

APPLICATION NUMBER: WSCC/001/26

COUNTY MATTER WASTE (s73)

**TOWN AND COUNTRY PLANNING ACT 1990 (APPLICATION UNDER SECTION 73)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

To: Mr Daniel Barritt
Biffa Waste Services Ltd
Westmill Landfill Site
Westmill Road
Ware
Hertfordshire
SG12 0ES

In pursuance of their powers under the above mentioned Act and Orders, West Sussex County Council hereby notify you that they **PERMIT** the following development:

Variation of condition 11 of planning permission WSCC/046/15/L to allow for waste export activities from the site on Bank Holidays at Biffa Waste Management Ltd, 41 Chartwell Road, Lancing Business Park, Lancing BN15 8TU.

to be carried out in accordance with your application and plans (as modified by the under-mentioned conditions) submitted to this Council on 04/11/2025 and subject to the conditions specified hereunder:

Conditions

Approved Plans

1. The development hereby permitted shall not take place other than in accordance with the following plans:
 - Drawing no. 0004338/LA/A/02 Rev B 'Planning Application Boundary' (dated 29/06/05);
 - Drawing no. 0004338/LA/A/03 Rev B 'Existing Site Layout' (dated 30/06/05);
 - Drawing no. 0004338/LA/A/04 Rev G 'Proposed Site Layout' (dated 30/06/05);
 - Drawing no. 0004338/LA/A/05 Rev F 'Proposed Elevations' (dated 29/06/05);
 - Drawing no. 0004338/LA/A 05a Rev A 'Proposed Elevations' (dated 04/07/05);
 - Drawing no. 0004338/LA/A 06 Rev E 'Drainage Proposals' (dated 23/02/04);
 - Drawing no. 0004338/LA/A/07 Rev E 'Site Sections' (dated 05/04/04);
 - Drawing no. 0004338/LA/A/08 'Local Highway Network' (received 03/07/06);

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

Date: 01/06/2026

Signed: **Michael Elkington**, Head of Planning Services

IT IS IMPORTANT THAT YOU READ THE NOTES IN APPENDIX A

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Reason: To secure a satisfactory development.

Annual Waste Limit

2. No more than 80,180 tonnes of mixed household waste and recyclable materials and commercial waste shall be managed at the application site per calendar year unless otherwise agreed in advance and in writing by the County Planning Authority.

Reason: To limit the volumes of traffic in the interests of the amenity of residents on and near the approaches to the site.

Protection of Controlled Waters

3. No construction or demolition works shall be carried out without the details having been submitted to and approved in advance and in writing by the County Planning Authority. The submitted details shall reference the completed site investigation report and P20 risk assessment scheme accepted by the Environment Agency in their letter (ref: SX/2005/015217-4/1 (dated 14 July 2006)) that was approved on 17 August 2006. Only the approved works shall thereafter be implemented.

Reason: To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters.

Approved Drainage Layout

4. The development hereby permitted shall continue to be operated at all times in accordance with the drainage layout depicted on Drawing No. 17942/004/01 Rev A (dated 04/05/06) that was approved on 17 August 2006. Roof water shall not pass through any oil interceptors and open gullies should not be used on this site.

Reason: To prevent pollution of the water environment.

Piling

5. No piling works shall be carried out without the details having been submitted to and approved in advance and in writing by the County Planning Authority. Only the approved works shall thereafter be implemented.

Reason: The site is contaminated/potentially contaminated and piling could lead to the contamination of the underlying aquifer.

Storage of Oils, Fuels or Chemicals

6. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is a multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling

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points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no

outlet connecting the bund to any drain, sewer or watercourse or discharging into the

ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Reason: To enable the County Planning Authority to retain control over the development which may be injurious to the amenities of the area and of neighbouring properties and to prevent pollution.

Approved Vehicle Turning Layout

7. The development hereby permitted shall continue to be operated at all times in accordance with the approved vehicle turning layout (Drawing No. 17492/004/02 Rev C 'External Surface Finishes layout' (received 27/07/06)) that was approved on 30 March 2007.

Reason: In the interests of road safety.

Sheeting of Goods Vehicles

8. No loaded goods vehicles shall leave the site unsheeted.

Reason: In the interests of highway safety and safeguarding the local environment.

Approved Noise and Dust Management Schemes

9. The development hereby permitted shall continue to be operated at all times in accordance with both the approved noise management scheme (which results in the level of noise emitted from the site shall not exceed 65dB(A) 1 hour Laeq at the boundary with the Wiston Business Centre) and dust management scheme (controlling dust emissions from all plant and equipment associated with the development), that were approved on 03 April 2007. For the avoidance of doubt these approved schemes comprise:

- Lancing Waste Transfer Station Noise Assessment (project ref: 17492/014 (dated 03/05/06)); and
- Control of Dust and Debris information taken from the Working Plan within the Waste Transfer Station's Waste Management Licence (email sent to Sam Dumbrell on 29/03/07 by Mark Lauder at Peter Brett Associates).

Reason: In the interests of the amenities of the locality and occupiers of nearby residential properties.

Display of Traffic Routing Notice

10. A notice shall at all times be maintained at the site exit, visible to drivers, directing them to leave the site in accordance with the approved traffic routing throughout the course of the development hereby permitted. A plan of the

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approved traffic route shall be fixed adjacent to the weighbridge office hatch at all times, to ensure that drivers are aware of the agreed route.

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

Hours of Use

11. Unless otherwise agreed in advance and in writing by the County Planning Authority the main hours of operation of the Transfer Station shall be limited to between 07.00 and 19.00 hours Mondays to Fridays and 07.00 to 13.00 hours on Saturdays.

Operations will be restricted between 13.00 to 18.00 hours on Saturdays and 07.00 to 18.00 hours on Sundays and limited to only the reception (import) and unloading of waste delivered by the Waste Collection Authorities or from Household Waste Recycling sites operated on behalf of West Sussex County Council with no removal (export) of either recyclable or residual wastes from the facility during these times.

The use of the site on Bank Holidays shall be limited to the hours between 07.00 to 18.00 and operations on these days shall be limited to the reception (import), unloading and export (removal) of waste and recyclable materials delivered by the Waste Collection Authorities or from Household Waste Recycling Sites operated on behalf of West Sussex County Council.

Reason: To protect the amenities of local residents.

Approved Lighting

12. Lighting at the site shall only be operated in accordance with the approved external floodlighting and illumination details ('Exterior Lighting using Optifloods Achieving 50 Lux Ave to CIBSE Guide for Outdoor Workplaces', ref: 17492/014 (dated 14 June 2006); and 'Maintenance Factor 0.7 used due to High Indoor Pollution Optifloods achieving 200 Lux Ave and 53% Uniformity' (dated 16 June 2006), approved 22 August 2006).

Reason: To protect the local amenities from floodlighting and other illumination.

Approved Fencing and Acoustic Barriers

13. The fencing and acoustic barriers approved on Drawing No. 17942/003/09 (dated July 2006, approved 17 August 2006) shall be maintained throughout the operation of the development hereby approved.

Reason: In the interest of minimising the noise and visual impacts of the development and protecting the amenity of the locality.

Display of Planning Documentation

14. A copy of this decision notice together with the approved plans and any schemes and/or details subsequently approved pursuant to this permission shall be kept at the office on site and the terms and contents of them shall be made known to

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all persons with a responsibility for the management or control of waste handling activities on the site.

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

No External Waste Operations

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

Reason: To ensure that waste transfer operations are controlled within the building in order to protect local amenity.

Silencing or Noise Reduction Controls

16. 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 UK recommendations and specification for the equipment, and be operated with that equipment in good working order at all times.

Reason: To safeguard the amenity of the area and of local businesses and residents.

Required Vehicles, Plant, Machinery or Equipment only

17. The site shall not be used as the operating base or storage area for vehicles, plant, machinery or equipment not required for the operations approved under this permission.

Reason: To control the use of the site and traffic generated by it in the interests of the amenities of the locality and nearby residents.

Informatives

- A. The County Planning Authority has acted positively and proactively in determining the planning application by identifying issues of concern and considering whether planning conditions could be used to satisfactorily address them. As a result, the County Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development as set out within the National Planning Policy Framework.
- B. **Biodiversity Net Gain** - Based on the information provided (1) this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following

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statutory exemptions or transitional arrangements are considered to apply:

- Application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

** "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.*

- Development below the de minimis threshold, meaning development which:
 - (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

APPENDIX A: TOWN AND COUNTRY PLANNING ACT 1990

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES.

THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT IS RECOMMENDED THAT YOU CONSULT A SOLICITOR IF YOU ARE IN ANY DOUBT.

1 Appeals to the Secretary of State

- (a) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- (b) If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get online at <https://www.gov.uk/appeal-planning-decision> or by writing to the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.
- (c) The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (d) The Secretary of State need not consider an appeal if it seems that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- (e) In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

2 Purchase Notices

- (a) If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- (b) In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.

3 Further correspondence about this application should quote the reference number at the top right hand corner of the form.