

Unconfirmed minutes – subject to approval/amendment at the next meeting of the Planning Committee

Planning Committee

4 March 2014 – At a meeting of the Committee held at 10.30 a.m. at County Hall, Chichester.

Present:

Mr Barrett-Miles, Mrs Brunsdon (Chairman), Mr Crow, Mrs Kitchen, Mr McAra, Mrs Mockridge, Mr S Oakley, Mr Parsons, Mr J. L. Rogers, and Mr R. Rogers.

Apologies were received from Mrs Mullins and Mr Wickremaratchi. Mr Clark was absent.

Declarations of Interest

133. In accordance with the Code of Conduct, the following declarations of interest were declared:

- Mr S Oakley declared a personal interest as a member of Chichester District Council (consultee) in relation to Item 4 – Restoration of mineral working with inert material at Boxgrove Quarry.
- Mr McAra declared a personal interest as a member of Chichester District Council (consultee) in relation to Item 4 – Restoration of mineral working with inert material at Boxgrove Quarry.

Minutes

134. Resolved – That the minutes of the meeting of the Committee held on 4 February 2014 be agreed as a correct record and that they be signed by the Chairman.

Waste Planning Application (County Matter)

WSCC/109/13/BX

Restoration of mineral working with inert material at Boxgrove Quarry, Tinwood Lane, Boxgrove, Chichester, West Sussex PO18 0LH.

135. The Committee received a report from the Strategic Planning Manager (copy appended to the signed minutes).

136. Jane Moseley, Principal Planner, introduced the report and highlighted the following key issues to the Committee:

- A previous application in 2011 for restoration with inert materials and the operation of a recycling facility outside the quarry had been refused. The Planning Committee's decision had been upheld at the subsequent Public Inquiry. The new application has sought to overcome the previous reasons for refusal, including reduced lorry movements and no re-cycling operations.
- There would be 40 HGV movements a day, half the number in the previous application. Access to the site was suitable and well placed for the HGV road network.

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- Restoration would result in a better landform more in-keeping with the surrounding landscape. Habitats for wildlife would be lost in the short-term but these would be replaced by better habitats in the future.
- There may be some impact on users of public rights of way but this would be limited, and no public rights of way would be directly affected.
- The project was economically viable. It was in the applicant's interest to restore the site. Restoration would be phased, the County Council had enforcement mechanisms to ensure that this was carried out as planned.

137. The Principal Planner drew the Committee's attention to the Agenda Update Sheet (copy appended to the signed minutes) that contained updates to the report since publication.

138. Ms Ruth Kerslake spoke in opposition to the officer recommendation. Ms Kerslake asserted that the application did not inspire confidence that the restoration would be completed as planned. Ms Kerslake asked the Committee to ask for a Financial Guarantee which the TPPF Guidance provided where there is a risk of financial or technical failure. Ms Kerslake asserted that the high risk factors were that there was no evidence that the applicant company had undertaken a previously successful restoration of a quarry and that research showed that a director of the applicant company had been a director of other companies that had been dissolved, or gone into liquidation. She asserted that the Japanese Knotweed Management Plan had not been followed and there is a risk that it would spread. Ms Kerslake referred to the link between the applicant with CEMEX and that this company should be asked to provide the necessary financial guarantees.

139. Mr Mike Harding, a resident of Oakford Park spoke in opposition to the officer recommendation. Mr Harding stated that access to the site was from the A285, one of the top ten most dangerous roads in the country. The increased level of lorry movements as a result of the proposal would increase the likelihood of an accident in the locality. The measurement of noise levels at three month intervals was inadequate. Mr Harding did not believe that there was a need for this facility in this location and that the site was not identified in the West Sussex Waste Plan.

140. Mr Mike Hall, spoke in opposition to the officer recommendation. Mr Hall referred to the past history of failed enforcement at the site. Mr Hall stated that the application did not meet the requirements of environmental tests regarding the removal of habitats of protected species. He recommended that the earth bunds should be retained. Mr Hall questioned where the inert material would come and asserted that it would be imported from outside the County. He suggested that the site should be restored to facilitate the use of the land as a campsite. Mr Hall also recommended that a Liaison Committee be established

141. Mr Stuart Austin, representative of WYG (Planning Agent), spoke in support of the officer recommendation. Mr Austin referred to the previous planning inquiry and the Planning Inspector's recommendation that the site should be restored. He stated that expert witnesses had concluded that there was no impact on highway safety from the earlier application and that the current application was for half the number of lorry movements. He asserted that Inert Recycling had invested in the quarry, had obtained an environmental permit and had experience in the restoration of mineral sites. Mr Austin stated that the five year time period for the scheme allowed for flexibility if there were delays due to bad weather.

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142. Mr Hunt, the local member, spoke on the application. Mr Hunt supported those who objected to the application. He had concerns for pedestrian safety along the A285 particularly through the hamlet of Halnaker. He had concerns that lorry drivers would take short cuts along unsuitable roads. Mr Hunt asserted that there was a danger that the applicant would light the site to use it during the short winter days, thus causing light pollution as well as the increased danger from HGV movements during the hours of darkness. He was not convinced that the landscape would be improved by the proposals and that the current landform, including the bunds, was now part of the landscape. He stated that the proposal was not going to improve the local environment and questioned the need for the proposal asserting that it was an opportunity for the operator to make a profit by importing inert material. If approved, Mr Hunt proposed that the applicant should be restricted to using its own vehicles only, vehicles movements to be reduced on a Saturday. A travel plan should be developed prohibiting access through Boxgrove. Mr Hunt was also in favour of a liaison group including local representatives. He would work with the Parish Council to obtain a TRO for a 30mph speed limit through Halnaker.

143. The Planning Officer provided clarification to the Committee which included the points that follow:

- A financial guarantee was only required in exceptional circumstances as provided for by the NPPF Technical Guidance and there was no need for one in this case. Following its own investigations the Environment Agency was satisfied that there was no significant solvency risk.
- There is no need for continuous monitoring of noise. Condition 27 was adequate to ensure the impact was kept to a minimum, enforcement action would be taken if noise exceeded the agreed limit.
- Police would take enforcement action if HGVs used prohibited roads through Boxgrove.
- The County Council has an objective for net self-sufficiency in waste movements therefore it is accepted that waste will be exported and imported across county boundaries.
- The site was not identified in the Waste Local Plan which only allocates strategic sites. The site has been judged for suitability on its merits.
- Enhancement measures have been proposed to offset any short-term loss of ecology.
- Condition 12 sets out the requirement to set up a local liaison group.
- The hours of operation were standard. The site is sufficiently contained for there to be no loss of amenity in terms of light pollution.
- A Survey has indicated that the increase in the number of HGVs in the area was not so significant to have an impact.

144. The Committee made points including those that follow:

- Suggested that it would be fairer to nearby residents if work started at 8.00 am instead of 7.00 am.
- Concerns about safety of pedestrians on narrow pavements and the dangers of HGVs on the nearby narrow road. The Principal Planner advised that highways safety was considered in some depth at the Planning Inquiry. The conclusion had been that there would be no significant impact and that this conclusion was for the previous application for a far higher number of lorry movements.

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- Concerns about the management of Japanese Knotweed. The Principal Planner advised that a Japanese Knotweed Management Plan this was included in the Environmental Statement.
- Suggested permission be granted for a reduced period of time (three years) and then consider an extension. Laura Floodgate (Solicitor) advised that the Committee had to consider the application it had before it (for five years). If not satisfied it would have to refuse the application.
- Asked about the retention of the earth bunds. The Principal Planner advised that the Planning Inspector had concluded that these were an alien feature in the landscape.

145. An amendment to Condition 20 Hours of Operation to delete Saturday working was proposed and seconded. The amendment was lost by six votes to four.

146. An amendment to Condition 20 Hours of Operation to alter the hours of working - to start work at 8.00 until 18.00 Monday to Friday inclusive was proposed and seconded. The amendment was lost by six votes to four.

147. An amendment to Condition 26 (minimisation of impact on residents and the environment) to alter the wording of the third sentence - '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 ~~month~~**week** of the monitoring being carried out' was proposed and seconded. The amendment was carried by nine votes to nil with one abstention.

148. An amendment to Condition 27 (minimisation of impact on residents and the environment) that noise levels be monitored continuously during operational hours was proposed and seconded. The amendment was lost by six votes to two with two abstentions.

149 The officer recommendation as amended (minute 147 refers) was proposed, seconded and approved by the Committee.

150. Resolved– That planning permission be granted
- (a) subject to the conditions (as amended) and informatives set out in Appendix 1 and
 - (b) the completion of a S106 legal agreement to secure planting beyond the site boundary.

Waste and Regulation 3 Planning Applications

151. The Committee received and noted a report by the Director of Communities Commissioning and Head of Strategic Planning Manager on applications awaiting determination (copy appended to the signed minutes).

Report of Delegated Action

152. The Committee received and noted a report by the Director of Communities Commissioning and Head of Strategic Planning Manager (copy appended to the signed minutes) advising of the uses of delegated powers to grant permission for development proposals 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 4 February 2014.

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Date of Next Meeting

153. The Committee noted that the next meeting would take place on Tuesday 29 April 2014.

The meeting ended at 12.44 p.m.

Chairman