

Arun District Council
FAO: Anita Gardner
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

63a Ship Street
Brighton
BN1 1AE

22 May 2018

Dear Sirs,

Planning Portal Reference Number PP-06990714

Application to Discharge Condition 6 (Material Importation) in respect of planning permission LU/320/17/PL for alterations to golf practice ground and surrounding land, including tees (incorporating importation of material) on land at Littlehampton Golf Club, Rope Walk, Littlehampton

I write on behalf of my client, Littlehampton Golf Club and Matthews (Sussex) Ltd, and with respect to the grant of planning permission for alterations to an existing golf practice ground and surrounding land, including tees (incorporating the importation of material) on land at Littlehampton Golf Club, Rope Walk, Littlehampton. Planning permission was granted in a decision notice dated 15th March 2018 (Application LU/320/17/PL).

For, and on behalf of my client, I now submit an application for approval of details reserved by condition in respect of Condition 6 (Material Importation).

Planning Condition

The application seeks discharge of Planning Condition 6, which states that:

No importing of material shall take place until precise details of such materials have been submitted to and approved by the Local Planning Authority and the development shall proceed in accordance with the details so approved.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy GEN7 of the Arun District Local Plan.

Material Importation

The approved scheme envisages alterations to an existing low lying golf practice ground area and surrounding land, including tees. The scheme comprises a remodelling of the area to increased ground heights by a maximum of some 5 metres at any given point, and to provide a reprofiled area that appears as sand dunes in profile and character. It is proposed the area is then relandscaped with a coastal area wild flower seed mix, together with native shrub specimens, which include hawthorn, blackthorn, pussy willow, common elder and gorse.

The proposed works necessitate the importation of material from offsite, and is estimated this would amount to some 45,000 cubic metres of material.

The material would be brought onto the land in compliance with the CL:aire Protocol (Contaminated Land: Applications in Real Environments). The CL:aire Definition of Waste: Development Industry Code of Practice (DoWCoP) is prepared in consultation with contributions from representatives in the development and remediation industries and the Environment Agency (EA) and support from, amongst others, the Homes and Communities Agencies.

The DoWCoP sets out good practice for the development industry to use when assessing on a site specific basis, whether excavated materials are classed as waste, and determining when treated excavated waste can cease to be waste for a particular use.

It states that the EA will take account of the CoP in deciding whether to regulate material as waste. If material is dealt with in accordance with the CoP, the EA considers that these materials are unlikely to be waste if they are used for the purpose of land development.

This may be because materials were never discarded in the first place, or because they have been submitted to a recovery operation, and have been completely recovered so that they cease to be waste. Within the code of practice, "Land Development" is noted to include redevelopment, remediation and regrading.

The CoP sets out a series of steps which must be followed and audited by a Qualified Person who must then provide a declaration to the EA prior to the use of materials. When the declaration is provided to the EA, demonstrating that the materials are to be dealt with in accordance with an agreed Materials Management Plan (MMP) the EA, subject to details within the CL:aire document, consider the material is not waste.

The CoP relates to excavated material from a variety of sources. It includes soils, both topsoil and subsoil. It specifically excludes soils which have been contaminated with injurious invasive weeds, excavated infrastructure materials such as pipework and storage tanks, and general construction waste, such as plasterboard glass etc.

The CoP relates to excavated material if used directly without treatment in other development sites, subject to the material meeting the requirements of Appendix 2 of the CoP, known as the Direct Transfer Scenario. This comprises clean, naturally occurring materials only. It excludes made-ground, ground-based infrastructure and soil segregated aggregate (unless these are naturally occurring materials).

Within Appendix 2 of the CoP, "clean naturally occurring soil and mineral materials" includes:

- soil, both topsoil and subsoil;
- parent material (the underlying rock from which constituent parts makeup part of the soil);
- clays, silts, sands and gravels;
- underline geology; and
- made-ground consisting of the above materials only (e.g. embankment) which is to be removed and is suitable for use without any processing.

The materials must be sourced from either Greenfield sites which are not subject to past contaminative use; or from Brownfield sites where the natural clean soils have been extensively characterised and proven to be clean.

The direct transfer provisions do not apply to manufactured soils (i.e. soils created by blending or mixing of other wastes or non soil/mineral based constituents).

Where soils have naturally elevated concentration of substances such as geologically derived metals etc., then the principle is that use of such natural materials must not increase the level of risk to the environment that already exists at the site of use.

The material to be imported in conjunction with the implementation of the approved development will be in full accordance with the CL:aire Protocol, and in particular will comply with, and follow, the Direct Transfer Scenario. In accordance with agreed procedures, this will be subject to a full audit trail, assessed by a Qualified Person, in accordance with an agreed Materials Management Plan. This will be submitted to the EA in order to secure confirmation that the material does not constitute waste.

The material will be sourced at the time of implementation, in accordance with the "proximity principle". This means that the material will be sourced from the nearest geographical location available to Matthews (Sussex) Ltd.

This typically means the materials will be sourced from local construction sites, in particular Greenfield sites that are subject of residential development. There are a significant number of these within and around Littlehampton and the wider district at this time.

On the basis, the soils are likely to have comparable makeup and qualities to the local geology of the application site.

Upon completion of the implementation phase, the practice ground and surrounding tees will be the subject of covering with topsoil, to a minimum depth of some 0.3 metres, which will then be subject of reseeded and planting in accordance with the approved landscaping plan.

Summary

This application seeks to discharge Condition 6 of the planning permission for works to remodel the golf practice ground and surrounding land including tees on land at Littlehampton Golf Club, approved under application LU/320/17/PL. This relates to the provision of further details in relation to the importation of material to implement the development.

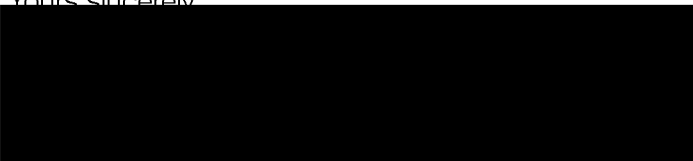
The material will be imported in accordance with the CL:aire Development Industry Code of Practice for the Definition of Waste. In particular, it will follow the Direct Transfer Scenario. Material will therefore not comprise "waste". It will be sourced from the nearest available location and likely to comprise soils and subsoils arising from Greenfield construction sites.

The management and monitoring of the material will be subject to the Environment Agency obligations and will be verified by a Qualified Person in accordance with standard protocols.

On this basis, it is submitted that Condition 6 of the planning permission can be discharged, to enable implementation of development, commencing later in 2018, in accordance with the "low season" period contained within the application submissions.

I look forward to receipt and confirmation of registration of the application and positive determination as soon as possible. Should you require any further information, please do not hesitate to let me know.

Yours sincerely,



Dale Mayhew BA (Hons) BTP MRTPI
Director