

Planning Committee

24 April 2018- At a meeting of the Committee held at 10.30 a.m. at County Hall Chichester.

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

Apologies: Lt. Col. Barton, Mr Buckland, Mrs Duncton and Mr Quinn.

Substitutes: Mrs Dennis and Mrs Millson.

* Mrs Millson left the meeting at 12.00 p.m.

Declarations of Interest

1. In accordance with the County Council's Code of Conduct, the following interests were declared:

- Mr Jupp declared a personal interest in application: WSCC/009/18/SR – Washington Sand Pit, as a Councillor for Horsham District Council.
- Mrs Kitchen declared a personal interest in application: WSCC/009/18/SR – Washington Sand Pit, as a Councillor for Horsham District Council.

Minutes of the meeting of the Committee held on 27 February 2018

2. The Committee agreed the following corrections to the minutes of the previous meeting:

- Minute 131 (Update on Mineral, Waste and Regulation 3 Planning Applications) – incorrectly numbered and should be '132'.
- Corrected Minute 132 – to include the following bullet point: 'it was noted that the planning application website for planning application WSCC/002/18/CC does not contain the correct information about local members'.

3. Resolved – That the minutes of the meeting of the Committee held on 27 February 2018, as amended by the Committee, be agreed as a correct record.

Urgent Matters

4. There were no urgent matters.

County Matter Mineral Application:

WSCC/008/18/BN Retention of Lidsey oil site including two existing wells and production plant and equipment within the existing site to produce hydrocarbons for a further period of 10 years. Lidsey Oil Site, Lidsey Road, Lidsey, Nr Bognor Regis, West Sussex, PO22 9PH

5. 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. The following point of clarification was provided:

- Woodgate caravan park properties are privately owned.

6. Mr Jim Kelsey, an interested party, spoke in objection to the application. Concerns were raised about acid treatments and also about re-injection well stimulation as a cause of seismic activity and risk to groundwater, and also lack of mitigation plans. Lidsey is a sensitive environment with protected species; it would not be chosen using site allocation principles in the new draft Minerals Local Plan (MLP). Other wells monitored by the Environment Agency, beyond the site, show increased levels of Boron, Copper, Iron, Manganese, Nickel, Lead and Zinc. The report is misleading as to the date of the original drilling. Concerns were raised about the aging well and deterioration of the casing. Defects or leaks into the chalk aquifer may not be detectable from monitoring wells. Extraction of water from the Rife is a concern, particularly with Langmead farms extracting water from the aquifer at Shripney Farm for crops. Policies 26, 8.5.9 and 8.5.10 in the MLP are not met. Re-injection and other pressurised stimulation techniques should not be allowed; water extractions within 5km should be monitored, and further investigation into causes of contamination of the chalk aquifer should take place before permission is granted. Planning obligations under the MLP should be put in place and apply to agricultural irrigation, not just to mains water.

7. Mr Mark Oldridge, agent for the applicant, Angus Energy Plc, spoke in support of the application. Hydrocarbons make an essential contribution during the transition to low carbon energy supplies. The first exploratory borehole was drilled in 1985, and whilst latterly three wellheads were granted permission this has been amended through the planning process to two. This application will enable remaining hydrocarbon reserves to be produced over the next 10years with minimal impacts on the local environment. Continued production is supported by national and local planning policy, in which the Government supports the national energy supply of indigenous oils and gas. The number of HGV movements is not significant. The site is well screened. Conventional hydrocarbon extraction will take place, and does not involve hydraulic fracturing (fracking). There are no objections by statutory consultees, including the two local Parish Councils and Arun District Council. The applicant has a good relationship with neighbouring land owners.

8. Mr Derek Whittington, local member for Fontwell, spoke on the application. It was questioned why Eastergate Parish Council had not been consulted on the application since the Parish boundary is only 100 yards from the site. No members of the public attending raised this application at the recent AGMs at Aldingbourne Parish Council or Eastergate and Barnham Joint Parish Council meetings, and there were no objections from the Parish Councils themselves. Locals are more interested in the impact of a large housing development in the area and the re-routing of the A29 – it should be noted that this re-routing will improve any impacts from HGV movements anyway. Mr Whittington chairs the Lidsey Landfill Liaison Group and the only issue that gets raised is traffic, which has reduced since the opening of the Bognor relief road. The Public Right of Way adjacent to the site, along the Chichester and Arundel Canal, is a proposed cycling

and pedestrian route in the County Council's Walking and Cycling Strategy. One resident living on the A29, adjacent to site, has put in a planning application to develop his land for housing, and it must be assumed that he feels that potential purchasers would not have concerns about the oil site. Mr Whittington wishes to put across the views presented by residents, and would support the application.

9. The following points of clarification were provided by Planning Officers in relation to comments made by speakers:

Re-injection techniques

Re-injection is a standard industry technique used in oil exploration and extraction. It was also a technique referred to in the 2005 planning application documents and in the recent Storrington oil site application. It does not involve importation of water, because the water used is that which has been taken from the borehole.

Aging of boreholes and potential impacts on the environment

There has been no objection from either the Health & Safety Executive or the Environment Agency. The Committee was referred to section 9.34 of the committee report, which notes that monitoring of the safety of boreholes is a Health and Safety Executive function. Also section 9.38, which notes that monitoring of groundwater boreholes is undertaken by the Environment Agency under the Environmental Permitting regime. There has been no objection from the WSCC Ecologist, subject to continued covering of the fire water tanks in order to protect owls in the vicinity.

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

Lapse of Planning Application BN/31/05

Point raised – Why has the previous planning application been allowed to lapse?

Response – There has been a change of ownership to Angus Energy Plc but the current application was received prior to the lapse of the previous one. Operations to commercially extract oil ceased approximately 18 months ago. A second borehole was drilled some months ago (under the previous planning permission) to enable to the testing of the continued viability of the site.

Comments from and impact on Langmead Farms / Concerns about contamination of the aquifer

Points raised – Has Langmead Farms been consulted on or commented on the application? Planning officers were asked to comment on the suggested need for water monitoring within 5km of the site.

Response – The application has been publicised in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. Three neighbouring properties were directly notified; this did not include Langmead Farms. However, the key issue is the protection of water resources, including those used by farms; Planning

Officers noted that the Environment Agency is responsible for monitoring water through the Environmental Permitting regime.

Number of boreholes on the site

Point raised – The report refers to a previous application which gave permission for three boreholes, but a later amendment reduced this to two. Can it be confirmed that should the operator wish to drill a further borehole this would require a new planning application.

Response – A new planning application would be required for any additional boreholes. Planning Officers clarified that the site owner is able to undertake maintenance work on the existing boreholes under permitted development rights.

Unconventional exploration and extraction techniques / hydraulic fracturing (fracking)

Points raised – Can it be confirmed that a new planning application would be required if the applicant wanted to use unconventional exploration and extraction techniques. What differences would this involve?

Response – A new planning application would be required for fracking. As noted in section 9.14 of the Committee Report, “for the avoidance of doubt, hydraulic fracturing (fracking) is not proposed under the current application...Furthermore, hydraulic fracturing cannot be carried out at the site without further permissions and authorisations being secured”. Hydraulic fracturing would require deeper wells so further drilling would be required and it only takes place where there is a shale resource, which is not the case for this application site.

HGV movements

Point raised – Can the number of HGV movements be limited by condition?

Response – HGV movements have never been limited by condition; it has not been considered reasonable to do so because the site is next to the strategic road network. The number of maximum HGV movements, which is 20 per week, has not changed from the previous application. It is expected that HGV movements will reduce over the permission period as oil reserves decrease.

Public Right of Way

Point raised – Can the applicant be asked to consider the restoration in light of its location next to the canal path, where it abuts the site, to meet with the Arun Local Plan?

Response – The canal path is not included in the site restoration plan because it is not within the site boundary; however, the applicant can be made aware of policies in the Local Plan and asked to consider that site restoration be in keeping with the local area.

Financial stability

Points raised – Were the finances of Angus Energy Plc looked into when considering the application? Can the company afford to restore the site?

Response – Financial stability is a consideration for the Oil and Gas Authority when granting a Petroleum and Development Licence (PEDL).

Planning enforcement

Point raised – Has there ever been a need to enforce any planning conditions?

Response – The only concerns raised in recent years have been a couple of queries regarding site access and egress. This was highlighted to the site owners and addressed immediately.

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

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

13. The Committee recessed at 11.22 a.m. and reconvened at 11.25 a.m.

WSCC/009/18/SR Proposed variation of Conditions 2 (cessation), 3 (approved plans) and 27 (HGV numbers) of Planning Permission WSCC/104/13/SR. Washington Sand Pit, Hampers Lane, Sullington, West Sussex, RH20 4AF

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

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

HGV movements

Points raised – Can it be clarified what the reason is for the proposed HGV movements, does this mean prolonged operations to extract sand and an intensification of HGV movements?

Response – The proposed HGV movements is not an increase in existing numbers, because 90 HGV movements (45 in and 45 out) per weekday and 40 HGV movements (20 in and 20 out) on Saturdays are already permitted, but this number was supposed to drop with sand extraction finishing but restoration continuing. It is the period of time that has changed. Permission is sought to continue this number of movements until 1 May 2020 to allow the remaining, recently discovered sand to be extracted from the site concurrently with the approved phased restoration.

Impact on A283

Point raised – Can the site operator be asked to contribute to repairs of the A283 due to the impact of the high number of their vehicles using this road.

Response – Such a request would not be considered reasonable. The site has been operating for 3 years and there have been no complaints from

WSSC Highways or from residents about wear and tear on the road. The main complaints relate to debris (e.g. mud and sand) on the carriageway. Additionally, it cannot be proved which vehicles using the A283 cause wear and tear or damage to a road because it is a major public highway.

Wheelwash / Debris on the A283

Points raised – A condition was suggested that all vehicles leaving the site use the wheelwash; however, it was pointed out that when the site is dry this could create a problem of mud being tracked onto the road that wouldn't otherwise occur. Is the site wheelwash fully functioning?

Response – WSSC Highways has investigated and raised no concerns about highway safety. An additional condition requiring all vehicles to use the wheelwash at all times would not be considered reasonable because it is covered in the 'Particulate Management and Action Plan' approved previously and included in condition 2 – Approved Plans and Schemes. The site operator has discretion over when to use the wheelwash, which is fully functioning. They also have a road sweeper, which is used when needed.

Air quality concerns

Points raised – Concerns were raised about the impact from the site's HGV movements on the Air Quality Management Area (AQMA) in Storrington, especially given the proposed 50% increase in movements. Traffic congestion can add to poor air quality, so it was suggested that a condition be included to prevent HGV movements at peak times. Additionally, it was commented that improved signage at the A24/A283 roundabout might help to reduce queues.

Response – As mentioned previously, the maximum number of HGV movements sought has previously been permitted; this is merely an extension of time for this number of HGV movements. HGVs do not enter the AQMA in Storrington; vehicles from the site connect with the A24, which is part of the strategic road network, at the A283/A24 roundabout a short distance from the site. It would not be considered reasonable to impose a limit on HGV movements at peak times; HGVs access the site throughout the day and are not concentrated at peak hours. Condition 18 - Hours of Use and Condition 19 – HGV Numbers are those which determine HGV movements. The installation of additional signage is beyond the scope of this application.

Extraction timeframe versus HGV movements

Point raised – Have residents been consulted on an option where there could be a longer period of time for sand extraction, but less HGV movements per day?

Response – Consultation only takes place for the application received. There is a limited amount of sand remaining to be extracted from the site and a limit to the inert material to be imported for restoration, so HGV movements should balance out over the time that this process takes place. Additionally, a planning authority cannot allow a known mineral resource to be sterilised (remain un-extracted) by restoration.

Conditions attached to the application

Points raised – Why did the previous application have 27 conditions attached, but this one has only 22? Which conditions have been removed and why? Why is a new Section 106 agreement required?

Response – A number of conditions which required approval of plans and schemes have been fulfilled, and these amalgamated into Condition 2 - 'Approved Plans and Schemes'. It is a requirement that Section 106 agreements are updated for each planning permission so that the correct application number is referred to.

Retrospective application

Point raised – Is this an application for retrospective planning permission?

Response – No sand has been extracted since May 2017: current operations taking place involve only site restoration and the export of current stockpiles of previously extracted sand. Under the previous application sand extraction was to have been completed by May 2017. In July 2017, Planning Officers observed, at a site visit, that sand extraction and restoration was no longer being undertaken in accordance with the approved phasing and restoration plans. New sand deposits have been discovered and the current application is a result of discussions with officers to enable authorised activities to be regularised.

Restoration timescales

Point raised – The report appears to indicate that there will only be four months remaining to restore the site after sand extraction is completed; can this be explained?

Response – This is not the case. Site restoration runs concurrently with sand extraction and will continue to do so under the revised phasing plans. The site's overall restoration completion date will remain as 1 May 2020, as permitted under WSCC/104/13/SR.

Sandgate Country Park

Points raised – Who will manage the future Sandgate Country Park? What reassurances are there that the site owners will ensure restoration will merit the description of a country park?

Response – Site restoration is required by condition (condition 4 – Restoration and Aftercare Scheme), which includes management for a 10-year period following completion. The site operator is only responsible for the site that they own, which is in the south-east corner of what is designated as Southgate County Park in the Horsham Local Plan. At this time it is not known who might take responsibility for the whole of Sandgate Country Park when it is completed in future; however, this is not material to this application.

16. Mr Oakley proposed the following additional 'informative', to be finalised by planning officers in consultation with legal services, to become Informative G:

The applicant is reminded of the legal duty under the Highways Act 1980 which states that "If a person, without lawful authority or excuse, deposits

anything whatsoever on a highway in consequence of which a user of the highway is injured or endangered, that person is guilty of an offence”.

17. The proposal was seconded by Mr Barrett-Miles and was put to the Committee and approved by a majority.
18. The substantive recommendation, as amended by changes to conditions and informatives, as approved by the Committee, was proposed by Lt. Cdr. Atkins and seconded by Mr Patel, was put to the Committee and approved by a majority.
19. 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.
20. The Committee recessed at 12.24 p.m., and reconvened at 12.27 p.m.

Report on Development Management Performance (1 April 2017 – 31 March 2018)

21. The Committee received and noted a report by the Head of Planning Services on development management performance (1 April 2017 – 31 March 2018). The report was introduced by Jane Moseley, County Planning Manager, who provided a presentation on the work undertaken by the County Planning Team in relation to the determination of planning applications over the past year.
22. During the discussion of the item the Committee raised the points below and clarification was provided by the County Planning Manager, where applicable:

Moutheys Lane, Chichester

Point raised – What action was taken to resolve problems at Moutheys Lane?

Response – The issues were resolved by successful use of a ‘Stop Notice’ and ‘Enforcement Notice’, resulting in clearance of the land.

Applications with inadequate information

Points raised – How often are applications received with inadequate information and what impact does this have on our compliance with required validation timescales?

Response – For validation, planning officers are only required to check if the necessary documents are included with an application, not the quality of the information in those documents so this often comes to light during the process. If further information is required and the application likely to go beyond the target determination date, the applicant is given the option to have the application decided with insufficient information, or to agree an extension. No applicants have refused to agree an extension of time, so this has not been an issue. Concern regarding the removal of pre-commencement conditions has been raised in the County Council’s response to recent government consultation on ‘Improving the Use of Planning Conditions’.

Crouchland Farm

Point raised – Can an update on Crouchland Farm be advised?

Response – The Planning Inspectorate gave 18 months for the owners to comply, so there is no further update at this time.

23. The Committee thanked the Planning Team for its work and congratulated them on their achievements.

Update on Mineral, Waste and Regulation 3 Planning Applications

24. 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.

25. During the discussion of the item the Committee raised the points below and clarification was provided by the County Planning Manager, where applicable:

**Southern Water Applications: WSCC/003/18/CC;
WSCC/004/18/CC; WSCC/004/18/CC and WSCC/002/18/CC**

Points raised – Are the above Southern Water applications considered to be 'minor' or 'major' applications? Is the deadline for these applications being extended?

Response – These are waste applications, so considered as 'major'. The applicant is expected to provide new information next week, so a new consultation will take place following receipt of that.

Report of Delegated Action

26. 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 27 February 2018.

Date of Next Meeting

27. The following scheduled meeting of Planning Committee will be on Tuesday 22 May 2018 at 10.30 a.m. at County Hall, Chichester.

The meeting ended at 12.44 p.m.

Chairman