, restoration of the site is progressive; therefore, most of the site has been restored and seeded as per the requirements of the planning permission.

For Horsham District Council, given the advanced progress of the restoration it is not considered that an additional 12 months to the end date to completion of this mitigation would unacceptably extend the duration of harms arising from the development in ways that are unacceptable to their effects. This includes heritage impact to the adjacent Schedule Monument east of the wider site (Ancient Monument 1010500. Moated site 200m west of Graylands Copse). The sensitivity of the environment has altered since landfilling operations being substantially complete, to its betterment.

In reaching this position, the Council accepts the 12-month extension would result in more traffic movements associated with the approximately 130,000m3 of restoration material still required to complete the restoration. Ultimately, it is for the determining authority (WSCC) in their capacity as local highway authority to judge if this scenario would result in conflict with NPPF paragraph 115 (*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*).

Other planning matters

The proposal is presented as unchanged in all other regards to the previous planning permission (including operational activities restricted and limited by condition to the pervious permission), and the balance reached on harms/benefits judged acceptable at that time to grant approval remains pertinent.

Recommendation: No objection to Consultation

NOTE TO APPLICANT

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

DELEGATED

Case Officer sign/initial Matthew Porter Date: 30-01-2024

Authorising Officer sign/initial J Hawkes Date: 30.01.2024