

Planning Committee

7 November 2017 - At a meeting of the Committee held at 10.30 a.m. at County Hall Chichester.

Present: Lt Cdr Atkins, Lt Col Barton, Mr Barrett-Miles, Mr Crow (Chairman), Mrs Duncton, Mr Jupp*, Mrs Kitchen, Mrs Millson*, Mr S. Oakley, Mr Patel, Mr Quinn, Mrs Russell and Mr Wickremaratchi

Apologies: Mr Buckland

Substitutes: Mrs Millson

* Mr Jupp arrived at 10.53 a.m. and took no part in the debate or vote on planning application WSCC/033/17/WK. Mrs Millson left at 11.51 a.m.

Declarations of Interest

64. In accordance with the County Council's Code of Conduct, Mrs Kitchen declared a personal interest, as a Horsham District Councillor, including as its Chairman of Planning Committee (North) and a member of its Planning Committee (South), in planning application WSCC/033/17/WK; stating that she has taken no part in any discussions regarding this site.

Minutes of Part of the meeting of the Committee held on 18 July 2017

65. Resolved – That the minutes of the meeting of the Committee held on 12 September 2017 be agreed as a correct record.

Urgent Matters

66. There were no urgent matters.

County Matter Waste Application:

WSCC/033/17/WK Amendment of condition 13 of planning permission WSCC/019/15/WK to allow the increase in stockpiles to 5m; installation of gale break on boundary wall; and erection of dust containment enclosure. Unit 29, Firland Park Industrial Estate, Henfield Road, Albourne, West Sussex BN6 9JJ

67. The Committee considered a report, as amended by the Agenda Update Sheet, by the Head of Planning Services (copy appended to the signed minutes). The report was introduced by Lucy Harding, Consultant Planner, who provided a presentation on the proposals, details of consultation and key issues in respect of the application. The following point of clarification was provided:

- Dust management falls under the environmental permitting regime and, therefore, will be monitored and enforced by the Environment Agency.

68. John Drew, resident of Albourne spoke in objection to the application. Concerned about adverse impacts of HGVs on the B2116, many destined for the Olus site at Firsland Industrial Estate. Concerns include size of HGVs, speed and noise, plus safety of children at the local primary school, horse riders, cyclists and pedestrians, as well as structural damage to properties. The B2116 is too narrow for HGVs. Original proposal for 25,000 tonnes per annum did not have adverse effects, but current operation is out of keeping with the rural area. During the 2015 application to increase tonnage to 75,000 per annum, it was stated that there would be an average of 48 HGV movements per day, which Albourne Parish Council felt was underestimated. A survey on 27 June 2017 recorded 100 HGV movements for the Olus site, and average movements so far this year are 56 per day. This year only 45,000 tonnes of waste have been processed, so the number of HGVs will increase as the company reaches maximum throughput. Committee should reject the application or restrict HGVs to 48 movements per day.

69. Ann Higginson, resident of Albourne spoke in objection to the application. A tremendous increase in HGVs on the B2116 in the last 3 years means in excess of 300 per day; over 100 enter Firsland Industrial Estate. HGVs start from 6.15a.m., often parking in local laybys. The B2116 is narrow, only 5m to 5.6m wide with an average 1m verge; some homes have no barrier. The continuous stream of HGVs impacts on enjoyment of homes; residents cannot open windows due to noise and dust or enjoy their gardens. HGVs cause properties to vibrate, causing concern about damage. HGV drivers do not respect speed limits. The area is popular with horse riders all year and the bends on the B2116 mean an accident is waiting to happen. HGVs must use the whole width of the road when exiting the industrial estate. There has been an increase in potholes, trees are damaged and verges eroded because there is not room for two HGVs to pass side by side. HGVs drive down the centre of other local lanes. Olus does not comply with current planning conditions and enforcement appears to be non-existent. Olus should look for a more suitable site. The whole picture must be considered.

70. Nikki Ernest of Albourne Parish Council in objection to the application. She expressed concerns at Planning Committee during the 2015 application to increase throughput, which was based on inaccurate data about HGV movements. Olus do not control dust and allow HGVs out of hours. The company continually breaches planning conditions which is the reason for this application to regularise stockpile heights. No effective action has been taken by the County Council in last two years and promised continuous monitoring has not happened. Olus only temporarily complies and then breaches again. Issues with HGVs were reiterated as per previous speakers' comments. Based on the site at full capacity, there will be an average of 80 HGV movements per day. The B2116 is only 5-5.6 metres wide and HGVs are a minimum of 2.55m wide so two cannot pass on the width of the road; HSE requires roads to be 7.3m wide for industrial traffic. The site location does not comply with policies in the Waste Local Plan, which states only small scale (less than 10-20,000 tonnes) should be located in rural areas. Policy W3 states sites should have good access to the strategic lorry route network within 3 miles, but the site is significantly further away. A more suitable site should be found. Conditions should be imposed to restrict HGVs to an average of 48 per day or 55 maximum in any single day, plus no HGV deliveries or removals within 2 miles between 7.30 a.m. and 6.30 p.m. The speed limit in Albourne should be reduced to 20mph.

71. Mr Simon Brett of Brett Incorporated Ltd, agent for the application, spoke in support of the application. Most buildings on the site are about 10m high. There is a bund on the eastern boundary and the recently completed bund on the northern boundary will be landscaped soon which will grow to screen views. The boundary screen will be lower than the majority of buildings on the estate, which acts as a backdrop. The limit of 75,000 tonnes per annum is controlled by permission, plus there is an Environment Agency permit. Conditions to control noise and dust ensure no harm to neighbours and include procedures to reduce fire risk. The original transport report shows no adverse impact on the highway and because no increase in throughput is proposed there will be no increase in traffic; the application should reduce traffic because more lorries should be able to depart with full loads. Olus prevents entry onto the site outside working hours, but cannot control what happens outside including parking elsewhere on the estate. The dust suppression shelter will not be noticeable. There are no planning grounds for refusal.

72. Mrs Joy Dennis, Member for Hurstpierpoint and Bolney, whose division borders the industrial site, spoke on the application. Photographs were provided. Points made by speakers against the application about HGV movements were reiterated and emphasised, including likely increases in movements; impacts on residents' lives and properties; damage to the highways; parked HGVs, and road safety concerns. Questioned whether County Highways would have commented if they had been aware that HGV movements are over the originally estimated number of 48. Road surveys show that vehicles are in excess of the speed limit: on 10 May the average speed was 37mph. Policies in the Waste Local Plan state that sites in rural areas should be small scale, no more than 50,000 tonnes per annum, and within 3km of the strategic lorry network - this site is 5.4 miles from the A23. Enforcement has not been effective in ensuring stockpile heights adhere to planning conditions; this application is only a result of constant complaints from residents. The bunds are inadequate to screen the site. Concerns were raised about the fire risk of the stockpiles, which should have been addressed earlier. West Sussex Fire & Rescue Service stated stockpiles should not exceed Environment Agency levels, but that level is not noted. Stockpiles are too close to overhead electrical lines. Dust mitigation proposals are agreed with, but not the proposal to increase stockpile heights. A condition to restrict HGV movements should be included and Olus should adhere to the spirit of the original application of 48 HGV movements as requested in 2015 by County Highways.

73. Planning Officers were invited to provide clarification on points raised in speakers' presentations, as follows:

Off-site HGVs

The volume of HGV movements is recognised. However, the Olus site was previously approved for industrial use and is within a larger industrial estate. It would be unreasonable to restrict HGV movements on the basis that the principle of industrial use is already established.

Fire Safety

Comments by the West Sussex Fire & Rescue Service were not in the form of objections and were welcomed as helpful. Condition 9, which requires separation of stockpiles with thermally insulated blocks, will address fire risk.

74. During the debate the Committee raised the points below and clarification was provided by the Planning officers, where applicable:

Impact of HGVs

Points raised – Clarification was sought regarding the number of HGV movements quoted by speakers. Could HGV movements be restricted by condition? Can loading hours be restricted? It was also noted that HGVs are a problem throughout the UK and that the planning authority is unable to control HGV movements on a public highway. The applicant was encouraged to be proactive about community concerns and to work with haulage contractors to minimise the impact on residents.

Response – The original submission indicated an average of 48 HGV movements per day would occur across the whole year. This was equated on the basis of 75,000 tonnes per annum throughput, but it is recognised there are peaks and troughs. It would not be reasonable to restrict HGV movements because the applicant is not proposing to increase the throughput, and because the existing, unrestricted permission would still stand. It is possible to consider restricting loading hours. For both issues, it should be noted that the site has permission for class B1, B2 and B8 industrial use with the assumption of a high number of vehicle movements for this type of use. No other business on the industrial estate has any restrictions on HGV movements. It was clarified that it was the planning authority who stated during the previous application that it was unreasonable to restrict vehicle movements. Olus has written to all haulage companies associated with the operation advising them not to arrive before opening hours and advising of alternative HGV parking.

Means of dust containment

Points raised – What are the intended means of containing dust, particularly during loading onto vehicles? The addition of a dust shelter is welcomed.

Response – Loading will take place in the dust containment shelter. The Environment Agency is responsible for controlling dust emissions through the environmental permitting regime; the planning authority only gives permission for the proposed methods of containment.

Enforcement of conditions

Point raised – What enforcement action has been taken to deal with breaches of conditions by the applicant?

Response – Continual monitoring of the site was not promised, but the site has been subject to increased monitoring. Before enforcement notices can be issued attempts must be made to address breaches through informal action. The applicant has always been responsive and complied within timescales set by planning officers to resolve issues. Therefore, it has been unreasonable consider formal action, particularly because enforcement action would not address the key concern raised by locals which is the number of HGVs on the local highway.

Throughput tonnage

Point raised – Could throughput tonnage be retrospectively restricted?

Response – It would be unreasonable to retrospectively restrict tonnage throughput because the applicant already has permission for the current 75,000 tonnes per annum and this permission would remain in place.

Stockpile heights

Points raised – Are the bunds and landscaping scheme adequate for the proposed increase in stockpile heights? The photos provided by Mrs Dennis appear to indicate stockpiles in excess of 5m.

Response – The nearest public right of way is just north of the site and views are limited. It should be noted that views from this point are against the backdrop of the whole industrial estate. It is acknowledged that stockpiles have exceeded 5m at points; the applicant is now looking to make full use of the whole site and the new layout should help keep stockpiles within the proposed heights as per condition 9, which will be enforceable.

Fire safety

Points raised – Concerns were raised about the disparity in the use of a PVC coated polyester gale break and the use of thermally insulated blocks to separate the stockpiles. In the case of a fire, is there sufficient room at to allow stockpiles to be deconstructed to allow the Fire Service to get to the seat of the fire?

Response – The West Sussex Fire & Rescue Service is aware of the PVC coated gale break and has not raised any concerns. The Environmental Permit has detailed policies in relation fire prevention, including the separation of wood waste. Condition 9 requires the applicant to submit a site layout within three months of approval of the application and West Sussex Fire & Rescue Service will be consulted again on this before it is approved.

Power lines above the site

Point raised – Clarification is sought on the issue of the power lines close to the stockpiles and whether this poses a risk.

Response – The applicant is required by the power company to keep the lines clear and this will also be addressed via the approval of the layout, as per condition 9.

Environment Agency

Point raised – What is effect of the lack of response from the Environment Agency to the consultation?

Response –As a statutory consultee, the Environment Agency frequently sends a standard response to such applications to the effect that the proposed operation is operating in accordance with the necessary environmental permitting requirements.

Liaison with residents

Point raised – Has any consideration been given to the setting up of a liaison group with local residents?

Response – Should the Committee wish this then it can be addressed by inclusion of a condition.

75. Mrs Kitchen proposed that an additional condition requiring the applicant to set up a residents' liaison group be included. The form of wording of the condition was delegated to the Head of Planning Services. The proposal was seconded by Mrs Duncton and was put to the Committee and approved by a majority.

76. The substantive recommendation, as amended by changes to conditions and informatives, as approved by delegated authority, was proposed by Mr Barratt-Miles and seconded by Lt Cdr Atkins, was put to the Committee and approved by a majority.

77. Resolved – That planning permission be granted subject to amended conditions and informatives, set out in Appendix 1 of the report, as agreed by the Committee.

78. The Committee adjourned at 11.51 to allow members of public wishing to leave to do so. The Committee reconvened at 11.58.

County Matter Mineral Application:

WSCC/035/17/SR Amendment of conditions 3 and 4 of planning permission WSCC/050/13/SR to allow retention of wellsite, including plant and equipment, to 2032. Storrington Oilwell Site, Pulborough Road, Cootham, Storrington, West Sussex, RH20 4HP

79. The Committee considered a report, by the Head of Planning Services (copy appended to the signed minutes). The report was introduced by Chris Bartlett, Principal Planner, who provided a presentation on the proposals, details of consultation and key issues in respect of the application.

80. The Committee noted that Mr Paul Marshall, local member has stated that he supports the application.

81. During the debate the Committee raised the points below and clarification was provided by the Planning officers, where applicable:

Extension of temporary permission

Point raised –Clarification was sought regarding the 15 year period to extend temporary use of the land. Will the extension allow for further exploratory work?

Response – The land will be returned to agricultural use once the operations on site have been completed, either in 2032 or before if operations cease before the 15 year period expires. Should the applicant wish to carry out further exploratory or production work, this would require a separate application.

82. The substantive recommendation was proposed by Mr Patel and seconded by Lt Cdr Atkins, was put to the Committee and approved by a majority.

83. Resolved – That planning permission be granted, subject to conditions and informatives as set out in Appendix 1 of the report, as agreed by the Committee.

Update on Crouchland Farm Appeals

84. The Committee considered a verbal report by the Director of Law and Assurance. The report was introduced by Katie Kam, Solicitor, who advised the Committee on the decision of the Planning Inspectorate regarding Crouchland Farm appeals. The appeals against the refusal by the Committee of planning permission and against the enforcement notices issued by Chichester District Council were dismissed. The Committee's decision to refuse permission was, therefore, upheld.

85. Planning Officers additionally advised that the company has now ceased trading and administrators are currently handling the running down the business, including the safe decommissioning of the feedstock tanks.

86. The Committee raised the points below and clarification was provided by the Planning officers, where applicable.

Safety concerns

Point raised – It was noted that number of safety concerns were raised at the inquiry. And it has been raised in the press about issue of who will be responsible for clearing the illegal slurry pit, which is generating gas.

Costs

Point raised – Did the County Council request costs?

Response – Costs were not requested. It would need to be proved that the other party had acted unreasonably for costs to be applied. It should be noted that the Parish Councils' request for costs was refused by the Inspector.

87. The Committee thanked the Solicitor, County Planning Manager and the Planning team for their work on the appeals. Thanks were also extended to the County Council's barrister and consultants.

Update on Mineral, Waste and Regulation 3 Planning Applications

89. The Committee received and noted a report by the Head of Planning Services 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

89. The Committee received and noted a report by the Head of Planning Services (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 12 September 2017.

Date of Next Meeting

90. The next scheduled meeting of Planning Committee on Tuesday 5 December 2017 has been cancelled.

91. The following scheduled meeting of Planning Committee will be on Tuesday 9 January 2018 at 10.30 a.m. at County Hall, Chichester.