Appendix 3

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FOR THE SOUTH EAST

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23 May 2000

Our Ref: APP/P3800/V/99/000020
Your Ref: DRT/mjb/L/127/98 & L/128/98

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) RULES 1992
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995
TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANS AND CONSULTATION) DIRECTIONS 1992
APPLICATIONS BY SUSSEX WASTE RECYCLING LTD FOR A WASTE TRANSFER STATION AND A CONCRETE CRUSHING STATION ON LAND AT CHURCHILL INDUSTRIAL ESTATE, LANCING, WEST SUSSEX (APPLICATION NUMBERS: L/127/98 AND L/128/98)

1. I am directed by the Secretary of State for the Environment, Transport and the Regions to say that consideration has been given to the report of the Inspector, Mr B H Mundy BSc (Hons) CEng MICE MIHT, who held an inquiry into two applications made by Sussex Waste Recycling Limited to West Sussex County Council for:

(a) retention of vehicle parking, change of use of premises for concrete crushing and secondary aggregate storage with access via Scorpio Power Building site and closure of vehicle access from Marlborough Road at the existing Sussex Waste Recycling premises at Marlborough Road, Churchill Industrial Estate, Lancing; and

(b) change of use from B2 industrial premises to waste transfer station at the Scorpio Power premises at Chartwell Road, Churchill Industrial Estate, Lancing.

ADUR & WORTHING
PLANNING SERVICES

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The Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that the applications be referred to him instead of being dealt with by the local planning authority, West Sussex County Council.

2. When he called in the applications, the Secretary of State indicated the matters that he particularly wished to be informed about for the purposes of his consideration. These were:

(a) whether the proposed development conflicts with published policies in Minerals Planning Guidance note 1 (MPG1) "General Considerations and the Development Plan System", Minerals Planning Guidance note 6 (MPG6) "Guidelines for Aggregates Provision in England", Planning Policy Guidance note 13 (PPG13) "Transport", Planning Policy Guidance note 23 (PPG23) "Planning and Pollution Control" and Regional Planning Guidance for the South East (RPG9). In particular, whether adequate consideration has been given to the movement of freight and waste by rail or water rather than by road;

(b) whether the proposed development conflicts with the advice in Planning Policy Guidance note 23 "Planning and Pollution Control". In particular, whether adequate consideration has been given to the various material planning considerations set out in paragraph 3.2 of the guidance;

(c) the relationship of the proposal with relevant development plan policies; and

(d) whether any planning permission granted should be subject to certain conditions and, if so, the form that they should take.

3. A copy of the Inspector's report is enclosed and his conclusions are annexed to this letter. The Inspector has recommended that planning permission be granted for both of the applications subject to the conditions discussed in paragraphs 163 to 181 of his report.

4. The Secretary of State notes that since the applications were made the Churchill Industrial Estate has been re-named Lancing Business Park, and for the purpose of this decision will refer to it as such.

5. The Secretary of State agrees with the Inspector that the main points to be considered are the effects of the development on the amenity of users of the neighbouring land and property as a consequence of disturbance from noise and dust, the impact of the projected increase in traffic on local highways and whether permitting them would prejudice the local plan process.

6. In deciding the applications, the Secretary of State has had regard to Section 54A of the Town and Country Planning Act 1990 which requires him to determine applications in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan consists of the approved West Sussex Structure Plan 1993 and the adopted Adur District Local Plan 1996.

7. The Deposit Draft West Sussex Structure Plan 1998 is also a material consideration. Although it reached modification stage, it has been the subject of a Direction by the Secretary of State with regard to housing provision and has never been adopted. Other material considerations include the West Sussex Minerals Local Plan Deposit Draft of January 1997, the County Council Waste Disposal Plan of 1966, and the Lancing Business Park Regeneration Strategy.

8. The Secretary of State agrees with the Inspector's statement in paragraph 124 of his report that an environmental statement is not required for the applications.

9. In his report, the Inspector records that there is no dispute between the parties that there is a need for more sites for recycling waste, particularly construction and demolition waste. However, there is dispute about the urgency of dealing with this need. The Secretary of State accepts the view put forward by the Inspector in paragraphs 128 and 129, that the need can be described as urgent and that these developments would contribute to meeting this need.

10. The Secretary of State also accepts the Inspector's opinion, for the reasons stated in paragraphs 130 to 135 of his report, that the location is, in principle, acceptable.

11. The Inspector states that in his opinion a condition on traffic limiting the number of loads to 200 per day would be realistic with regards to the applicant's intended operation, and would be enforceable. The Secretary of State accepts this conclusion, and is of the opinion that this is an acceptable level for this sort of development for the reasons set out in paragraphs 136 to 140 of the Inspector's report.

12. The Inspector discusses the effects of dust, mud, vibration and noise in paragraphs 141 to 146 and concludes that, given the proposed control measures, conditions, and changes to existing operations, these should not prevent the development from taking place. The Secretary of State accepts these conclusions.

13. The Inspector goes on to discuss the effects of the proposed development on the business park in paragraphs 147 to 151. Again, he reaches the conclusion that these can be limited and should not prevent the development taking place. The Secretary of State accepts this.

14. The question of alternative sites is discussed in paragraphs 152 to 155 of the Inspector's report, where he concludes that the consideration of alternative sites is not necessary and, even if it were, he is of the opinion that neither of the two sites put forward as alternatives would be more acceptable than the proposed development which is the subject of these applications. The Secretary of State accepts this view.

15. The Secretary of State accepts the Inspector's view that the question of prematurity with regard to the development plan position does not arise.

16. The Secretary of State also accepts the Inspector's view that the nature and scale of the operations proposed preclude means of transport other than by road.

17. The Secretary of State is satisfied that, in general terms, the proposed development does not conflict with Government policy. Therefore, for the reasons above and those contained in the report of the Inspector, the Secretary of State concludes that the proposed development should be allowed and consequently grants permission for:

(a) retention of vehicle parking, change of use of premises for concrete crushing and secondary aggregate storage with access via Scorpio Power Building site and closure of vehicle access from Marlborough Road at the existing Sussex Waste Recycling premises at Marlborough Road, Lancing Business Park, Lancing; and

(b) change of use from B2 industrial premises to waste transfer station at the Scorpio Power premises at Chartwell Road, Lancing Business Park, Lancing;

subject to the following conditions:-

Application L/127/98 - Site B

(1) The change of use hereby permitted shall be begun before the expiration of five years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within seven days of such commencement.

(2) The change of use hereby permitted shall not take place other than in accordance with the submitted plans GB/X/02D, GB/X/03, GB/X/04 and the planning application form dated 7th September 1998, and accompanying supporting statement as modified by the conditions attached to this permission, unless prior written agreement is obtained from the County Planning Authority.

(3) No waste transfer, sorting or separating of waste materials, or storage or deposit of sorted or unsorted waste materials, shall take place outside the buildings, so as to minimise the risk of pollution.

(4) Waste accepted at the site shall only be from the construction industry, commercial and industrial wastes, and no readily biodegradable, household or special wastes shall be delivered to the site.

(5) Notwithstanding the provisions of Article 3 and Part 8 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, the existing buildings shall not be replaced, altered or extended, beyond those authorised by this permission, without prior planning permission being obtained.

(6) There shall be no more than 200 Large Goods Vehicle (as defined within paragraph 1 of Schedule 5 to the Goods Vehicle (Licensing of Operators) Act 1995 or any re-enactment or modification thereto or any vehicle which exceeds that definition) loads entering the site each day for any purpose between the hours of 0700 and 1800 hours on Mondays to Fridays and no more

than 100 loads between the hours of 0700 and 1300 hours on Saturdays. No Large Goods Vehicles shall enter or leave the site outside these hours.

(7) The change of use hereby permitted shall not be carried out unless and until provision for car parking is to be made within the site in accordance with details as shown in plan GB/X/02D and such provision shall thereafter be used only for the parking of cars.

(8) The change of use hereby permitted shall not be carried out unless and until an effective vehicle wash and wheel-cleaning facility has been installed on the site in accordance with details to be approved by the County Planning Authority in advance and in writing and such facilities shall be retained in working order and shall be operated throughout the course of the operations, so as to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance or hazard on the road system in the Lancing Business Park.

(9) Access to the site shall only be gained via Chartwell Road at all times. The Marlborough Road entrance shall not be used to gain access to the site other than for pedestrian and emergency access only.

(10) No operations authorised or required under this permission shall take place except between the hours of:

0700 hours and 1800 hours on Mondays to Fridays inclusive,
0700 hours and 1300 hours on Saturdays,

and no working, including the maintenance of vehicles, plant and machinery, shall take place on the site outside these hours or on Sundays or Public Holidays.

(11) No mobile plant or machinery shall be used on the site unless fitted with silencing or noise reduction equipment to a standard not less than the manufacturer's recommendations and specification for the equipment, and be operated with that equipment in good working order at all times.

(12) The site shall not be used as an operating base for any Large Goods Vehicles, or for the repair and/or maintenance of Large Goods Vehicles and equipment which are not under the direct control of the operator and not normally used for the delivery, handling and sorting of wastes to or within the site.

(13) A notice shall be erected at the site exit and maintained throughout the course of the operations requiring drivers to leave the site in accordance with the traffic routeing the subject of an agreement between the County Planning Authority and the applicant. A plan of the traffic route shall be fixed adjacent to the ticket office hatch at all times, to ensure that drivers are aware of the agreed route.

(14) No skips, bins or containers, whether full or empty, shall be placed or stored outside the buildings other than in the areas specified on the approved drawing numbered GB/X/02D, dated March 1998. These areas shown on the approved drawing number GB/X/02D dated March 1998

shall not be used other than for the storage of empty skips, bins or containers and shall be kept free of waste materials and litter at all times. No skips, bins or containers shall be placed, stacked or stored in such a manner as to exceed a height of 4 metres above ground level.

(15) The level of noise emitted from the site shall not exceed 65 dB(A) 1 hour L Aeq at the boundaries of the site. (For the avoidance of doubt the boundaries of the site relate to the application site boundaries indicated in red on Drawing No. GB1X/02D.)

(16) Prior to the commencement of the change of use, the main building shall have been provided with increased sound insulation and protected from damage in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority.

(17) No change of use shall take place unless and until a detailed scheme and programme of measures for the suppression of dust from operations and activities on site is fully operational in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority. The approved scheme shall be carried out throughout the development.

(18) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether directly or via soakaways.

(19) Any facilities for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. Such facilities shall be constructed and completed in accordance with plans to be submitted in advance to, and approved in writing by, the County Planning Authority.

(20) The site shall not be artificially illuminated except during the permitted hours of working and no lighting fitment shall be installed or at any time operated on the site from which the source of light is directed towards a public highway or nearby premises. Details of any external lighting and other illumination proposed at the site shall be submitted to and approved in writing by the County Planning Authority prior to installation. The lighting shall be installed and used in accordance with the approved details.

(21) There shall be no importation or storage or retail or trade sales of primary aggregates whatsoever at the site.

(22) There shall be no burning of any waste or other materials whatsoever on the site.

(23) A copy of this decision notice 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 supervising staff on site to ensure that site operatives are conversant with the terms of the planning permission.

Application L/128/98 - Site A

(1) The change of use hereby permitted shall be begun before the expiration of five years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within seven days of such commencement.

(2) The change of use hereby permitted shall not take place other than in accordance with the submitted plan GB/X/02D and application form dated 7th September 1998, and accompanying supporting statement as modified by the conditions attached to this permission, unless prior written agreement is obtained from the County Planning Authority.

(3) No concrete crushing whatsoever shall take place outside the building.

(4) Waste accepted at the site shall only be from the construction industry, commercial and industrial wastes, and no readily biodegradable household or special wastes shall be delivered to the site.

(5) Notwithstanding the provisions of Article 3 and Part 8 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, the existing buildings shall not be replaced, altered or extended, beyond those authorised by this permission, without prior planning permission being obtained.

(6) Access to the site shall only be gained via Chartwell Road at all times. The Marlborough Road entrance shall not be used to gain access to the site other than for pedestrian and emergency access only.

(7) No operations authorised or required under this permission shall take place except between the hours of:

0700 hours and 1800 hours on Mondays to Fridays inclusive
0700 hours and 1300 hours on Saturdays

and no working, including the maintenance of vehicles, plant and machinery, shall take place on the site outside these hours or on Sundays or Public Holidays.

(8) No mobile plant or machinery shall be used on the site unless fitted with silencing or noise reduction equipment to a standard not less than the manufacturer's recommendations and specification for the equipment, and be operated with that equipment in good working order at all times.

(9) The site shall not be used as an operating base for any Large Goods Vehicles or for the repair and/or maintenance of Large Goods Vehicles and equipment which are not under the direct control of the operator and not normally used for the delivery, handling and sorting of wastes to or within the site.

(10) A notice shall be erected at the site exit and maintained throughout the course of the operations requiring drivers to leave the site in accordance with the traffic routeing the subject of an agreement between the County Planning Authority and the applicant. A plan of the traffic route

shall be fixed to the ticket office hatch at all times to ensure that drivers are aware of the agreed route.

(11) The level of noise emitted from the site shall not exceed 65 dB(A) 1 hour L Aeq at the boundaries of the site. (For the avoidance of doubt the boundaries of the site relate to the application site boundaries indicated in red on Drawing No. GB/X/02D.)

(12) Prior to the commencement of the change of use, the concrete crushing plant shall be enclosed with sound insulating material and mounted in such a way as to minimise noise and vibration in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority.

(13) Prior to the commencement of the change of use, the building containing the concrete crusher shall be repaired and maintained, with suitable entrance treatments, to assist in sound attenuation for the concrete crusher in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority. The building shall thereafter be maintained in accordance with the approved scheme in order to minimise noise arising from activity on the site.

(14) No skips, bins or containers, whether full or empty, shall be placed or stored outside the buildings other than in the areas specified on the approved drawing numbered GB/X/02D dated March 1998. Those areas shown on the approved Drawing No. GB/X/02D dated March 1998 shall not be used other than for the storage of empty skips, bins or containers and shall be kept free of waste materials and litter at all times. No skips, bins or containers shall be placed, stacked or stored in such a manner as to exceed a height of 4 metres above ground level.

(15) No materials shall be stockpiled in the storage bays in excess of a height of 4 metres above ground level at the base of the stockpiles.

(16) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways so as to prevent the pollution of surface water and groundwater.

(17) Any facilities for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. Such facilities shall be constructed and completed in accordance with plans to be submitted in advance to, and approved in writing by, the County Planning Authority.

(18) The site shall not be artificially illuminated except during the permitted hours of working and no lighting fitment shall be installed or at any time operated on the site from which the source of light is directed towards a public highway or nearby premises. Details of any external lighting and other illumination proposed at the site shall be submitted to and approved in writing by the County Planning Authority prior to installation. The lighting shall be installed and used in accordance with the approved details.

(19) There shall be no importation or storage or retail or trade sales of primary aggregates whatsoever at the site.

(20) There shall be no burning of any waste or other materials whatsoever on the site.

(21) A copy of this decision notice with the approved plans and any subsequently approved documents shall be kept at the site office at all times and the terms and contents shall be made known to supervising staff on site.

18. A separate note is enclosed with this letter setting out the circumstances in which the Secretary of State's decision may be challenged by making an application to the High Court.

Yours faithfully

[redacted]

Caroline Wood
Authorised by the Secretary of State for the Environment, Transport and the Regions to sign in that behalf