

Planning Committee

24 May 2016 - At a meeting of the Committee held at 10.30 a.m. at County Hall, Chichester.

Present: Mrs Brunsdon (Chairman), Mr Clark, Mrs Hall, Mrs Kitchen, Mrs Mockridge, Mr S. Oakley, Mr Patel, Mr Quinn, Mr R. Rogers and Mr Wickremaratchi

Apologies: Mr Barrett-Miles, Mr Crow, Mr McAra and Mr J. Rogers

Substitutes: Mr Patel

Part I

Declarations of Interest

35. No declarations of interest were made:

Part I Minutes of the meeting of the Committee held on 5 April 2016

36. The Committee noted a correction to point 6 of the Part I minutes – the words 'Committee's Cabinet Member for Highways and Transport' should read 'Council's Cabinet Member for Highways and Transport'.

37. Resolved – that the Part I minutes and summary of Part II of the meeting of the Committee held on 5 April 2015 be agreed as a correct record, subject to the correction to the Part I minutes outlined in paragraph 36 above, and that they be signed by the Chairman.

Waste Planning Application

WSCC/009/16/F Amendment to Condition 24 of planning permission F/19/05 to allow the acceptance of recyclable material from outside West Sussex. Ford Materials Recycling Facility, Ford Airfield, Ford Road, Yapton, West Sussex, BN18 0BD

38. The Committee considered a report by the Strategic Planning Manager (copy 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.

39. Miss Jenny Betteridge spoke in objection to the application on behalf of Doreen Betteridge, local resident. She endorsed the objections of local residents and Clymping Parish Council. The application will see a significant change to traffic conditions, citing that point 2.10 of the applicant's Environmental Statement Addendum states that all out of county waste is expected to be transported by bulk articulated vehicles with greater capacity than those currently recorded on site; , meaning bigger, heavier and noisier vehicles with the potential impact for noise, accidents and damage to listed structures being greater, particularly due to Church Lane being narrow. The cumulative impact of the HGV movements with the gasification plant should be taken into account. The possibility of an expansion at Heathrow means the nearby Viridor site may close

and some of the waste could be transported to the Ford site meaning more vehicle movements.

40. Ms Mandeep Jutley of Viridor Waste Management Ltd spoke for the application. Since the original planning permission was granted in 2006 Viridor has operated in accordance with the conditions of the permission and within the permitted 100,000 tonnes per year limitation. The site is currently operating at approximately 75,000 tonnes per year. Viridor will continue to operate within the permitted capacity and this application will not increase the allowed tonnage throughput beyond that originally agreed and considered in the grant of that application. The application aims to remove only the geographic restrictions. Mitigation methods to minimise impact for the local area remain in place including an updated HGV routing agreement.

41. During the debate the Committee raised the points below and clarification was provided by the Strategic Planning Manager:

HGV movement numbers and transport assessment

Points raised – Confirmation was requested that there will be no increase in the estimated numbers of HGV movements. Is the current transport assessment a desktop study?

Response – The original number of estimated HGV movements for the 100,000 tonnage capacity of the site is 54 HGVs (108 movements) per day. This is actually expected to be in region of 46 HGVs (92 movements) per day when the site operates at full capacity. HGV movements to/from the site are not restricted by condition. The updated Transport Assessment for this application was a desktop study because no increased throughput is sought. When permission was granted for the gasification plant, the cumulative impact with HGVs from this site was considered, as they will be in considering the current anaerobic digestion proposal.

S.106 routing agreement

Points raised – Has the routing agreement changed and will the new routing agreement take into account the new Bognor relief road?

Response – The current routing agreement allows HGVs to travel to/from the site via Ford Road/Church Lane to/from the south, and then onto the A259; this remains unchanged and HGVs will remain on the strategic road network until out of county. The map used for the new routing agreement will be updated to reflect the current road network.

Size of HGVs

Points raised – Confirmation was requested that HGVs bringing in out-of-county waste will be bigger and heavier. Is it possible to restrict the size of HGVs accessing the site? What are the restrictions on the size and types of vehicle on the roads and who is governs this?

Response – The applicant has stated that waste brought in from out of the county will be in bulk articulated vehicles with greater capacities than typically used at present, but there was no restriction on HGV capacity. It is not considered to be reasonable for the County Council to impose a restriction on the size of vehicles accessing the site. The Department for Transport regulations control lorry sizes using the roads; European Union regulations also apply.

Variation of condition 24

Points raised – That the applicant is seeking to vary condition 24 for commercial reasons only: they should be taking waste from West Sussex only, including commercial recyclables, which would support a reduced carbon footprint. Can the determination of the application be deferred in order to allow the Viridor contract with West Sussex to be reviewed? Additionally, it was acknowledged that the applicant's business has changed since the original planning permission was granted.

Response – The type and level of recyclable material has changed over time, meaning the applicant is currently operating under capacity. It is not considered reasonable for the County Council to restrict where a business trades. The type of waste and recyclables are not restricted by condition. The matter of the contract is not within the remit of the Planning Committee and, therefore, the application should not be deferred.

Site operating hours

Points raised – Can the operating hours of the site be restricted?

Response – The operating hours are restricted by conditions 13 and 14. The applicant has not sought to amend the operating hours under this application.

42. The substantive recommendation, proposed by Mr Oakley and seconded Mr Quinn, was put to the Committee and approved by a majority.

43. Resolved – that planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the report.

Regulation 3 Application

WSCC/062/15/R Installation of an external play area. Summerlea Community Primary School, Windsor Drive, Rustington, BN16 3SW.

44. The Chairman advised the Committee that Officers have stated that further information is required in order for Planning Committee to take a fully informed decision on the application and it is, therefore, removed from the agenda. The matter will be heard at a future Planning Committee once all information is finalised.

Report on Monitoring Compliance, Investigations, and Enforcement (01 April 2015 to 31 March 2016)

45. The Committee received and noted a report by the Strategic Planning Manager (copy appended to the signed minutes). The report was introduced by the Strategic Planning Manager who provided a presentation on the information contained in the application.

46. The Committee raised the points below and clarification was provided by the Strategic Planning Manager.

Trends

Points raised – Are there any a long term of increases or decreases in compliance and enforcement actions being undertaken? Is the Planning

team able to keep pace, react within an appropriate timescale and liaise with the relevant parties?

Response – A trend is difficult to quantify at this time due, in part, to poor historic recording of complaints and breaches. Currently, not all enforcement issues are recorded as many lower level issues are dealt with informally as part of the routine work of Planning Officers. Enforcement action tends to be spread amongst the team, with the exception of complex and formal cases. There are no issues in relation to managing enforcement at this time; contract Planning Officers are employed to cover peaks.

Comprehensive information

Point raised – The Planning Committee welcomed the report but would like to see more comprehensive information in future.

Response – New software, anticipated in the near future, should help improve the capture of information. The team aims to strike a balance between resourcing the matter of enforcement and recording cases.

High 'investigations closed' figures for Horsham

Point raised – There is a disparity in the 'investigations closed' figures for Horsham in relation to the rest of West Sussex and also against the number of new cases in Horsham.

Response – Many of the closed cases are matters that will have been ongoing for some time and, in a few circumstances, years.

Sullivan's Yard

Point raised – An update on enforcement action relating to Sullivan's Yard was requested.

Response – The matter has been passed to the District Council. It is understood there are also outstanding matters which lie within the remit of the Police and the Environment Agency.

Update on Mineral, Waste and Regulation 3 Planning Applications

47. The Committee received and noted a report by the Strategic Planning, County 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

48. The Committee received and noted a report by the Strategic Planning, County 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 5 April 2015.

Date of Next Meeting

49. The Committee noted that the next scheduled meeting would be held on Tuesday 21 June 2016 at 10.30 a.m.

Part II

50. Resolved – That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings as defined in Part I of Schedule 12A of the Act by virtue of the paragraph specified under the item, and in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

Summary of Matters discussed in the absence of the Press and Public – 24 May 2016

Appeals Update

(Exempt – paragraph 5, Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)

51. Resolved – that the Part II minutes of the meeting of the Committee held on 5 April 2015 be agreed as a correct record and that they be signed by the Chairman.

52. The Committee noted a report by the Director of Law Assurance and Strategy and Solicitor. The report was introduced by the Solicitor who provided an update on matters relating to current planning appeals.