

Unconfirmed minutes of the Planning Committee meeting of 3 November 2015 to be confirmed at the next Planning Committee meeting

Planning Committee

3 November 2015 - At a meeting of the Committee held at 10.30 a.m. at County Hall, Chichester.

Present: Mrs Brunsdon (Chairman), Mr Barrett-Miles, Mr Clark, Mr Crow, Mrs Hall, Mrs Kitchen, Mr McAra, Mrs Mockridge, Mr S. Oakley, Mr Quinn, Mr J. Rogers, Mr R. Rogers and Mr Wickremaratchi

Apologies: Mr Parsons

Substitutes: Mr Clark

Declarations of Interest

138. In accordance with the code of conduct the following declarations of interest were made:

- Mrs Kitchen declared a personal interest in Item 4(i) as a member of Horsham District Council.

Minutes

139. Resolved – that the minutes of the meeting of the Committee held on 29 September 2015 be agreed as a correct record and that they be signed by the Chairman.

County Matter Waste Application

WSCC/008/15/WG Proposed extension to existing haulage and plant maintenance depot to enable an inert waste transfer and recycling facility at Thistleworth Farm Cottage, Grinders Lane, Dial Post, Horsham, West Sussex, RH13 8NY.

140. The Committee considered a report, agenda update sheet and proposed amendments circulated at the meeting by the Executive Director of Residents' Services and the Strategic Planning Manager (copies appended to the signed minutes). The report was introduced by the Strategic Planning Manager who provided a presentation on the proposals contained in the application. The purpose of the amendments contained in the agenda update sheet and those circulated at the meeting were to provide additional clarification.

141. Mrs Pat Meed, local resident, spoke in objection to the application and read a report from Tim Meed an acoustic consultant and member of the Institute of Acousticians. The original noise impact assessment was not robust and did not contain sufficient assessment of the potential noise. The revised assessment fails to provide a baseline assessment, fails to incorporate background noise and underestimates by 8 decibels (dB) the potential level of noise, and it shows a likelihood that noise will have a significant impact. There is a real risk of statutory noise complaints. The application fails to demonstrate sufficient noise mitigation, is inadequate and will not protect residents. A noise reduction plan is welcome but must be monitored and there needs to be an adequate scheme of mitigation.

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142. Mr Stephen Bishop, local resident, spoke in objection to the application. The site location is inappropriate; such sites should be in industrial areas. The additional inert waste transfer and recycling facility is not necessary, given other sites in the county. Increased HGV movements are an issue in terms of noise and safety. Penfold Verrall Ltd lorries often park in Dial Post village and when leaving the site they often turn right onto the A24 to go north in contradiction of the current agreement. The report contradicts itself. Penfold Verrall Ltd has breached previous planning conditions by using land for staff parking so may not adhere to conditions in this application. Residents in Dial Post have overwhelmingly objected on the grounds of noise, air quality and traffic impact.

143. Mr David Green, Chairman of West Grinstead Parish Council Planning Committee, spoke in objection to the application. Penfold Verrall Ltd may not adhere to planning conditions based on previous breach of planning conditions shown by use of land for the staff car parking area. Road safety is the main concern; there is an increased risk of road traffic accidents due to additional and laden HGVs accessing the A24 on top of increasing numbers of vehicles from local businesses over the last 5 years. A voluntary agreement is suggested for vehicles entering the site coming from the south on the A24 not to cross the southbound carriageway but to first go north to use the turning at Southwater instead. Noise and dust could be mitigated if the site was enclosed. Section 9.4 of the Committee Report appears to suggest that testing of soil is required to ensure its safety, so inert waste brought to the site cannot necessarily be deemed to be safe.

144. Mr Mike Dade of Speer Dade Planning Consultants, agent for Penfold Verrall Ltd the applicant, spoke for the application. The applicant has worked hard to mitigate adverse effects, including providing a proper evaluation via the Environmental Impact Assessment to ensure the development does not prove harmful; bunds and planting will screen noise and naturalise the site. The data provided for assessing noise and vibration is robust and not estimated; the planned operation involves only a small amount of machinery. The predicted 44 HGV movements are a maximum and not an average. The application is supported by the National Planning Policy Framework 2012 and is sustainable. The operation will move management of inert waste up the waste hierarchy away from landfill. The location is strategic and accords with the Waste Local Plan 2014.

145. Mr Adam Bish of Penfold Verrall Ltd, the applicant, spoke for the application. Penfold Verrall Ltd has been trading at Dial Post for 20 years and the site owners have been a local family for 100 years. Penfold Verrall Ltd respects and understands the concerns of the community. The inert waste transfer and recycling facility will enable the company to recycle materials taken from site clearance by the company which are otherwise difficult to dispose of. The company is keen to avoid adverse effects on the local community. Staff working on the site will work within the conditions and also under an Environment Agency Permit to reduce noise and protect the environment and amenity of the area. There should be no additional impact from noise over and above the current background noise of the A24. The company will continue to brief staff regularly and work with internal health and safety staff to reduce the risk of road accidents. The facility will safeguard up to fifty local jobs.

146. Mr Lionel Barnard, member for Henfield, spoke on the application. He is conversant with the various arguments for and against the application and the

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concerns of local residents. Road noise can be heard in the village at all times. The main concern is safety in regard to the A24 and the risk of road traffic accidents increasing due to additional HGV movements. Consideration should be given to a voluntary agreement to ensure HGVs entering the site when coming from the south do not cross the southbound carriageway, as suggested by Mr Green.

147. During the debate the Committee raised the points below in relation to noise and environmental pollution:

- Clarification was sought on the baseline noise levels provided in the noise impact assessment. It is acknowledged that there is already a high level of background road noise in Dial Post from the A24. It was suggested that condition 11 be amended to include monitoring of noise and a new condition was suggested to set a maximum dB level both during construction of the site and for ongoing operation at the nearest residential properties.
- Clarification was sought regarding responsibility for deciding on the acceptable level of noise.
- Clarification was sought on management of noise during the construction of the inert waste recycling facility.
- Concern was raised that the Health and Safety Executive has not responded to the consultation.
- Clarification was sought on methods to prevent surface water, sand, mud and debris being discharged onto the roads as per condition 14.
- The level of the acoustic bund (at a height of 3 metres) does not appear sufficient to mitigate noise.
- Clarification was sought about what activity there might be at the site between the 6.30 a.m. starting hour for the HGV movements and the 8.00 a.m. starting hour for the recycling part of the operation.

148. During Committee consideration of the application Mr Oakley proposed a deferment of the decision of the committee on application WSCC/008/15/WG in order that a condition could be considered stipulating how the noise impact will be monitored. The proposal was seconded by Mr J Rogers.

149. The Committee agreed to hear all points in the debate and all options before deciding on the deferment of the whole agenda item (so that officers could re-consult Horsham District Council's Environmental Health Department on noise impacts and mitigation).

150. The following points of clarification in relation to noise and environmental pollution were provided by the Strategic Planning Manager:

- The Environmental Health Officer (EHO) from Horsham District Council raised concerns over the methodology used for the initial noise impact assessment but a revised assessment has been accepted. Although it is noted that the EHO has raised concerns about impact on the closest receptors, notably Oaklands, he is satisfied that conditions would be sufficient to mitigate impacts of noise.
- The baseline levels in the revised noise impact assessment were measured as 53dB with the assessment suggesting a 9dB increase would result from operations, considered to be significant. Mitigation measures, as proposed

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within the revised assessment, could reduce this including: the use of new machinery, siting equipment at the greatest distance from dwellings and appropriately orientating machinery.

- As per condition 11, prior to operations commencing on site the applicant has to submit a detailed noise management plan to be approved by the County Council's Planning service in consultation with Environmental Health Officers. Condition 11 currently includes provision for ongoing review, but can be further amended.
- Suggestions, as proposed within the revised assessment, to mitigate the result of any noise complaints could include additional increase to the height of bunds, changing operating hours, etc.
- Residents would also have recourse to environmental health legislation through Environmental Health Officers.
- Condition 6 contains clauses for minimising noise and vibration during construction of the site. Recourse through Environmental Health Officers can also be taken for any construction-related impacts.
- No agency, including the Health & Safety Executive, can be forced to comment on an application.
- There are no suggested methods to prevent surface water, sand, mud and debris being discharged onto the road. It is for the operator to decide how to proceed if such incidents occur.
- As per the new condition 18 (this was noted incorrectly on the amendment sheet circulated at the meeting as condition 14), agreement has been reached with the applicant that no recycling operations will take place on site until 8.00 a.m. Monday's to Fridays, meaning whilst HGVs associated with the inert waste recycling operations may enter the site between 6.30 a.m. and 8.00 a.m. operations to recycle materials will not commence until the later hour.
- A condition to limit the maximum decibel level can be added, if deemed necessary.

151. During the debate the Committee raised the points below in relation to concerns about road safety and HGV routing:

- Clarification was sought on HGV routing.
- Concerns were raised about a possible increase in road traffic accidents, especially due to HGVs crossing the southbound carriageway of the A24 when entering the site from the south, and slower, laden HGVs using the A24.

152. The following points of clarification were provided by the Strategic Planning Manager in relation to road safety and HGV routing:

- The routing of HGV movements leaving the site will be controlled by a Section 106 legal agreement requiring a left-turn only onto the A24 from Grinder's Lane; for traffic heading north, this means turning south onto the A24 before turning back north at the next junction.
- The County Council's Highways service did not seek a requirement for HGVs arriving at the site from the south not to cross the southbound carriageway of the A24.
- Three road traffic accidents have been recorded in the locality in the last 5 years.

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153. During the debate the Committee raised the points below in relation to environment, biodiversity, landscaping and amenity:

- Clarification was sought on restrictions to stockpile heights.
- Whilst there were concerns about road safety, comment was made that the location is ideal as being accessed via an A road (A24) and central within the county.
- It is accepted that sites are required for waste recycling activities in order to support the reduction of waste being sent to landfill.
- Clarification was sought on what action is being taken against the applicant relating to the previous breaches of planning control associated with their existing haulage operations (the additional car park opposite the site's access).
- Clarification was sought on the inconsistency between condition 7 and condition 8 in relation to replacement planting.

154. The following points of clarification in relation to environment, biodiversity, landscaping and amenity were provided by the Strategic Planning Manager:

- It is not considered necessary to impose restrictions on stockpile heights due to current and proposed bunding, planting and buildings providing screening around the site.
- The applicant has evidenced that the site accords with Policies W1 and W3 of the Waste Local Plan 2014, as being geographically appropriate, on previously developed land and has a required need.
- Horsham District Council's Planning Department was considering enforcement action in relation to the creation of the overflow car/van parking area without planning permission. This is in abeyance, awaiting the decision on this application.
- Condition 7 applies to the main site area for waste recycling operations. Condition 8 applies to the staff car parking area. The same conditions for replacement planting can be applied to both.

155. Before deciding on a deferment, the Committee agreed to adjourn to allow officers to propose conditions in relation to the setting of a maximum dB limit and the monitoring of noise levels. In order to do so, Committee recessed at 12.20 p.m. and then reconvened at 12.35 p.m.

156. The following amendments to condition 11 and a new condition 17 were proposed:

Noise Management Plan

11. After the words '*has been submitted for approval in advance and in writing by the County Planning Authority*' the condition will be amended as follows:

The Plan shall include measures to monitor noise levels at three monthly intervals from the date of the commencement of development at the nearest residential facade at Oaklands to the application site. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the

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noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day and the results shall be submitted to the County Planning Authority within 1 week of the monitoring being carried out. If the results indicate that the noise levels exceed those set out in Condition 17, a Noise Mitigation Scheme shall be submitted to and agreed in writing by the County Planning Authority within one week of the noise monitoring results being submitted.

Thereafter, the approved plan shall be implemented in full throughout the operation of the development hereby permitted and made known to the supervising staff on site.

Reason: to minimise the impact on residents and the environment.

Maximum Ambient Noise Level

17. The ambient noise level resulting from the operations shall not exceed 56dB LAeq, 1 hour (free-field) at any time, as measured at the nearest residential façade of Oaklands to the application site. The LAeq, 1 hour (free-field) noise level shall not exceed the existing LA90, 1 hour noise level for the area (as referred to in the eas Ltd's Noise and Vibration Impact Assessment August 2014 (Revised June 2015; Report Ref: SD/PENVER/Dust)) by more than 10dB at the monitoring points referred to above.

Reason: to ensure noise emissions from the site do not result in unacceptable impacts on sensitive receptors.

157. Clarification was sought on costs implications and timescales of monitoring of noise. The Strategic Planning Manager clarified that costs would be borne by the applicant; the timescale is in perpetuity, although the applicant could apply at any time to vary the conditions.

158. Mr Oakley withdrew the proposal for a deferment in light of the proposed conditions. The withdrawal was seconded by Mr J Rogers.

159. The amendment and new condition, as set out in 156 above, was proposed by Mr Oakley and seconded by Mr J Rogers.

160. The amendment to condition 11 and new condition 17 were put to the Committee and approved by a majority.

161. The substantive recommendation, as amended by the report, agenda update sheet, amendments circulated at the meeting to condition 8 (page 39) and condition 16 (page 41), and additionally amendments to condition 7 and new condition 18 as below, was put to the Committee and approved by a majority.

Tree and Planting Protection and Soft Landscaping

7. The following will be added to the end of the existing wording of the condition, before the reason for the condition: 'Any planting which dies, is removed or becomes seriously damaged or diseased during the operation of the development shall be replaced in the next planting season with others of similar size and species, unless the County Planning Authority gives written consent for any variation'.

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HGV Arrival and Departure Hours

18. *No HGVs associated with the use hereby permitted shall enter or leave the site except between the hours of 06:30 and 18:30 Mondays to Fridays inclusive, and none shall enter or leave the site on any Saturday, Sunday, Bank holiday or Public Holiday.*

Reason: To accord with paragraphs 109, 122 and 123 of the NPPF (2012) in the interests of the amenity of the locality and of local residents.

162. Resolved – that planning permission be granted subject to:
- (a) the conditions and informatives set out in Appendix 1 of the report, and amended as agreed by this Committee.
 - (b) the completion of a s106 legal agreement controlling HGV routeing from the site's recycling operations.

County Matter Waste Application

WSCC/051/15/AL Variation of conditions 2,3, and 24 of planning permission WSCC/010/11/AL to allow the continued importation of inert waste for restoration until 1 October 2017, a modified restoration scheme, and the retention of the site management compound respectively at Lidsey Landfill, Lidsey Road, Bognor Regis PO22 9PL.

163. The Committee considered a report, agenda update sheet and proposed amendments (circulated at the meeting) by the Executive Director of Residents' Services and the Strategic Planning Manager (copies appended to the signed minutes). The report was introduced by the Strategic Planning Manager who provided a presentation on the proposals contained in the application. The purpose of the amendments contained in the agenda update sheet and those circulated at the meeting were to provide additional clarification.

164. Mr Derek Whittington, local member for Fontwel and chairman of Lidsey Landfill Liaison Group, spoke on the application. This application is an acceptable end to the site. Of the two objections to the proposal one person has misunderstood that inert waste does not give off any odours. Experience is that HGVs are now using the Bognor relief road and thus there are fewer HGVs on the A29, so proposed HGV movements should not pose a problem. The Public Right of Way (PROW) should only be reinstated when safe to do so. The three Arun District Councillors for the locality are in favour of the application, as are local residents in general. The site has been well run and Lidsey Landfill Ltd. has worked well with the planning authority throughout.

165. Mr J Rogers left the meeting at 1.13 p.m.

166. During the debate the Committee raised the points:

- Clarification was sought on the word 'broadly' in condition 21.
- Clarification was sought on the reason for the reduction in size of the balancing pond and possible adverse impact in relation to flooding or discharge into Aldingbourne Rife.
- Clarification was sought on timescales for reinstating the PROW.

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167. The following points of clarification in were provided by the Strategic Planning Manager:

- Appendix 3 of the report shows a scheme for planting which is 'broadly' where the hedgerows delineating new fields will be planted with details of planting types and locations to be finalised.
- The Environment Agency and WSCC Drainage officer are satisfied with the revised plan for the balancing pond and reassured it will not impact on the environment and will continue to monitor discharge into Aldingbourne Rife.
- Timescales for reinstatement of the PROW will be dependent on the site being deemed safe and monitoring of gas and leachate will determine when this takes place.

168. The substantive recommendation, as amended by the agenda update sheet and amendments circulated at the meeting was put to the Committee and approved unanimously.

169. Resolved – that planning permission be granted subject to the conditions and informative in Appendix 1 of the report, and amended as agreed by this Committee.

Update on Mineral, Waste and Regulation 3 Planning Applications

170. The Committee received and noted a report by the Executive Director of Residents' Services and Strategic Planning Manager on applications awaiting determination (copy appended to the signed minutes) detailing the schedule of County Matter applications and the schedule of applications submitted under the Town and Country Planning General Regulations 1992 – Regulation 3.

Report of Delegated Action

171. The Committee received and noted a report by the Executive Director of Residents' Services and Strategic Planning Manager (copy appended to the signed minutes) applications approved subject to conditions under the Town and Country Planning Act 1990 and Regulation 3 of the Town and Country Planning General Regulations 1992 since the Planning Committee meeting on 29 September 2015.

Date of Next Meeting

172. The Committee noted that the next scheduled meeting would be held on 1 December 2015.

The meeting closed at 1.19 p.m.

Chairman