County Planning
County Hall
Chichester
PO19 1RH

Tel: 01243 642118

APPLICATION NUMBER: WSCC/001/23
COUNTY MATTER MINERAL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

To: Heather Lealan
Cemex
Cemex House
Binky Business Park
Harry Weston Road
Coventry
CV3 2TY

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 3 of planning permission WSCC/044/19 to extend the hours of operation during the week and on Saturdays at Cemex Brighton, Wellington Road, Portslade BN41 1DN

to be carried out in accordance with your application and plans (as modified by the under-mentioned conditions) submitted to this Council on 19/01/2023 and subject to the conditions specified hereunder:

1. The development hereby permitted shall commence before the expiration of three years from the date of this permission.

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

2. The development hereby approved shall not take place other than in accordance with the following approved plans:

- Existing Site Plan (drawing no. 1904/P2/SHRHAM/2 EX-SITE);
- Site Layout and Traffic Management (drawing no. TD18029, sheet 1 of 4 rev. H);
- Elevations (drawing no. TD18029 sheet 2 of 4 H);
- Elevations (drawing no. TD18029 sheet 3 of 4 H);

and other submitted documents, save as varied by the conditions hereafter.

Reason: To secure a satisfactory development.

Date: 16/05/2023 Signed: **Michael Elkington**, Head of Planning Services

IT IS IMPORTANT THAT YOU READ THE NOTES IN APPENDIX A

3. With the exception of the unloading from dredgers of marine dredged aggregates, and the use of offices and maintenance workshops, no operations authorised or required under this permission shall take place except between the hours of:

- 0600 and 2100 Mondays to Fridays; and
- 0700 and 1300 on Saturdays.

No operations, including the use of the workshops, shall take place on Sundays or Public/Bank Holidays.

Reason: In the interests of the amenities of the locality and to minimise disturbance arising from the activity on the site and the traffic generated thereby.

4. Deliveries of aggregates to the site shall only be by sea unless agreed in advance and in writing by the County Planning Authority.

Reason: To ensure the site is used primarily for the handling of materials delivered by sea and to minimise traffic movements on and off the site.

5. Notwithstanding the provisions of Schedule 3, Part 8 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no further plant or machinery shall be erected on the site without the prior approval of the County Planning Authority.

Reason: To control the impact of the site on neighbouring residents and the environment through noise and dust emissions, and through visual impact.

6. No lighting shall be operated so that the source of light is directly visible from the A259 road or residential properties adjacent to the site.

Reason: To minimise the impact of site operations on residents and highway safety.

7. All plant, equipment, machinery and vehicles that are operated on the site shall use white noise alarms (as opposed to single tone 'bleeping' alarms); and shall be fitted with silencing or noise reduction equipment to a standard not less than the manufacturer's UK standard specification for the equipment. All chutes and hoppers shall be lined with rubber or similar noise-absorbent material.

Reason: In the interests of the amenities of the locality so as to minimise the adverse impact of noise generated by the operations on the local community.

8. Any facilities for the storage of oil, fuel 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 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 ensure that potential contaminants are appropriately contained, to prevent impact on people and the environment.

9. The car parking shown on the 'Site Layout and Traffic Management' plan (drawing TD18029 Sht 1 of 4, Rev H) shall be kept clear of any storage of plant or materials, and retained for parking throughout the operations allowed under this permission.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles on the site, to minimise the impact on the local highway.

INFORMATIVES

1. In accordance with the National Planning Policy Framework, the Minerals Planning Authority has approached the determination of this application in a positive and creative way, and has worked proactively with the applicant by working with consultees.

   As a result, the Minerals Planning Authority has been able to recommend the grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

This information is only intended as a summary of the reasons for the grant of planning permission. For further details on the decision, please see the report by contacting County Planning at West Sussex County Council or visiting the website at www.westsussex.gov.uk/planning.

Date: 16/05/2023 Signed: **Michael Elkington**, Head of Planning Services

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.