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Paul Taylor
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26 September 2017

By email only to paul@pt-celimited.co.uk

Dear Paul

Pre-Application Planning Advice: Proposed Re-engineering of the current golf course and driving range using cut and fill and imported clean inert material on land at Cuckfield Golf Centre, Staplefield Road, Cuckfield, West Sussex, RH17 5HY.

I write following our meeting on 12 September 2017 regarding the above.

The following provides planning advice on the project based on the information discussed and presented at that meeting, and set out in the written details provided in the Scoping Request received on 24 May 2017. Pre-application advice and front loading is encouraged through paragraphs 188 to 195 of the National Planning Policy Framework (NPPF) and section 4 (4.7.3) of the West Sussex County Council's Statement of Community Involvement (SCI) (June 2012).

Background and Understanding of Project

My understanding of the project is that your client, Cuckfield Golf Centre, wish to re-model the existing golf course and driving range. This would involve cut and fill (using 1,100m³ of on-site material) and the importation of 367,500m³ (551,250 tonnes) of inert material. The duration of the development is expected to be up to 287 working days, using a phased approach (up to 5 phases). To achieve full re-profiling of the golf course within this timescale, an importation rate of 130 (260 two way) HGV deliveries per day would be required. Due to the nature of the underlying geology (clay), the applicant states that the site currently experiences drainage issues during the winter months.

Initial works would entail the creation of a temporary access off Staplefield Road together with the creation of a vehicle turning area and internal access roads. This would involve the removal of a section of existing hedgerow. A small cabin, wheel wash and weighbridge are also proposed. New gates would also be erected to secure the site out of operational hours, set back 15m from the highway.

The next phase would involve the removal of topsoil from the golf course. Prior to the site being used as a golf course, the land was in agricultural use and the soils across the site are of good to moderate quality (Agricultural Land Classification Grade 3). The topsoil would be stripped in a phased manner and in accordance with a phasing plan. It would be stored in periphery bunds and grass seeded immediately after creation in order to reduce runoff and maintain stability. Upon completion of the infill operation in each phase, the soil bunds would be removed and soils replaced on top of the imported inert material to restore the site.

A proportion of material (1,100m³) within the existing site would also be excavated to re-profile the design of the golf course in order to improve drainage using a cut and fill approach.

Upon completion of the soil stripping and creation of new access, 367,500m³ (551,250 tonnes) of clean inert materials would be imported to the site in HGVs carrying payloads of up to 20 tonnes each. Please note that from our experience, this is a significant amount of construction/demolition waste to source and bring to site over a relatively short period of time (287 working days – i.e. one year). To avoid the need for future amendment, please ensure any timescales set out are realistic.

It may not be practical to tip directly into each phase due to the current slope angles so a dedicated tipping area is also proposed, from which 5-tonne dumper trucks would be loaded by an excavator or loading shovel in order to achieve re-profiling.

At the end of each tipping phase, where final infill levels have been achieved, topsoils would be removed from the storage bunds and loose tipped across the landraised phase.

In line with a concept landscaping and aftercare scheme, once final levels are reached the site would be returned to a condition appropriate for use as a golf course, removing the internal access roads and temporary access and replacing the section of removed hedgerow.

An aftercare period of ten years is proposed.

Planning Advice

To avoid repetition the following advice should be read alongside the specific advice regarding EIA matters provided in the Scoping Opinion, issued by the County Council on 8 September 2017. The following advice will provide you with the County Council's view in terms of whether the development would be acceptable in principle and identify additional information required for a planning application submission.

Initial discussions between the applicant and the planning authority have already taken place regarding the nature of inert material to be used to achieve complete re-profiling of the site. The applicant believes that the material to be used would be clean inert material and that it should not be considered as 'waste' but to fall under CL:AIRE where direct transfer of clean inert soils and materials from excavation sites would take place. The County Council maintains the view that the material to be imported to the site would be considered as 'waste' so the application would be a 'county matter, a point presumably accepted by the applicant, given pre-application advice has been sought from this authority.

The key issue for any future planning application for the proposal brought forward at this stage is to therefore determine whether the development constitutes a 'waste recovery' or 'waste disposal' operation.

Acceptability in Principle

In terms of the overall context, the proposed development constitutes an inert waste infill/landraising operation (whereby inert waste material would be deposited to land to create an amended landform of a golf course) in the High Weald Area of Outstanding Natural Beauty (AONB). The key policies for consideration are considered to be Policy W8, Policy W9, Policy W13 and Policy W20 of the West Sussex Waste Local Plan 2014. Key to the acceptability of this proposal will be the demonstration that it is a 'recovery' operation, rather than disposal, so meets the tests set out in Policy W8 of the West

Sussex Waste Local Plan (2014). If it does not, it will be considered disposal which is subject to Policy W9.

Policy W8 – Recovery operations involving the deposition of inert waste to land

Under Policy W8, which considers recovery operations involving the deposition of inert waste material to land, various tests are set out to guide the acceptability of the proposal. At this early stage, and without prejudice to the planning process, it is difficult to see how the proposal would meet these tests. The works proposed are substantial, are likely to result in significant impacts during the construction process, and would change the landform in a nationally-protected landscape.

The key benefit identified by the Applicant is the continued viability of the golf course through improving its layout and contours, making it more attractive to golfers. In order to provide a clear case for the development being 'recovery', evidence will be required, with a planning application, demonstrating that the 'clear benefit' in terms of the viability of the golf course (and any other benefits, including drainage) is likely to result. To support your 'clear benefit' case, evidence in the form of details of golf courses where such works have resulted in an increase in playing numbers, and 'catchment' figures for golfers who may be attracted to an improved course should be provided. Such benefits must be substantially justified in terms of outweighing any impact that may occur on the local community (in terms of HGV movements) and the environment (High Weald AONB).

A planning application should also demonstrate that there is a 'genuine need' for the operations and that, in essence, they could take place even if virgin aggregate was used (i.e. if the material had to be bought rather than tipping space sold).

Following on from this, it should also be demonstrated that the amount of material to be used is the minimum necessary to deliver the identified benefits. In this case, evidence will need to show that any alternative smaller schemes to upgrade the course would not improve it to the degree required to attract the new clientele required to sustain the golf course and therefore justify the scale of the operation required to re-profile it.

Failure to provide such evidence to demonstrate that the proposal is a 'recovery operation', will lead to the County Council concluding that the operation is 'waste disposal' under Policy W9.

Overall, it is understood that some works may be required to improve the course to make it more attractive to golfers however it is considered that the scale of the works proposed (551,250 tonnes) is not entirely justified, particularly in terms of outweighing the potential impact upon the local community and the environment.

Policy W9 – Disposal of waste to land

The Waste Framework Directive makes it clear that any deposit of waste to land that does not constitute recovery should then be considered as waste disposal. In the context of the Development Plan, where a genuine need cannot be demonstrated then the proposal would be considered as 'waste disposal'. The proposal would then also be considered as an inert landfill operation with landraising.

A letter to Chief Planning Officers from the DCLG dated 20th January 2009 states that:

"Both CLG and Defra consider that landscaping developments of the scale of current examples involving importing over 100,000 tonnes of waste would not have been undertaken if the material used to construct the landscaping were not waste. Therefore,

given the quantity of waste being used such developments are unlikely to constitute recovery operations, but are more likely to be waste disposal operations”.

Given the scale of the proposed development, with the importation of 551,250 tonnes of material, it could be argued that the proposal constitutes a waste disposal operation in the form of landfill (landraising), based on this advice.

Landfill (including landraising) is the least preferred form of waste management as it does not encourage the use or recycling of waste further up the waste hierarchy. Under Policy W9, proposals for waste disposal will not be permitted unless a number of tests can be met. It would need to be demonstrated that the waste to be disposed of cannot practicably be reused, recycled or recovered, which, based on the scale of the development may be difficult to achieve.

Further, it would need to accord with Policy W13, regarding its location in the High Weald AONB and therefore demonstrating exceptional circumstances and the overriding need for the development in order to justify the overall impact upon the landscape.

Policy W13 – Protected Landscapes

With the site being located in the High Weald AONB the policy tests of Policy W13 ‘Protected Landscapes’ apply. With reference to clause (a), the proposed development would not take place on an allocated site in the adopted Waste Local Plan, and it would not be a small-scale facility. It is questioned as to whether or not it would undermine the strategic objectives of the AONB, namely:

- Conserve and enhance the natural and cultural heritage of AONBs, ensuring they can meet the challenges of the future;
- Promote public understanding and enjoyment of the nature and culture of AONB and encourage people to take action for their conservation;
- Support the economic and social wellbeing of local communities in ways which contribute to the conservation and enhancement of natural beauty; and
- Value, sustain and promote the benefits that AONBs provide for society, including clean air and water, food, carbon storage and other services vital to the nation’s health and wellbeing.

Further, the development would be considered as a ‘major waste development’ within the definition set out in this policy, as by reason of its scale and the changes to the topography it has the potential to have a serious adverse impact on the natural beauty, distinctive character, and remote and tranquil nature of the AONB. It will therefore need to accord with clause (c) of this policy which mirrors the ‘exceptional circumstances’ tests set out in paragraph 116 of the National Planning Policy Framework (NPPF). Such an ‘exceptional circumstances’ test includes demonstration of:

- The need for the development within the designated High Weald AONB;
- How, if the need cannot be met in some other way, it would be met outside the High Weald AONB; and
- How any adverse impacts on the environment, landscape and recreational opportunities can be satisfactorily mitigated.

Without prejudice to the planning process, it is not considered that there is a need for the development to take place within the AONB, or that any impacts on the landscape in particular could be satisfactorily mitigated. Under this policy, it is currently considered that the proposed development would not be considered acceptable in principle due to its location within the High Weald AONB and the potential impact it would have upon the objectives of the designation.

Policy W20 – Restoration and aftercare

The proposed development would constitute importation of inert waste material to create a new landform in the form of a re-profiled golf course, with a recreational afteruse. Any future planning application coming forward should ensure that in line with Policy W20, the restoration, management and aftercare is high quality and practicable. The scheme must also ensure that benefits are maximised in terms of local landscape character, historic environment, biodiversity and the wider environment. It should also maximise public amenity benefits including reinstatement of public rights of way.

The phasing and details of construction, including sections should be provided to demonstrate that the site's profile can be improved without detriment to the environment, including drainage which is a key reason for the need to re-profile the site as set out by the initial request for a Scoping Opinion dated 24 May 2017.

Conclusion

The development, if unable to meet the tests set out by Policy W8, would constitute a 'major' waste disposal operation within the High Weald AONB. The development would be subject to EIA and although it aims to result in a beneficial afteruse in terms of recreation there is also the potential to generate significant environmental and amenity effects that would be detrimental to the designation and local community. Based on the information provided, unless exceptional circumstances could be demonstrated to justify the development taking place within the AONB, and that the tests set out in WLP Policy W8 are met, it is unlikely that the proposed development would be considered acceptable in principle. Any subsequent planning application would risk refusal.

Local Validation List

Notwithstanding the above conclusions, should your client wish to submit an application, regard should be had to the [West Sussex Local List 2017](#). The following considers the Local Validation Requirements set out in Table 2, with the exception of those topics already addressed in our Scoping Response dated 7th September 2017 (i.e. the need for an air quality assessment, archaeological assessment, alternative sites assessment, archaeological assessment, dust assessment, ecological appraisal, flood risk assessment, foul/surface water drainage assessment, heritage assessment, hydrological/hydrogeological assessment, land contamination assessment, landscape and visual impact assessment, noise assessment, and tree survey):

1. *Drawings/Plans/Sections:*

Full details of the site layout, weighbridge, site office (including elevations) and access road improvements should be provided. The application site boundary should include a link to the public highway.

Cross-sections for each phase should also be provided as well as a plan showing the final restoration.

Location of all soil storage bunds (from the stripped topsoils) and stockpiled imported material for restoration/re-profiling works, the type of material to be stored and the height of storage should be identified. Any proposed boundary treatment (including fences, landscaping and existing/ proposed bunds) and lighting should also be indicated.

Location of services running through the site should also be provided including a high pressure gas pipeline, as referred to by the consultation response form SGN dated 07/06/2017.

Geological plan showing the underlying geology and the Lindfield Faultline.

2. *Need Statement:*

The site is not allocated in the Waste Local Plan and therefore the need for the development must be demonstrated. This is also relevant in terms of demonstrating exceptional circumstances for Policy W13 and paragraph 116 of the NPPF, as the need for the development, including in terms of any national considerations and the impact of permitting it, or refusing it, on the local economy. In addition, the likely source of waste (within or beyond the County) should be clarified, along with how it would be transported to the site (e.g HGV type/payload).

3. *Planning Obligation Heads of Terms:*

I do not anticipate a S106 would be required at this stage but if it emerges that this is the case, it would be useful to agree the heads of terms at an early stage.

4. *Planning Statement:*

As set out in the Scoping Opinion, this should include reference to the planning policy context and socio-economic impacts.

5. *Statement of Community Involvement (SCI):*

In line with the requirements of West Sussex County Council's SCI (June 2012) paragraphs 4.7.4 and 4.7.5, any future planning submission should also set out what engagement has taken place with the community and other affected parties, and any changes made to the development as a result.

6. *Stage 1 Road Safety Audit:*

The need for a Road Safety Audit should be agreed with WSCC Highways (details below) once more details of the development have been established.

7. *Transport Assessment:*

The WSCC Highways consultation response (dated 31 May 2017) received during the Scoping exercise for the proposed development considered the need for a Transport Assessment.

The main site access road should also be considered in terms of suitability to accommodate the volume of HGV traffic proposed (260 HGVs per day).

I would however suggest that you seek formal pre-application advice from [WSCC Highways](http://www.west-sussex.gov.uk) or call their team on 0330 2224 777 or email planninghighways@westsussex.gov.uk to discuss.

8. *Other:*

It should also be noted that a high pressure gas pipeline that runs in the vicinity of Cuckfield Golf Course. This should be considered by any future planning application submission.

The West Sussex Record Office has also identified that there is a faultline running through the site. The faultline is called the Lindfield Fault and runs from Slough Green in the west through Whitemans Green, Lindfield and continues towards Freshfield Manor. This should be provided on a plan and considered as part of the proposed development in terms of a potential constraint as well as the potential impact that excavation and restoration may have in terms of the presence of the faultline.

I hope this is clear but should anything require clarification please do not hesitate to contact me on the telephone number at the top of this letter.

The advice above is based on the information available at the time, and is given without prejudice to the formal planning process which may result in a different view being taken. None of the information should be taken to imply that planning permission will be granted.

Yours sincerely

A handwritten signature in blue ink that reads "L. Harding". The signature is written in a cursive style with a large initial "L" and a trailing flourish.

Lucy Harding
Planning Consultant